



07 November 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, 07 November 2017 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill  
Chief Executive

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## AGENDA

### OPEN BUSINESS

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

### Matters for Decision

#### Development Management Decisions

4. Receive Planning Applications 7 - 296

	Planning Reference	Proposal	Recommendation
4.1.	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.	REFUSE
4.2.	LA09/2015/0829/DC A	Demolition of premises at 4-36 Perry Street, Dungannon for Castlehill Community Regeneration Group	APPROVE
4.3.	LA09/2015/0835/F	Mixed use development	APPROVE

		(residential and retail) at 4-36 Perry Street, Dungannon for Castlehill Community Regeneration Group.	
4.4.	LA09/2016/0978/O	Dwelling and garage 45m NW of 275 Mountjoy Road, Stewartstown for Mr Richard Walker.	APPROVE
4.5.	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.	APPROVE
4.6.	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 McErlan.	REFUSE
4.7.	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.	APPROVE
4.8.	LA09/2016/1605/F	Observatory visitor hub, 5 glamping pods, amenities compound and associated external works at Davagh Forest Park, Davagh Road, Omagh for Mid Ulster District Council.	APPROVE
4.9.	LA09/2016/1642/O	Dwelling and garage at land between 151 and 151a Fivemilestraight, Fallagloon, Maghera for Maura McKenna.	APPROVE
4.10.	LA09/2016/1748/R M	Dwelling and garage 100m NW of St Paul's Church, 79 Killeeshill Road, Dungannon for Arleen Watt.	APPROVE
4.11.	LA09/2016/1755/F	Replacement toilet/changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone for Peter and Brendan Donnelly.	APPROVE
4.12.	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.	APPROVE
4.13.	LA09/2017/0057/F	Mixed use scheme including the retention and refurbishment of	APPROVE

		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.	
4.14.	LA09/2017/0058/LB C	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.	APPROVE
4.15.	LA09/2017/0405/F	Side extension at the Washingbay Centre, 92 Ballybeg Road, Aughamullan for Jackie Corr.	APPROVE
4.16.	LA09/2017/0572/F	Extension to existing Kindercraft Business to provide storage at 23 Ballymacombs Road, Portglenone for Kindercraft.	APPROVE
4.17.	LA09/2017/0587/F	2 infill dwellings at land between 60 and 66 Kilnacart Road, Dungannon for Paul McCann.	APPROVE
4.18.	LA09/2017/0624/O	Dwelling and garage 70m SE of 7 Gortinure Road, Maghera for Kirsty and Michael McEldowney.	REFUSE
4.19.	LA09/2017/0629/O	Off site replacement dwelling at lands 70m W of 47 Bellshill Road, Castledawson for George McMillin.	REFUSE
4.20.	LA09/2017/0697/F	7 business units (use classes B1 and B2), in curtilage car parking and vehicle turning areas at 237 Trewmount Road, Moy for Thomas Fanthorpe.	APPROVE
4.21.	LA09/2017/0727/O	Dwelling and garage/store 30m ESE of 22 Ford Road, Clady, Portglenone for Stefan Lynn.	REFUSE
4.22.	LA09/2017/0793/F	Dwelling and garage adjacent to 2 Killycurragh Road, Orritor, Cookstown for Mr Thomas and Lynne Dripps.	APPROVE
4.23.	LA09/2017/0830/F	Widening of existing access to and	APPROVE

		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.	
4.24.	LA09/2017/0950/O	Infill dwelling and garage adjacent to 11 and 37m W of 11 Roughan Road, Stewartstown for Declan Amour.	APPROVE
4.25.	LA09/2017/0951/O	Infill dwelling and garage adjacent to 7 and 35m W of 7 Roughan Road, Stewartstown for Declan Amour.	APPROVE
4.26.	LA09/2017/1057/F	Replacement dwelling at 37 Barrack Street, Dungannon for Farasha Properties Ltd.	APPROVE
4.27.	LA09/2017/1085/F	Change of use to restaurant and hot food takeaway at 33 William Street, Cookstown for REA Developments Ltd.	APPROVE
4.28.	LA09/2017/1103/O	Dwelling and detached garage between 57 and 63 Cadian Road, Mullaghlonefield, Dungannon for Seamus Rodgers.	REFUSE

## 5. Receive Deferred Applications

297 - 318

	Planning Reference	Proposal	Recommendation
5.1.	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.	APPROVE
5.2.	LA09/2016/1371/O	Infill site 50m N of 63 Deerpark Road, Leitrim, Castledawson for Mr Norman Leslie.	APPROVE
5.3.	LA09/2016/1556/O	Infill dwelling site between 33 and 33b Tobermore Road, Draperstown for Teresa McNally.	REFUSE
5.4.	LA09/2017/0380/O	Site for dwelling 80m S of 31 Gortnaskey Road, Draperstown for Oonagh Barrett.	REFUSE
5.5.	LA09/2017/0538/O	Two storey dwelling and garage 65m S of 61 Deerpark Road, Leitrim, Castledawson for Mr Norman Leslie.	APPROVE
5.6.	LA09/2017/0598/O	Dwelling and garage/store approx.	APPROVE

		175m W of 6 Tonaght Road, Draperstown for Mr Sean McGlade.	
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6. Review of the Protocol for the Operation of the Planning Committee 319 - 336

Matters for Information

- 7 Minutes of Planning Committee held on 3 October 2017 337 - 360

**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

8. Receive report on consultation from Department for the Economy
9. Receive Enforcement Listed Building report
10. Receive 2 no. Enforcement Cases

Matters for Information

11. Confidential Minutes of Planning Committee held on 3 October 2017
12. Report on Areas of Significant Archaeological Interest (ASAI)
13. Enforcement Live Caseload
14. Enforcement Cases Opened
15. Enforcement Cases Closed





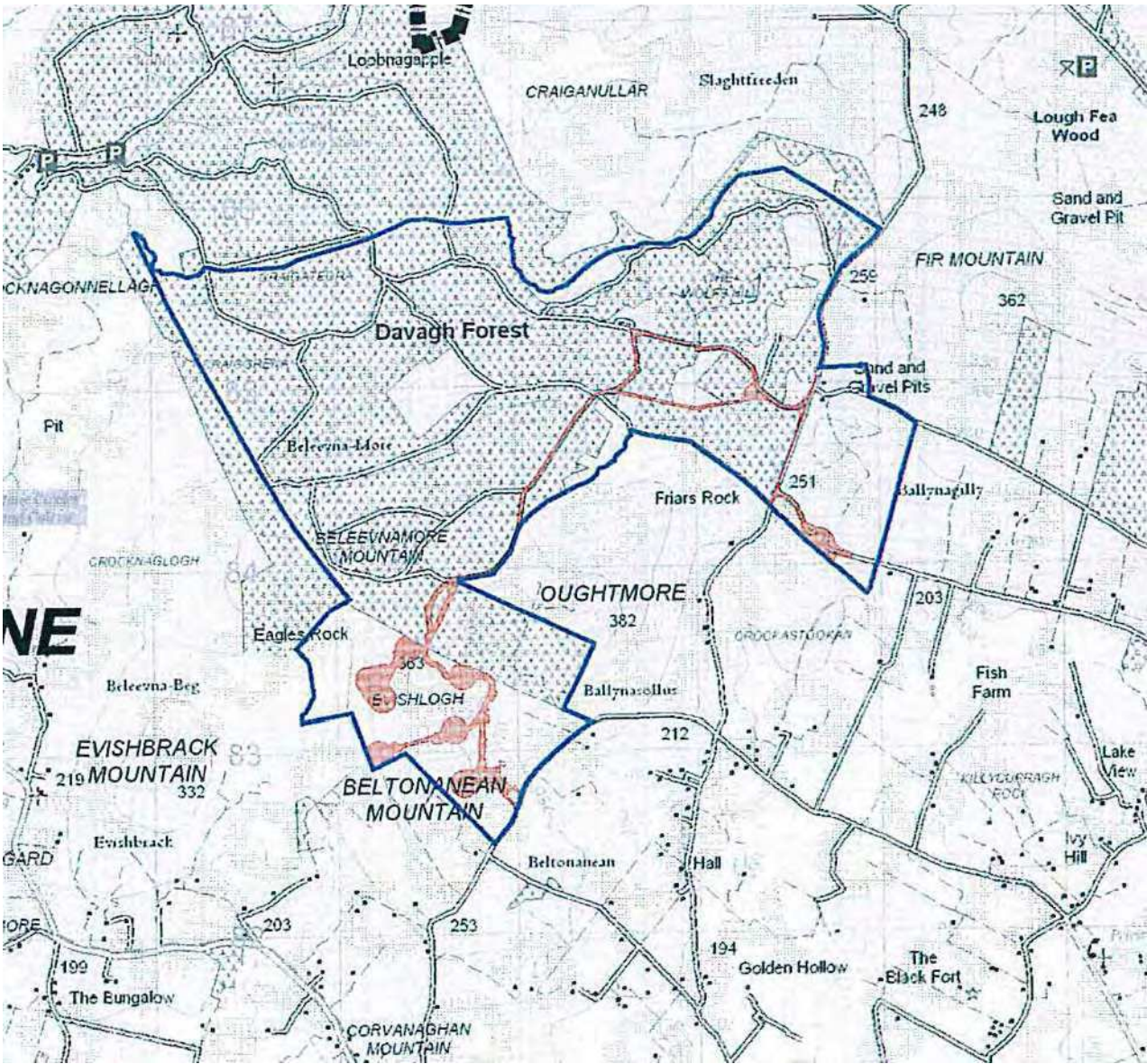
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> I/2014/0413/F	<b>Target Date:</b>
<p><b>Proposal:</b> Windfarm comprising 5 no. three bladed wind turbines with micro-siting and a maximum base blade to tip height of 126.5 metres. Ancillary developments include a permanent lattice anemometer mast of 80 metres height; turbine transformers; turbine bases, foundations and hardstands; widening and strengthening of existing tracks and construction of new access tracks, junctions and turning areas; a 33kV switch room control building with communications equipment, car parking and compound area; underground electrical cables and communication lines connecting wind turbines to the switch room control building; on site drainage works; upgrade of an existing entrance off Beltonanean Road for light vehicle use, use of the existing entrance to Davagh Forest off Slaght Road for main infrastructure traffic, with access tracks options through Davagh Forest; temporary set down areas, temporary material deposition areas, temporary construction compound; and all ancillary and associated development and infrastructure including general and excavation works at Beltonanean. The Proposed development also includes temporary works along the transport route to facilitate the delivery of turbine components including a realignment of a section of the Feegarran Road and widening of the junction of Feegarran and Slaght Roads, in the townlands of Ballynagilly and Beltonanean, Cookstown, Co Tyrone. (amended scheme)</p>	<p><b>Location:</b> Beltonanean Ballynasollus Beleevena-More and Ballynagilly Townlands Cookstown Co Tyrone</p>

<b>Referral Route:</b>  Recommended for refusal & objections received.	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Beltonanean Renewable Energy Limited Floor 5, City Quarter, Lapps quay, Cork	<b>Agent Name and Address:</b> Canavan Associates Ltd 23 Prince's Street Derry BT48 7EY
<b>Executive Summary:</b>  <p>A pre-determination hearing has previously been requested by the Agent for the application. It is felt however that the views of all those who have interest in the application can be adequately expressed within normal planning committee arrangements given also that the proposal is now reduced and the views of the local community have been considered within the recommendation to refuse the application.</p> <p>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 report.</p>	
<b>Signature(s):</b>	





<b>Case Officer Report</b>		
<b>Site Location Plan – See Annex A</b>		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	Landscape Architects Branch	Substantive Response Received
Non Statutory	DAERA - Countryside Management Branch	Considered - No Comment Necessary
Non Statutory	DAERA - Forestry Division	Substantive Response Received
Non Statutory	DCAL- Inland Fisheries Group	Substantive Response Received
Non Statutory	Env Health Cookstown District Council	Add Info Requested
Non Statutory	Natural Heritage	
Non Statutory	Protecting Historic Monuments	Substantive Response Received
Non Statutory	Protecting Historic Buildings	Substantive Response Received
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	Northern Ireland Tourist Board	Substantive Response Received
Non Statutory	Royal Society for the Protection of Birds - Headquarters	Add Info Requested
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	Health & Safety Executive for NI	
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Rivers Agency	
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NIE - Windfarm Developments	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	Consulted in Error

Non Statutory	The Joint Radio Company	No Objection
Non Statutory	National Air Traffic Services	No Objection
Non Statutory	UK Crown Bodies - D.I.O. Safeguarding	No Objection
Non Statutory	DETI Energy Branch	No Objection
Non Statutory	Rivers Agency	
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	
Non Statutory	Belfast International Airport	No Objection
Non Statutory	Arqiva Services Limited	No Objection
Non Statutory	Cable And Wireless Worldwide PLC	Considered - No Comment Necessary
Non Statutory	City of Derry Airport	No Objection
Non Statutory	DAERA - Fisheries Division	No Objection
Non Statutory	CAA - Directorate of Airspace Policy	Considered - No Comment Necessary
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Rivers Agency	No Objection
Non Statutory	Royal Society for the Protection of Birds - Headquarters	
Non Statutory	Foyle Carlingford & Irish Lights Commission	Substantive Response Received
Non Statutory	Royal Society for the Protection of Birds - Headquarters	
Non Statutory	DAERA - Countryside Management Branch	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	Shared Environmental Services	
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	DETI - Geological Survey (NI)	No Objection

Non Statutory	NIEA	Substantive Response Received
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Content
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Forestry Division	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Royal Society for the Protection of Birds - Headquarters	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received

**Representations:**

Letters of Support	1
Letters of Objection	316 (a further 8 objections received since re-notification in Oct 2017)
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Summary of Issues**

The application is a proposal for a 5No wind turbine farm (maximum heights of 126.5m). It has been reduced from 6 No turbines, effectively removing one of the original 6 that were proposed. There has been significant objection to the proposal. The agent has voluntarily submitted an Environmental Statement to address the main issues of the proposal and relevant consultees have provided feedback, and amendments to the ES have been received following the reduction to a 5No wind farm. A local residents group have also provided their views and objections and an additional 7 objections were received following re-consultation on the reduced scheme.

The site lies in Sperrin's AONB in a sensitive landscape and there are a number of residential properties nearby. It is the opinion of the Council the proposal should be refused for the reasons given in the report.



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

### **POLICY CONTEXT**

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The Strategic Planning Policy Statement for Northern Ireland "*Planning for Sustainable Development*" (SPPS) was published on 28 September 2015. Its provisions are material to planning appeal decisions. The SPPS sets out transitional arrangements that will operate until the new Councils have adopted new Plans for their areas. In the interim period, the SPPS will apply, together with policy contained in existing regional Planning Policy Statements, as listed in SPPS paragraph 1.13. The SPPS also states that the Best Practice Guidance to PPS18 "Renewable Energy" (the BPG) and supplementary planning guidance "Wind Energy Development in Northern Ireland Landscapes" (the SPG) will continue to apply. Other relevant policy context is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside (PPS 21), Planning Policy Statement 2 - Natural Heritage (PPS 2), PP3 – Access and Movement, Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage (PPS 6), and Planning Policy Statement 16 - Tourism (PPS16).

Paragraph 1.12 of the SPPS states that "Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy". I acknowledge the appellants' comment that the SPPS is consistent with the now superseded Paragraph 59 of PPS1: General Principles, in that the guiding principle for Planning Authorities in determining planning applications and planning appeals respectively is that sustainable development (including renewable energy development) should be permitted, having regard to the Development Plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Policy CTY1 of PPS21 states that there is a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is renewable energy projects in accordance with PPS18. PPS18 is supported by the aforementioned BPG and SPG. The aim of PPS18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. This aim is consistent with the aim of the SPPS for the siting of renewable energy facilities. Policy RE1 - Renewable Energy Development of PPS18 states that development that generates energy from renewable sources will be permitted provided the proposal will not result in an unacceptable adverse impact on five listed criteria below.

The publication Best Practise Guidance to PPS18 'Renewable Energy' was also taken into account in assessing this proposal which and the criteria for wind energy. It supplements the Planning Policy Statement covering general matters, nature conservation, landscape, ground water/geological conditions, archaeology, noise, safety, roads matters, electromagnetic production and interference, aviation interests, shadow flicker/reflected light, ice throw, tourism, construction and operational disturbance and decommissioning. These matters have been generally considered in the submitted Environmental Statement submitted with the application.

### **Planning Assessment of Policy**

Policy RE1 of PPS18 requires that all applications for wind energy development will be required to demonstrate that they do not result in an unacceptable adverse impact on;

**(a) public safety, human health, or residential amenity:**

The proposal must also take in account part (vi) of PPS18, that the development will not cause significant harm to the safety or amenity of any sensitive receptors<sup>1</sup> (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light.

The developer has provided a detailed health & safety assessments setting out measures to be taken associated with all phases of the development project. The onus is on the contractor to comply with all relevant H&S legislation and guidance.

The proposed development will not create a significant risk of landslide or bog burst. The applicant has submitted prevention methods. NIEA: Natural heritage have raised no specific objection in relation to this issue, they asked for further details regarding the storage of surplus excavated glacial soil, and details were provided to address concerns of glacial till, and on the basis of the information provided they have no concerns.

**(i) Stability and structural failure;**

The policies used for assessment of this type of development state that very few accidents have occurred involving injuries to humans, those that have are to do with failure to observe manufactures and operators instructions. Paragraph 1.3.51 of the Best Practise Guide goes on the state the only source of danger to human or animal life would be the loss of a piece of the blade or exceptionally the whole blade. Many blades are composite structure with no bolts, so blade failure is therefore most unlikely.

**(ii) ice throw**

In relation to ice throw, which is unlikely in most sites in NI, which normally occurs when a turbine is operating at low atmospheric conditions including frost or snow. Even where icing does occur the turbines own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines, so this is not considered a significant issue.

**(iii) Shadow flicker**

The Public Health Agency, Department of Energy and Climate Change in considering the effects of shadow flicker from turbines concluded that 'the frequency of the flickering caused by a wind turbine rotation is such that it should not cause a significant risk to health. The development should not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light.

Objections were also received in relation to the impact of shadow flicker and separation distances. PPS 18 Best Practice Guidance states that a minimum separation distance of 500m should be achieved between the nearest noise receptors and wind farms.

According to the Best Practice Guide to PPS 18 shadow flicker generally only occurs in relative proximity to sites and has only been recorded occasionally at one site in the UK.

It states in the Best Practice Guidance to Planning Policy Statement 18 - Renewable Energy that. Problems caused by shadow flicker are rare. At distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. It is recommended that shadow flicker at neighbouring offices or dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.

A shadow flicker report was submitted with the Environmental Statement in December 2014. The report predicted that no properties would experience shadow flicker for more than 30 hours per annum. The receptor which is most likely to be affected by shadow flicker is No. 17 Beltonanean Road, which is predicted to experience 16 hours and 7 minutes per annum, which is well below the accepted limits. However the limits set by PPS18 Best practise Guide, which recommends that shadow flicker 'at neighbouring offices or dwellings within 500m should not exceed 30 hours per year or 30 minutes per day', does not apply here as none of the proposed turbines are within a 500m distance of a dwelling in line with policy recommendations. The nearest dwelling is 756m from the proposal.

#### **(iv) Road safety**

Transport NI were consulted on the proposal and in line with PPS3 as it is important to consider the potential impact on transport routes and existing traffic movements which may occur as a result of the proposed development.

TNI have considered the applicant's traffic management plan and associated plans and are in general agreement subject to the number of conditions provided.

#### **(V) Noise issues**

An initial noise impact assessment was submitted by the agent for consideration by Environmental Health, in order to make a detailed assessment.

Further to the submission of the amended Noise Impact Assessment in October 2016, EHO has no objections to the proposal subject to robust conditions being attached to any approval. The conditions would ensure the noise levels from any noise sensitive locations would be controlled.

Environmental Health have responded on the 24<sup>th</sup> Oct 2017 to advise that they have no objections subject to noise level conditions at nearby noise sensitive receptors.

#### **(vi) Aviation concerns**

There is no evidence that any part of the development will give rise to unacceptable electromagnetic interference to communications installations, radar or air traffic control systems, emergency services communications or other telecommunications systems. OFCOM has no objection to the proposal. NATS has no objection to the proposal. Ministry of Defence and Belfast International Airport also have no objection to the proposal. NATS and Belfast International Airport have confirmed they have no objection in terms of aviation safety.

#### **(vii) Visual amenity, intrusion and over dominance.**

The proposed turbines would have a significant impact on residential amenity of No.8 Beltonanean Road. The kitchen, dining and living area of this property face the direction of the proposed wind turbine as well as there being a rear and side garden area, where the turbines would dominant views. While the existing concrete water storage tanks to the rear and the existing evergreen trees, will partially screen the hub of a number of the turbines, all, bar one, of the moving blades of five

turbines of the wind farm would be in constant view from their rear main living areas and rear & side garden.

The PAC supported this view in the recent appeal 2014/A0234 (Annex D) where they found the impact of a 119m turbine located on 295m on the contour lines, to have an unacceptable impact on No.8. The key issue as highlighted in this appeal decision was 'the constant view of the moving blades in their totality', not including the hub. As shown in photomontage in Annex E, blades would still be an 'unavoidable presence'. In this case of all but one of the 5 possible wind farm turbines would be viewed from this property. In addition there would be the view of the single turbine approved in 2010, making a cumulative total of 6 turbines.

Following a site visit to No.17 Beltonanean Road, it is clear that from the garden areas and usable amenity space there would be significant impact on the enjoyment of the residents' amenity due to 5 proposed turbines, in particular from this dwelling as the site sits much lower in the landscape than the wind farm site.

I am of the opinion this proposal would have a significant effect on their residential amenity and remain contrary to part (a) of RE1 in PPS18. Mid Ulster Committee supported this argument recently (Feb 17) as I/2014/0399/F was accepted as a refusal for a single turbine which had the same reason for refusal. This application is now subject to a planning appeal.

Objectors raised safety concerns over the potential falling of the turbines. Supplementary guidance advises that in terms of safety for smaller individual turbines a fall over distance plus 10 per cent is often used as a safe separation distance. The closest dwellings fall well outside the recommended fall over distance. This is not considered a significant enough reason to merit refusal of the proposal.

**(b) Visual amenity & landscape character:**

Paragraph 1.3.25 of Best Practise Guide acknowledges that wind turbines will often be highly visible and it will normally be unrealistic to seek to conceal them. It states that developers should seek to ensure that through good siting and design, landscape and visual impacts are limited and appropriate to the location.

**Visual Impact assessment & Critical views**

The visual assessment is concerned with assessing if there are any significant visual effects from the proposal on the landscape and from surrounding properties. By virtue of their size and scale and exposed locations wind turbines will have visual impacts. However the degree of this this will depend on many factors. Members will recall that the Committee voted to refuse a single wind turbine adjacent to this proposed wind farm site at the Oct 2017 Planning Committee.

PPS18 refers to supplementary planning guidance, 'Wind Energy development in NI's landscapes' and states this should be taken into account when assessing all wind proposals. Paragraph 4.13 of PPS18 advises that wind turbines are likely to have the greatest visual effects of renewable energy development and this will vary depending on the location, landscape and setting of the proposal.

All of the proposed wind farm development site falls within the designated Sperrins AONB and Landscape Character Area (LCA) 41- Slieve Gallion as defined in NI Land Class Assessment 2000.



In terms of man-made influences nearby, there is a 60m high anemometer mast approved under I/2008/0112/F. There is also a nearby approval for a 92.5m single wind turbine which has not yet been constructed under I/2010/211/F, which has been superseded by a renewal application LA09/2017/0272/F, which is recommended for approval at August 2017 Committee.

In term of sensitivity to wind energy, the LCA is deemed to have a high to medium rating due to its varied character. The slopes are highly sensitive as they are exposed to long views and provide a visual focus over a wide area. It is stated care should be taken to avoid adverse impacts on views westwards and avoid Lough Fea towards Sperrins LCA, on views of Slieve Gallion and on natural and cultural landscape features.

One such cultural landscape feature is the Beaghmore Stone circles. The proposed development will have an adverse impact upon the public access, approaches to and critical views to, from, within and across Beaghmore. If permitted it would adversely impact the setting of the site and its enjoyment by visitors. The viewpoint can be identified as VP3 on Map shown as Annex B, and can be seen in the photos of Annex J.

A number of critical viewpoints have been identified by the agent, and it is the view of the Council that from the majority of these, the wind farm would have an unacceptable visual impact.

All the views, except for VP2 and VP10, which are a consideration distance from the site, are considered critical. Cumulative impacts must also be considered in relation to the approved and current single turbine applications.

Viewpoint (VP) 1 is at Creggan. All of the six turbines will be in view over this long range view. The approved single turbine would also be viewed together with the wind farm at this VP.

VP 4 is from the layby close to Beaghmore Stone Circles. Although not as critical a view as that from the Stone Circle complex, all six turbines can be viewed, however only the upper blades of the two single turbines can be read with them.

At VP5, at Killucan Picnic Area, Dunamore Riverside Walk, all the six turbines are prominent. This is a public picnic and parking area and views would be visible at close range. There would be no significant view of the other single turbine from this VP.

On Drum Road, at VP6, there are long distance views of the wind farm, and when travelling along this main road. The turbines will be on the central ridgeline, and even with the quarry activity and other buildings between the road and the site, the turbines remain prominent.

VP7, on the southside of Beltonanean Road, adjacent to dwelling No.8, there is a direct of the turbines. The ridge of the mountain partly obscures some of the turbines hubs, however when viewed with the one approved the cumulative impact from here is unacceptable in terms of dominance for the dwelling No.8, as well as in general visual terms.

At VP8, on the eastside of Beltonanean Road, the turbines will all be at close range, with one in particular dominating views, as the mountain from here does little to screen views. There are dwellings nearby who will be affected by this view and it remains a prominent one.

On Orritor Road, at VP9, on the edge of the settlement limit, the six turbines are visible at a medium distance range. The land in between is undulating, however the wind farm sits on higher ground in the distance and are in clear view. The upper blade of the single approved turbine will be viewed from along here with the wind farm, although cumulative impact from here is minimal.

The Council have significant concerns about the visual impact on the ANOB. Recent appeal decision 2015/A0083 (Annex F) also supports the view that AONB character should be protected and in this case, a single wind turbine appeal was dismissed, due to its impact on amenity and

landscape character of the Sperrins AONB. Appeal 2007/A1313 dismissed in October 2016 (Annex I) also reinforces the importance of preserving the unspoilt character of an AONB.

There are a number of dwellings within a 1km radius of the proposal and the visual impact on them will be dominant, and in addition to the general visual impact on the AONB, the Council would have concerns over the dominant visual nature of the proposal for individual residential properties. These in particular include No 8 Beltonanean Road, 17 Beltonanean Road, 49 Corvanaghan Road & 55 Corvanaghan Road. Although outside 500m of the proposal the views are dominant and this view is backed up by appeal decision 2015/A0166 (Annex G) where a single turbine was refused based its adverse impact on a dwelling house due to its dominance.

**( c ) biodiversity, nature conservation or built heritage interests;**

Objectors raised much concern about the effect the proposal may have on these issues. A number of assessments were submitted relating to ecology, bats, birds, pearl mussels and archaeology. These were forwarded to the relevant experts for their consideration.

**- Biodiversity & nature conservation**

The site is hydrologically linked to Owenkill River SAC/ASSI and Upper Ballinderry River SAC/ASSI. The site is adjacent to Teal Lough and Slaughtfreedan Bog ASSI which are of national and international importance and are protected by Conservation (Natural Habitats) Regs (NI) 1995 (as amended) and The Environment (NI) Order 2002 and compliance should be had to the Habitats Directive.

The site is adjacent to the boundary of Teal Lough SAC/Teal Lough and Slaughtfreedan Bog ASSI and it is important to take precautions to ensure its integrity will not be damaged by any activities during the construction or thereafter. NIEA have provided conditions and informatives in line with The Conservation (Natural Habitats) Regs (NI) to ensure this will not occur.

Following the submission of the clarification of The Habitat Management enhancement plan and Construction Methods Statement, NIEA Natural Environment Division (NED) is content all their previous issues and concerns have been adequately addressed. NED has no concerns that the proposed development will have an adverse impact on natural heritage interests, and conditions have been provided to mitigate any concerns in relation to protecting birds, badgers and other wildlife.

Shared Environmental Services have completed an appropriate assessment and fully considered the application in terms of its nature, scale, timing, duration and location, and it is concluded that robust mitigation has been planned to manage silt, peat slide risk, chemical pollutants, and control drainage, during construction, operation and decommissioning, to minimise any potential impacts on the features and objectives of Owenkill River SAC and Upper Ballinderry River SAC.

**- Built Heritage / Arch Interests**

The proposed site lies within an area of archaeological interest, and a number of sites are monuments can be identified within a 5km radius. Beaghmore ASAI extends northwestwards from the western boundary of the site, and the proposed access route passes through this ASAI, although there are no monuments relating to this designation along the route of the road.

The most significant site identified is Beaghmore stone circles, to the west of the development. The Stone Circles site at Beaghmore is located within the Mid Ulster cluster of stone circles. It is an international visitor attraction and is a state care monument. The site is a complex of ancient field walls and consists of seven stone circles, 10 stone alignments, 12 cairns and traces of linear stone features.

Historic Environment Division (HED) have stated the proposed development will have an unacceptable adverse impact upon the public access, approaches to and critical views to, from, within and across Beaghmore. If permitted it would adversely impact the setting of the site and its enjoyment by visitors.

The agent submitted supporting evidence in an attempt to show the proposal would not have a detrimental visual impact. These were considered by HED who felt the proposed wind farm will remain highly visible from the stone circles dominating the landscape and skyline to the east and impacting upon the public access, approaches to, and critical views across, from and within the site. It would be remain unacceptable and contrary to the provisions of BH1 of PPS6.

The agent identified planning appeal decision 2007/A1313 for a wind farm at Mullaghturk (Annex I), which they feel identified a number of similar conclusions relating to archaeology and cultural heritage. Having reviewed this appeal I still remain in agreement with NIEA, that the current wind farm has an unacceptable visual impact. Due to its skyline position and closer distance to the Stone Circles it has a greater visual impact than the turbines at Mullaghturk.

The proposed wind farm will have a significant impact on the setting of Beaghmore stone circles as it will introduce dominant and inappropriate features in the landscape and impact on views from and across the site. It is especially pertinent given the relative absence of any other existing modern structures of a similar scale in the area.

In considering plan policy CON 4 in the Cookstown Area Plan 2010, and the impact on 'Beaghmore Area of Significant Archaeological Interest', there will be no direct impact on the stone circles. It will only be part the access that falls within this designation and it will not have a detrimental effect on any sites or monuments relating to the ASAI.

HED have considered the reduced scheme but their concerns remain as previously outlined.

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

No significant issues in relation to these matters were highlighted from relevant consultees. Water Management Unit have considered the impacts of the proposal on the surface water environment and on the basis of the information provided the applicant refers and adheres to their standing advice.

**(e) public access to the countryside.**

Objections were raised in relation to increased traffic and road safety and the delivery of the turbines during construction phases.

The route for construction traffic to reach the site entrance is likely to be via the A29 Cookstown-Moneymore Road, Lough Fea Road and the minor Feegarron Road. The project will be accessed via 2 separate access points at Slaughter Road and at Beltonanean Road during construction and decommissioning phases.

NIEA asked for a preferred access route, which was provided by the agent. Forestry Division had no objection to either of the proposed routes, however asked for a tree felling management plan to be provided. The chosen route mainly follows an existing forest track, with details of any forest removal being provided to NIEA for comments.

Transport NI were consulted on the proposal and in line with PPS3 as it is important to consider the potential impact on transport routes and existing traffic movements which may occur as a result of the proposed development.

TNI have considered the applicant's traffic management plan and associated plans and are in general agreement subject to the number of conditions provided.

In line with PPS18 Applications for wind energy development will also be required to demonstrate all of the following criteria;

- (i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- (ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;
- (iii) that the development will not create a significant risk of landslide or bog burst;
- (iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- (v) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
- (vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

The above issues have all been considered in the planning assessment and relevant bodies consulted relating to their field of expertise. In terms of part (vii) objectors raised the issue of decommissioning. The expected life of the wind farm is 27 years. When decommissioning would take place a planning condition would normally be imposed for the removal of all turbine components, transformers and substation and the land restored.

#### **OTHER MATERIAL CONSIDERATIONS:**

A large volume of objections have been received (324 in total) outlining various issues of concern, and one letter of support has been received. These have been fully considered and relevant planning issues taken into account. A residents group have submitted a detailed report, and in particular they comment on the impact on tourism and impact on the economy, and the comments made by the applicant regarding these.

Much information has been submitted by the applicant and agent supporting the application and countering objectors concerns. All this information has been taken into account and fully considered in the planning assessment.

- **Concerns over private water supply**

A particular objection has been raised in relation to No 17 Beltonanean Road raising concern about the private water they have for their dwelling and Nursery Business adjacent to the house, and the potential impacts on this during construction etc. The agent has provided a detailed response to all objections and state this issue has been covered in the Environmental Statement under Hydrology. This chapter describes the impact on private wells and that due to the location of the proposed turbines up-gradient, there will be no impact on any well supplies. All relevant consultees would have viewed the ES when replying and did not bring this up as a potential issue.

- **Impact on tourism**

Objectors have raised the issue in relation to detrimental impact on tourism in the area. The applicant has submitted a tourism impact assessment. NI Tourist Board had no specific objections or support for the proposal and directly the Council to their relevant guidelines. They do however state they have no intelligence that would support the suggestion that additional wind farms in this area would draw visitors, and they do not promote wind farms as visitor attractions.

Michael Brown, Head of Tourism in MUDC has made comment in relation to the impact of wind energy in the area. Mid Ulster's rich and diverse cultural and historical inheritance provides a strategic opportunity to develop tourism and enhance visitation to the area, and across the area. Mid Ulster has very many historic sites and facilities. Among them are more than 185 scheduled sites and monuments protected under planning policy for their historical value. In addition, there are 39 State Care Monuments that are maintained for both public amenity and conservation and a number of historic houses, with a very high density of these sites in the Sperrin's.

Davagh Forest and the wider area has potentially much more to offer in terms of the visitor appeal. With one of the densest areas of scheduled monuments and sites in Ulster, dating back 6,000 – 7,000 years, added into the Astro-Tourism element of the project, this also offers the visitor a broader more interesting experience called Archaeoastronomy, which is unique to the area within an Ulster, if not Ireland context.

With this in mind the Mid Ulster Council agreed to explore and exploit these unique assets by developing a number of projects that will present potential visitors with an experience that could be enjoyed by a broad range of demographics. This thinking is also supported by the Mid Ulster District Council's tourism strategy, which outlines the potential for the Dark Skies project and been clearly identified, as "The unique charter of the Dark Skies Project in Northern Ireland offers opportunities for exploiting visitation" and this site falls within this designated area.

With all this in mind the impact of windfarms within close proximity of these areas of heritage importance is somewhat worrying as any modern structure will have an adverse negative effect on the potential heritage importance of the landscape. Tall modern structures will present any potential visitor with visual and physical impacts that will degrade the look and feel of the area and may impact on our aspirations to develop this area as the 'Heart of Ancient Ulster'.

It is feared the construction of a wind farm or farms within the proximity of this project will change the landscape where it sits. If this landscape is of such heritage value, of which there is no doubt, it can be summarised that wind farms will affect the significance of that heritage landscape and subsequently have a detrimental impact on the preservation and potential developments of the area.

The relevant planning policy consideration is PPS16 – Tourism and specifically TSM 8 – Safeguarding of tourism assets. It states permission will not be granted for a development which would have an adverse impact on a tourism asset. Paragraph 7.39 refers to a Tourism asset as 'any feature associated with the built or natural environment which is of intrinsic interest to persons traveling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes'. Beaghmore Stone Circles could be identified as such.

The wind farm proposal is contrary to Planning Policy Statement 16: Tourism, in that the site lies within the Sperrins AONB and is located approx. 1.8 miles east of the Beaghmore Stone Circles Complex and the development would, if permitted, damage the intrinsic character and quality of these tourism assets by reason of unacceptable visual impact.

In relation to the Davagh Forest cycle routes, which objectors have concerns about, the applicant has confirmed these will not be directly affected by the wind farm proposal or access route. I am satisfied there would be no direct impact on the Davagh National Trail Centre (mountain biking) due to the proposal. In addition Forest Service note that haulage routes do not appear to impinge on mountain cycling routes within the forest and they offer no objections.

The submission of a tourism report by the agent in an attempt to address the concerns raised by the Council has been considered by the Head of Tourism. I have been advised that his view remains unchanged and that the concerns expressed above remain.

An objector also raised the issue of Forest Service consultation reply and that they point out 2 turbines are close to the forest boundary and guidance states separation distance should be 2 rotor diameters away. Following a conversation with the Forest Commission they have confirmed they have no objection to 5no turbine scheme and their locations but have provided guidance for the Council to consider.

- **Impact on Funding**

MUDC have been allocated £2 million heritage and lottery funding, which is intended to be used to develop the Dark Skies, Sperrins heritage site, and through this they are seeking to designate the Dark Skies as a designated heritage site, including the Stone Circles. This proposal, if approved would have a potentially detrimental impact on the surrounding area and a wind farm could potentially have a detrimental impact on the funding proposal.

- **Impact on property values**

The SPSS in Paragraph 2.3 sets out the Council's position on this matter - The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. The Council is of the opinion that in this instance that the amenities of neighbouring properties would be negatively affected. No evidence has been submitted to demonstrate any de-valuation of properties in the locality.

- **Social and economic benefits**

Policy RE 1 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. Paragraph 6.225 of the SPPS states that these same benefits will be given appropriate weight in determining whether planning permission should be granted. The weighting direction in the SPPS, referring to 'appropriate weight' is clearly intended to take precedence over that contained in Policy RE1; it also post-dates the Ministerial Statements of 2009 and 2010. However, I do not disagree with the appellants' argument that 'appropriate weight' could equate to 'substantial weight', 'significant' weight', or even 'determining weight', depending on the circumstances of the case. As stated in the appellants' evidence, with regard to the benefits of a proposal, "whether it is so substantial as to outweigh any unacceptable adverse impacts is ultimately a balancing exercise for the decision-taker, based on the evidence before him or her ...".

Both the SPPS and Policy RE 1 set out a qualified presumption in favour of renewable energy development unless it would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development.

There are obvious benefits, as with the majority of wind farm applications, such a reduction in CO2 emissions and a cleaner energy supply. It will also assist in reducing NI's dependency on fossil fuels, and help it achieve its renewable energy obligations. The proposal will also provide direct and indirect employment during the construction phase and through maintenance.

The agent has identified other benefits of the proposal including;

- The local council and landowners gaining ground rents/rates from the proposed development during its lifetime of approx. 25 years.
- Creation of 20 jobs, locally and regionally.
- Opportunities for rural diversification and provision of new income from sources other than farming.
- Attraction of tourists as a regional feature of interest and an educational resource.
- Roads improvements would be made, representing an investment in local infrastructure.
- Developers are committed to contributing a community fund as part of the development.

The developer has showed a willingness to enter into a planning agreement for a range of community benefits or provision of facilities for the area, and they have done this successfully in the past with other wind energy developments. Annex H is their Community Benefit Commitment and examples of those ongoing. However no specific details have been provided for the purpose of the monetary contribution, and how the community would specifically benefit.

There is little to suggest that Northern Ireland is unlikely to progress towards both the maximum OREAP range for Onshore wind and indeed the 2020 overall target of 40%. Commissioner Beggs at the Drumadarragh Wind Farm Appeal (2013/A0169) also concluded 'while there is a way to go to meet targets, the above figures do not suggest to me that the NI targets are in danger of not being met.' Sept 2017 figures from the Department show that NI is producing in the region of 32% of energy from renewables.

Overall, it has to be determined if the benefits highlighted outweigh any detrimental and unacceptable impact the proposal would have on the visual amenity and landscape character of the AONB, and the impact on residential amenity. When the benefits are fully considered in this case, on balance, it is my opinion, they do not outweigh the detrimental impacts caused by the proposal.

## **CONCLUSION**

There are a number of significant views from the proposed Wind Farm and because of its scale, prominence and degree of visibility, it would not be sympathetic to the special character of this AONB. When viewed with an approved wind turbine the cumulative visual impact would be significantly detrimental in this AONB. There is an unacceptable impact on the residential amenity nearby dwellings, as well as an unacceptable dominance on a number of properties. There would be a significant impact from Beaghmore complex and this would in turn impact on tourism. When all has been taken into account, the proposed has been recommended for refusal for the reasons stated below.

The reduction to 5 No turbines from 6, goes some way in reducing the impact on the closest dwelling, No.8 Beltonanean Road, there is still a significant impact due to the other 5 and it would not change the impact on the AONB or that on or from the Beaghmore Stone circles.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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<b>Summary of Recommendation: Refusal.</b>
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**Reasons for Refusal:**

1. The proposal is contrary to 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 AONB, by reason of the scale and siting of the turbine 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.

2. The proposal is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy in that the development would, in that the development if permitted, would have a detrimental impact on the amenity of neighbouring residential occupiers, by reason of over dominance and visual intrusion.

3. The proposal is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy in that the development would, if permitted, have an unacceptable impact on residential amenity of nearby residential properties No 8 Beltonanean Road as a result of being overly dominant and an unavoidable presence from the rear main living/kitchen/dining rooms and garden areas, & 17 Beltonanean Road due to the same impacts from their garden areas and amenity areas.

4. The proposal is contrary to Policy NH6 of Planning Policy Statement 2- Natural Heritage & The SPPS, in that the site lies within the designated Sperrin AONB and the development would, if permitted, be detrimental to the environmental quality of the AONB by reason of lack of sensitivity to the distinct character and the landscape quality of the area.

5. The proposal is contrary to Planning Policy Statement 16: Tourism, TSM 8 Safeguarding of Tourism Assets in that the site lies within the Sperrins AONB and is in proximity to the Beaghmore Stone Circles Complex and the development would, if permitted, damage the intrinsic character and quality of these tourism assets by reason of unacceptable visual impact.

6. The proposal is contrary to Policy RE1 of Planning Policy Statement – Renewable Energy and Policy BH1 of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage, in that the development would, if permitted, have an unacceptable adverse impact on built heritage interests by adversely impacting upon the setting, the public access and approaches to, critical public views from and within, and the enjoyment of the Beaghmore Stone Circle Complex, a regionally important monument in State Care.

**Signature(s) M.Bowman**

**Date: 24/10/2017**



<b>ANNEX</b>	
<b>Date Valid</b>	29th December 2014
<b>Date First Advertised</b>	28th January 2015
<b>Date Last Advertised</b>	May 2016 – FEI
<b>Details of Neighbour Notification</b> (all addresses) Liam Ward 1 Ardmore Park, Hilltown, Down, Northern Ireland, BT34 5TR Eileen Ward 1 Ardmore Park, Hilltown, Down, Northern Ireland, BT34 5TR John Ward 1 Ardmore Park, Hilltown, Down, Northern Ireland, BT34 5TR Clare Ward 1 Ardmore Park, Hilltown, Down, Northern Ireland, BT34 5TR R Coyle 1 Glebe Close, Wreningham, Norwich, Norfolk, NR16 1DP Patrick McNulty 1 Gortgonis Park Gortgonis Coalisland Francie Coulter 1 Riverside Terrace Bavan Mayobridge Niall McAleer 1 The Cloisters, University Avenue, Belfast, BT7 1GD Marian Hagan 10 Ashley Heights, Portadown, Co Armagh Eugene & Geraldine Connolly 10 Beltonanean Lane Beltonanean Cookstown Eugene Campbell 10 Emania Terrace, Armagh, Co Tyrone Elizabeth O'Kane 109 Ballyronan Road Ballymulderg More Magherafelt Edward O'Connor 11 Crossmore Green Dunlarg Keady Eugenia Pointan 11 Drumlin Walk Ringmackilroy Warrenpoint Kieran McHugh 110 Tulnacross Road Dunnamore Cookstown Brigid McNamee 111 Broughderg Road Broughderg Greencastle Trea McKee 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE James McKee 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE Laura McKee 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE Amy McKee 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE	

Eamon McKee  
 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE  
 Peter Hughes  
 117 Moor Road Shanliss Upper Coalisland  
 Gary Heagney  
 117A Tulnacross Road,Dunamore,Cookstown  
 C Heagney  
 117a Tulnacross Road,Cookstown,Co Tyrone,BT80 9NP  
 Mary Morgan  
 12 Crossmore Green Dunlarg Keady  
 Ellen Moore  
 12 Lir Gardens Racarbry Keady  
 Catherine Beattie  
 12 Lisadavil Park, Aughnacloy, Tyrone, Northern Ireland, BT69 6AU  
 Alice Beattie  
 12 Lisadavil Park, Aughnacloy, Tyrone, Northern Ireland, BT69 6AU  
 Rachael Beattie  
 12 Lisadavil Park, Aughnacloy, Tyrone, Northern Ireland, BT69 6AU  
 Shirley Beattie  
 12 Lisadavil Park, Aughnacloy, Tyrone, Northern Ireland, BT69 6AU  
 Mary McVerry  
 12 O'Donaghue Park,Bessbrook,Newry  
 Kerrie McGuigan  
 124 Broughderg Road Broughderg Greencastle  
 Eilis Leddy  
 129 Broughderg Road Broughderg Greencastle  
 Joe Cunningham  
 13 Gortgonis Terrace Gortgonis Coalisland  
 Kerry McIver  
 13 Millvale Park,Bessbrook,Newry  
 Rosemary Crawley  
 14 High Street Ballynacraig Newry  
 Kylie Peebles  
 14 Thompson Gardens Tamnymullan Maghera  
 A McDermott  
 149 Broughderg Road Crouck Greencastle  
 Joseph Evans  
 15 Ardross,Crossmaglen  
 James Evans  
 15 Ardross,Crossmaglen  
 Oliver McKenna  
 15 Corvanaghan Road Corvanaghan Cookstown  
 Jacqueline Devlin  
 15 Mallawee Road,Clady,Co Armagh  
 Adrian McCracken  
 16 Castle Court Coolnahavil Cookstown  
 Pauline McCartan  
 16 Glenveagh Carcullion Hilltown  
 Kate Conway  
 16 Lambrook Meadows Lammy Lammy

Tierna McCavery  
 16 Station Avenue Dundrinne Castlewellan  
 Anne McCullagh  
 16A Limehill Road Lime Hill Pomeroy  
 Pat and Janette McRory  
 17 Beltonanean Road, Cookstown, Tyrone, Northern Ireland, BT80 9TR  
 Janette McRory  
 17 Beltonanean Road, Cookstown, Co. Tyrone, BT80 9TR  
 Patrick McRory  
 17 Beltonanean Road, Cookstown, Co. Tyrone, BT80 9TR  
 Matt McRory  
 17 Beltonanean Road, Cookstown, Tyrone, BT80 9TR  
 Nia McRory  
 17 Beltonanean Road, Cookstown, Tyrone, BT80 9TR  
 Janetter & Pat McRory  
 17 Beltonanean Road, Cookstown, bt80 9tr  
 Robert McKenna  
 17 Corvanaghan Road Corvanaghan Cookstown  
 Catherine McMann  
 17 Derrylecha Road, Newry  
 K Gibson  
 17 Knockmore Park, Carrickfergus, Antrim, Northern Ireland, BT38 8PQ  
 Martina Robinson  
 17 Maloon Manor Maloon Cookstown  
 Martin Robinson  
 17 Maloon Manor, Cookstown, Co Tyrone  
 Pat and Janette McCrory  
 17, Beltonanean Road, Cookstown, Co Tyrone, BT80 9TR  
 William Gallagher  
 19 Orchard Hill Ringmackilroy Warrenpoint  
 Eamonn McConway  
 19 Scotchtown Road Clagan Limavady  
 Patrick McNulty  
 197 Tattymoyle Road Tattymoyle Middle Omagh  
 B Tubby  
 2 Adelaide Road, Ipswich, Suffolk, England, IP4 5PR  
 E Lavery  
 2 Ashleigh Meadows Lissize Rathfriland  
 Nuala Dobbin  
 2 Liggins Road Liggins Mountfield  
 E Caulfield  
 2 Rosswood Park Rosstrevor Rostrevor  
 Conor Brady  
 20 Cavanoneill Road Cavanoneill Pomeroy  
 Phelim Devlin  
 21 Killycanavan Road, Ardboe, Dungannon, Co Tyrone  
 Laurence McCrory  
 21 Maryville Sheskinshule Sheskinshule  
 Kieran Quinn  
 21 Tullaville Tullagh Cookstown

Joan Mitchell  
22 Lough Fea Road, Cookstown, Tyrone, Northern Ireland, BT80 9QL  
Siobhan McQuaid  
23 Dalton Road Drumarg Or Downs Armagh  
Joanna Quinn  
23 Tullaville Tullagh Cookstown  
Patrick Higgins  
25 Drumsesk Place Ringmackilroy Warrenpoint  
Celine McCann  
26 Brough Road Tamnarian Castledawson  
Rachel Gribben  
26 Clermont Gardens, Warrenpoint, Down, Northern Ireland, BT34 3LQ  
M. Cullen  
26 Gargrim Road Gargrim Fintona  
N Foley  
26 Rathbeg Gortalowry Cookstown  
Anita McClelland  
26 Tullymore Downs Drumarg Or Downs Armagh  
Siobhan Gibney  
27 Ballinlare Gardens, Newry, Co Down  
PJ Cullen  
27 Gargrim Road Draughton Fintona  
Gareth McClorey  
27 Great Georges Street, Warrenpoint, Down, Northern Ireland, BT34 3HS  
Frank Delaney  
27 Hilltown, Millford, Co Armagh  
Johanna McCollum  
27 Smyth Crescent Garvaghy Portglenone  
Phelim Devlin  
27 Tullaville Tullagh Cookstown  
Melissa Hull  
28 Leck Road, Stewartstown, Tyrone, Northern Ireland, BT71 5LS  
Lyn Hadal  
28 Main Street, Darkley, Co Armagh  
Valerie McCloskey  
28 Tullaville Tullagh Cookstown  
Sheena Monaghan  
3 Beaghmore Road Beagh More Cookstown  
L McGuckin  
3 Church Way Swatragh MAGHERA  
D Killen  
3 St. Malachys Villas Corporation Armagh  
Colm McKey  
30 Essmore Dromore Warrenpoint  
Ashleen Ward  
30 Glenveigh, Altnaveigh, Newry, Armagh, BT35 8GL,  
Kayleigh McCrory  
30 Liggins Road Liggins Mountfield  
Sean South  
31 Gleannsi, Rostrevor, Co Down

Ciara South  
 31 Gleannsi,Rostrevor,Co Down  
 Thomas Matin  
 31 Granemore Park Racarbry Keady  
 John Havern  
 32 Orchard Hill Ringmackilroy Warrenpoint  
 K Kelly  
 33 Loughgall Road Corporation Armagh  
 Veronica Crawley  
 33 St. Clares Avenue Ballynacraig Newry  
 Peter Loughran  
 34 Lisnastrain Road,Clonoe,Coalisland,Co Tyrone  
 Rory O'Connor  
 35 Hawthorne Road Tamnymullan Maghera  
 Dympna Moan  
 36 Acorn Hill,Bessbrook  
 Thomas Moan  
 36 Acornhill,Bessbrook,Newry,Co Down  
 Edgar Charles  
 36 Ballynasolus Road Ballynasollus Cookstown  
 Kathleen Breen  
 36 Ballyneill Road Ballyronan Beg The Loup  
 P F Warnock  
 37 Aghascrebagh Road Aghascrebagh Greencastle  
 Brigid McRory  
 38 Ballynasolus Road Ballynasollus Cookstown  
 Michael White  
 38 Cloughmore Park Rosstrevor Rostrevor  
 Phelim Mulgrew  
 38 Killucan Road Killucan Cookstown  
 Fidelma O'Kane  
 384, Crockanboy Road, Creggan, Tyrone, Northern Ireland, BT79 9AF  
 Siobhan Mulgrew  
 38A Killucan Road,Cookstown,Co Tyrone,BT80 9JW  
 Marion Fegan  
 39 Bryansford Gardens Ballaghbeg Newcastle  
 Patrick McGurk  
 4 Annaginny Road,Carland,Dungannon,Co Tyrone  
 Eileen McGurk  
 4 Annaginny Road,Carland,Dungannon,Co Tyrone  
 Sean Ward  
 4 Dalton Close Drumarg Or Downs Armagh  
 Lisa McQuaid  
 4 Linen Green Kennedies Milford  
 S Monaghan  
 4 Riverside Ballymaguigan MAGHERAFELT  
 Mary Mulgrew  
 40 Killucan Road Killucan Cookstown  
 Bernie O'Neill  
 40A Fingrean Road Altdrumman Sixmilecross

N Higgins  
 41A Upper Dromore Road, Ringmackilroy, Warrenpoint, Down, BT34 3PN  
 Kieran Hughes  
 42 Corran Road, Tassagh, Co Armagh  
 Sheila Hughes  
 42 Corran Road, Tassagh, Co Armagh  
 P Hughes  
 43 Drumgullion Avenue Lisdrumgullion Newry  
 Michael & Margaret McCrory  
 44 Ballynasolus Road, Cookstown, Tyrone, Northern Ireland, BT80 9TQ  
 Michael McCrory  
 44 Ballynasolus Road, Cookstown, Tyrone, Northern Ireland, BT80 9TQ  
 Margaret McCrory  
 44 Ballynasolus Road, Cookstown, Tyrone, Northern Ireland, BT80 9TQ  
 Joe Rooney  
 46 Canal Street Lisdrumgullion Newry  
 Sheila Rooney  
 46 Canal Street, Newry, BT35 6UF  
 N Fowley  
 47 Drum Road Gortallowry Cookstown  
 Shane Higgins  
 5 Ashgrove Hall Drumcashellone Newry  
 Isobell Peeples  
 5 Beagh Terrace Beagh (Spiritual) Maghera  
 James Monaghan  
 5 Beaghmore Road Beagh More Cookstown  
 Yvonne Hart  
 5 Beaufort Manor Drumnacanvy Portadown  
 Gerard Devlin  
 5 Parkmore Gardens Town Parks Of Magherafelt Magherafelt  
 Julia Smith  
 5 St Joseph's Place, Crossmaglen  
 Colm McKenna  
 50 Crouck Road Crouck Mountfield  
 Cathal Morris  
 51 Aghascrebagh Road Aghascrebagh Greencastle  
 Ciara Guy  
 51 Fairgreen Park Racarbry Keady  
 Stephen Devlin  
 52 Leaghan Road Leaghan Sixmilecross  
 Francis Corey  
 54A Blackrock Road, Cookstown, Co Tyrone, BT80 9NZ  
 Joanne Corey  
 54A Blackrock Road, Dunamore, Cookstown, BT80 9NZ  
 Brian O'Connor  
 55 Derrybeg Drive, Newry  
 Michelle Bennett  
 55 Lassara Heights Dromore Warrenpoint  
 Alice Smith  
 57A Killeavey Road Lisdrumgullion Newry

Joanne Donnelly  
 58 Ard Na Greine, Keady, Armagh  
 Tamm Donnelly  
 58 Ard Na Greine, Keady, Co Armagh  
 Paul Holland  
 6 Beagh Terrace Beagh (Spiritual) Maghera  
 Mary Heagney  
 6 Beltonanean Lane Beltonanean Cookstown  
 James McCorry  
 6 Clarkes Court, Gulladuff, Londonderry, Northern Ireland, BT45 8RH  
 Seamus McCorry  
 6 Clarkes Court, Gulladuff, Londonderry, Northern Ireland, BT45 8RH  
 Eileen Healy  
 6 Mourne View Carcullion Hilltown  
 Joanne Anderson  
 6 Mull Court Mullinsallagh Portglenone  
 Kevin Gallagher  
 6 Orchard Hill Ringmackilroy Warrenpoint  
 Peter Joseph McGurk  
 62 Blackrock Road, Dunamore, Cookstown  
 Carmel Mulholland  
 63 Mount Pleasant Road Jordanstown Newtownabbey  
 Ann Devlin  
 66 Cladymore Road Clady More Mowhan  
 Gerard Rafferty  
 7 Crossmore Green Dunlurg Keady  
 Tomas Connolly  
 7 Green Acres, Cookstown, Co Tyrone  
 Patrick Connolly  
 7 Green Acres, Cookstown, Co Tyrone  
 Gertie Connolly  
 7 Green Acres, Cookstown, Co Tyrone  
 P Meenagh  
 7 James Street, Omagh  
 Helen Forsythe  
 7 Malcolm Villas Derganagh Knockcloghrim  
 Ciara South  
 75 Bancran Road Bancran Glebe Draperstown  
 Mary Potter  
 8 Ashwood Heights Derryloran Alias Kirktown Cookstown  
 Monina Connolly  
 8 Beltonanean Lane Beltonanean Cookstown  
 Anna Ward  
 8 Beltonanean Road Beltonanean Cookstown  
 Kathleen Lavery  
 8 Cottage Mews, Portadown  
 Camilla Devlin  
 8 Northland Row, Dungannon, BT71 6AW  
 Laura McCartan  
 8 Quaker Green Kiltariff Rathfriland

Stephen Devlin  
 8 Rathbeg Gortalowry Cookstown  
 Roisin Reid  
 84 Coolnafranky Park Coolnafranky Cookstown  
 Tiernan McNamee  
 84 Davagh Road Broughderg Draperstown  
 Annie Finn  
 9 Church Place Crossdened Keady  
 Megan Loughran  
 9 Greenagh Road,Dungannon,Co Tyrone  
 Rachel Cleary  
 9 Tattysallagh Road Clanabogan Lower Drumquin  
 Mark Taylor  
 90 Old Coagh Road, Cookstown, Tyrone, Northern Ireland, BT80 8RQ  
 William Curran  
 91 Chapel Street Ballynacraig Newry  
 Kathleen O'Connor  
 93 Ardross Park,Crossmaglen,Co Armagh  
 Pearse Skidmore  
 96 Clogherny Road Clogherny Glebe Upper Beragh  
 Mairead McNally  
 97, Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TA  
 F Heagney  
 98 Dunnamore Road Meenascallagh Cookstown  
 Patrick Connolly  
 Geraldineconnolly1@btinternet.com  
 Adrian O'Neill  
 Greenvale Drive,Cookstown,Co Tyrone  
 Kieran Devlin  
 Iniscarn Road,Moneymore,Co Derry  
 Joe Cunningham  
 Killeeshil Road,Dungannon,Co Tyrone  
 Thomas John Quinn  
 Killybearn,Cookstown,Co Tyrone  
 Teresa McSkeane  
 Killymonaghan,Castleshane,Middletown,Co Armagh  
 M Garrity  
 Kinelowen Street,Keady,Co Armagh  
 Margaret McCrory  
 maggiemakes@gmail.com  
 Michael McCrory  
 mvmccrory44@googlemail.com

<b>Date of Last Neighbour Notification</b>	11th May 2016
<b>Date of EIA Determination</b>	23rd January 2015
<b>ES Requested</b>	Submitted voluntarily



## Planning History

Ref ID: I/2013/0348/PREAPP

Proposal: A wind farm consisting of 11 no wind turbines each with a maximum overall blade to tip height of 119 metres; turbine transformers; electrical control building; communications antennae on control building, widening of existing tracks, construction of new access tracks, junctions and site entrance; turbine hardstands; underground electrical cables and communications lines; drainage works; a temporary site compound; and all ancillary developments and associated works.

Address: Beltonanean Road, lands west of cookstown, Co. Tyrone.,

Decision: EOLI

Decision Date:

Ref ID: I/2007/0239

Proposal: Request for EIA Determination for a Single Wind Turbine

Address: Beltonanean Mountain, Cookstown

Decision:

Decision Date:

Ref ID: I/2008/0684/F

Proposal: Wind farm consisting of 2 wind turbines of up to 1.3 megawatt power output (2.6 MW total) each with a maximum overall base to blade tip height of 81 metres; Ancillary developments will comprise a single meteorological mast of up to 50 metres in height, turbine transformers; turbine hardstands, site entrances with sight line provision; 2 no. electrical control kiosks, construction of new access tracks and junctions; communications antennae; underground electrical cables and communications lines connecting wind turbines to electrical control kiosks; on site drainage works; temporary site compounds and all ancillary and associated works at Beltonanean Mountain.

Address: Beltonanean Mountain, Beltonanean TD, Co Tyrone.

Decision:

Decision Date: 08.02.2010

Ref ID: I/1992/0111

Proposal: Water Bore Well

Address: 400M EAST OF JUNCTION OF SLAGHT ROAD AND FEEGARRAN ROAD  
BALLYNAGILLY COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1992/0143

Proposal: Relocation of Liquid Packaging Plant

Address: 300M WEST OF 120 FEEGARRAN ROAD BALLYNAGILLY COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/0151

Proposal: Extension to pipeline and erection of liquid packaging plant for spring water

Address: AT JUNCTION OF SLAGHT ROAD AND FEEGARRAN ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/1062/F

Proposal: Extension of existing quarry for the extraction of sand & gravel. Removal of rock by blasting from north east corner of the existing quarry as part of site restoration.

Address: Lands to the south of existing sand & gravel quarry, Ballynagilly Road, Cookstown

Decision:

Decision Date: 06.03.2008

Ref ID: I/1978/0385

Proposal: 11KV O/H LINE

Address: BALLYNASOLLUS, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2014/0413/F

Proposal: Windfarm comprising 6 no. three bladed wind turbines with micro-siting and a maximum base blade to tip height of 126.5 metres. Ancillary developments include a permanent lattice anemometer mast of 80 metres height; turbine transformers; turbine bases, foundations and hardstands; widening and strengthening of existing tracks and construction of new access tracks, junctions and turning areas; a 33kV switch room control building with communications equipment, car parking and compound area; underground electrical cables and communication lines connecting wind turbines to the switch room control building; on site drainage works; upgrade of an existing entrance off Beltonanean Road for light vehicle use, use of the existing entrance to Davagh Forest off Slaght Road for main infrastructure traffic, with access tracks options through Davagh Forest; temporary set down areas, temporary material deposition areas, temporary construction compound; and all ancillary and associated development and infrastructure including general and excavation works at Beltonanean. The Proposed development also includes temporary works along the transport route to facilitate the delivery of turbine components including a realignment of a section of the Feegarran Road and widening of the junction of Feegarran and Slaght Roads, in the townlands of Ballynagilly and Beltonanean, Cookstown, Co Tyrone.

Address: Beltonanean, Ballynasollus, Beleevena-More and Ballynagilly Townlands, Cookstown, Co Tyrone,

Decision:

Decision Date:

Ref ID: I/2013/0307/F

Proposal: Variation of Condition Numbers 3 and 16 attached to planning approval

I/2004/1062/F to extend the time period (by approximately 10 years) for restoration of the

north-east corner of the existing quarry, which involves the removal of rock by blasting.  
(Additional Information Received)

Address: Lands at the existing S Bell and Sons quarry, 28 Ballynagilly Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2014/0029/DETEIA

Proposal: pre-application determination as to need for environmental impact assessment for amendment to previously approved planning application I/2004/1062/F to include the extraction of rock by blasting

Address: lands at the existing S Bell and Sons quarry at Ballynagilly Road, Cookstown,

Decision: DRES

Decision Date:

Ref ID: I/2012/0414/F

Proposal: Proposed 60m high temporary lattice anemometer mast, use of existing entrance and access track accessed by quad vehicle with trailer

Address: 695m SW of 17 Beltonanean Road, Beltonanean Townland, Beltonanean Mountain, Co Tyrone,

Decision: PG

Decision Date: 31.07.2013

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0829/DCA	<b>Target Date:</b>
<b>Proposal:</b> Demolition of mixture of commercial and residential premises in severe disrepair	<b>Location:</b> 4 - 36 Perry Street Dungannon
<b>Referral Route:</b>  Application that merits consideration by the Planning Committee as it requires notification to the Department.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Castlehill Community C/o 2A Bush Road Dungannon BT71 6QD	<b>Agent Name and Address:</b> R.E Quinn Architects Limited 14 Princes Street Dromore BT25 1AY
<b>Executive Summary:</b>  The proposal seeks to demolish a terrace of buildings in the Conservation Area. Due to the previous consent to demolish the rear of the terrace and the realistic amount of existing front wall that can be achieved it is recommended to demolish, subject to notification of the Department.	
<b>Signature(s):</b>  <div style="height: 40px; border: 1px solid black;"></div>	

## 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

This application seeks to demolish buildings which make a material contribution to Northland Conservation Area.

#### Characteristics of the Site and Area

4 - 36 Perry Street is comprised of a vacant plot of ground and 15 properties in a terrace that runs along the back of the footpath fronting onto the public road. It is within the Northland Conservation Area and Dungannon Town Centre. The terrace is 2 storey with some roofspace conversions, and the ridgeline and eaves of the existing buildings is a continuous horizontal line.

This results in the front walls increasing in size as the street level drops towards the roundabout at the junction of Perry Street, Northland Row and Northland Place. Some of the buildings have existing chimneys on the ridgeline and small dormer windows in the roofs. The majority of the buildings are vacant and the 2 that are occupied are Edwards Florists, which occupies 2 of the properties and has an aluminium shop front and large shop sign over it and Su's Hot Food Take Away which has a yellow tiled front and picture window at the first floor. The walls to Perry Street are painted smooth render, with the terrace having been the subject of the towns improvements scheme which gives the impression of virtual shops and dwellings along the street. To the rear, facing into Church Street car park, are a number of different wall and fence types and a mixture of single and 2 storey buildings with finishes ranging from red brick flat roofed, concrete block with tin roof and some stone walls.

The remainder of Perry Street is a mix of 2 and 3 storey commercial premises with mixture of painted render walls and shop fronts and a mixture of appearances. Listed buildings are located at St Annes Church at the top of the hill and the Methodist Church at Northland Place.

### **Description of Proposal**

The proposal is for the demolition of all the buildings located on 4 - 36 Perry Street and there is an attendance application for a redevelopment scheme, LA09/2015/0835/F.

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

The extant plan for the area is the Dungannon & South Tyrone Area Plan 2010 and this identifies the application site is located in Northland Conservation Area, which sits within the settlement limits and town centre boundary for Dungannon. It also identifies Anne Street Car Park as being a retained car park.

Members are advised the policies within Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage are the most relevant for this application and the Strategic Planning Policy Statement for Northern Ireland does not change the policy direction which is to preserve or enhance the character of the conservation area. It enshrines in policy that demolition of buildings should only be considered where they do not make a material contribution to the character or appearance of the Conservation Area. Where buildings make a material contribution to a conservation area, there is a higher test for retention, similar to policies for demolition of a listed building.

Northland Conservation Area Book recognises that Perry Street has been scarred by inappropriate alterations, however the terrace, which runs for 70m along nearly the entire north side of Perry Street, does make a material contribution to the character and appearance of the conservation area. Members are advised the policy directs that this application to demolish the buildings should be refused.

That said, it is recognised that in some cases the Council may allow demolition of buildings and I would draw members attention to Demolition Consent M/2006/1605/DCA granted in 2009, by the Department which allowed all but the front wall of this terrace to be demolished. In support of this application for demolition, an invasive condition report for the entire terrace, on a property by property basis, was undertaken and this has been verified by building control officers. The report has identified a number of issues with the buildings and there has been partial collapse in some of the properties. Unsympathetic alterations to the front walls of the terrace to insert shop fronts, coupled with rotting wood to the window heads and rafters in the roof will result in very limited amounts of the front walls being capable of retention. Those parts that could be retained are at a high level which, in practical terms, would require significant works to retain them resulting in the closure of part if not all of Perry Street for a significant period for time with the additional knock

on effects this would have. The report has noted there would be an additional cost to the developer to retain the buildings, however it is also apparent that there is a limited amount of the existing buildings that can be retained. So whilst a limited amount of the front wall could be retained, I do not consider what would be achieved would justify the resultant upheaval to Perry Street and the wider Dungannon Town Centre during the period of the works.

Members are advised that where it is accepted to demolish buildings in a conservation area, this should only be allowed when a replacement scheme has been agreed and it should be tightly conditioned to ensure the developer has the necessary funding to deliver the scheme. This is to prevent the scenario where the buildings are demolished and a replacement scheme is not put back in a timely manner, or at all, leaving a gap site within the conservation area. Some funding bodies may not consider grant aiding other development within the conservation area, as has happened in the past in other areas, where such a scale of demolition has been allowed, though in this case the Rural Development Fund has an application for funding for the replacement scheme in the final stages.

In light of the extent of the previous consent to demolish, the current condition of the front wall of the buildings and the unrealistic possibility of retention of the front wall, I recommend this consent is granted, subject to conditions and notification to the Department for Infrastructure in accordance with Section 105 of the Planning Act (NI) 2011.

**Neighbour Notification Checked**

**NA**

**Summary of Recommendation:**

Approve, subject to notification to the Department.

**Conditions:**

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

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.

2. In accordance with Section 105 of the Planning Act (Northern Ireland) 2011, the building(s) shall not be demolished until a signed contract for the carrying out of the works in accordance with Planning Approval LA09/2015/0835/F has been submitted to the Council.

Reason: To ensure vacant sites awaiting redevelopment do not mar the conservation area.

3. The demolition of the buildings hereby approved shall be carried out in at least 2 phases, with the second phase not commencing until shop 1, shop 2 and the 2 apartments as identified on drawing No 09 Rev 1 bearing the stamp dated 6 JUL 2017 have been completed and ready for occupation.

Reason: To prevent undevelopemntn gap sites impacting on Northland Conseervation Area.

4. Following the commencement of the demolition of any of the buildings, the replacement buildings as detailed on drawing nos 02 Rev1 , 05 Rev 1, 06 Rev 1, 09 Rev 1 and 11 bearing the stamp dated 6 JUL 2017 and 07 Rev1 and 08 Rev 1 bearing the stamp dated 27JUL 2017, shall be constructed in a phased manner with:

- shop 1, shop 2 and 2 duplex apartments constructed up to eaves level and have chimneys and roof completed within 1 year,
- houses 1, 2, 3, 4, 5, 6, 7 and 8 constructed up to eaves level and have chimneys and roof completed within 18 months and
- the entire scheme to be constructed up to eaves level and have chimneys and roof completed within 2 years.

Reason: To protect the appearance of Northland Conservation Area.

5. No site works of any nature, including demolition of the buildings shall take place until arrangements have been made and agreed, in writing, with the Department for Communities, for an archaeological photographic survey.

Reason: To ensure that archaeological remains, which may exist within the application site are properly identified and recorded.

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

Reason: To ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is completed in accordance with the approved programme.

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

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

Informatives

**Signature(s)**

**Date:**



ANNEX	
<b>Date Valid</b>	17th September 2015
<b>Date First Advertised</b>	6th October 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) N/A	
<b>Date of Last Neighbour Notification</b>	NA
<b>Date of EIA Determination</b>	<b>NA</b>
<b>ES Requested</b>	NA
<b>Planning History</b>  Ref ID: LA09/2015/0829/DCA Proposal: Demolition of mixture of commercial and residential premises in severe disrepair Address: 4 - 36 Perry Street, Dungannon, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  Building Control have assessed the condition survey and verify the issues raised are typical of these types of buildings and advise it is unviable to retain the existing buildings.	
<b>Drawing Numbers and Title</b>	

Drawing No. 06  
Type: Proposed Plans  
Status: Submitted

Drawing No. 07  
Type: Proposed Plans  
Status: Submitted

Drawing No. 08  
Type: Proposed Plans  
Status: Submitted

Drawing No. 09  
Type: Proposed Plans  
Status: Submitted

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

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

Drawing No. 05  
Type: Proposed Plans  
Status: Submitted

Drawing No. 04  
Type: Existing Plans  
Status: Submitted

Drawing No. 03  
Type: Existing Plans  
Status: Submitted

Drawing No. 10  
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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0835/F	<b>Target Date:</b>
<b>Proposal:</b> Mixed Use Development to include 8 no Townhouses, 3 no Apartments, 3 no Retail Units (inclusive of commercial landmark building)	<b>Location:</b> 4-36 Perry Street Dungannon
<b>Referral Route:</b>  Planning Manager considers this application requires Planning Committee attention as it involves demolition and construction of large part of conservation area.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Castlehill Community Regeneration Group C/o 2A Bush Road Dungannon BT71 6QD	<b>Agent Name and Address:</b> R E Quinn Architects Ltd 14 Princes Street Dromore BT25 1AY
<b>Executive Summary:</b>  Planning Application that requires demolition and re-building within a Conservation Area. Attendant application for conservation area consent requires notification to the Department. The proposal seeks to replicate the street scene and re-introduce housing onto this street.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
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
<b>Summary of Issues</b>  None received	
<b>Characteristics of the Site and Area</b>  <p>4 - 36 Perry Street is comprised of a vacant plot of ground and 15 properties in a terrace that runs along the back of the footpath fronting onto the public road. It is within the Northland Conservation Area and Dungannon Town Centre. The terrace is 2 storey with some roofspace conversions, and the ridgeline and eaves of the existing buildings is a continuous horizontal line. This results in the front walls increasing in size as the street level drops towards the roundabout at the junction of Perry Street, Northland Row and Northland Place. Some of the buildings have existing chimneys on the ridgeline and small dormer windows in the roofs. The majority of the buildings are vacant and the 2 that are occupied are Edwards Florists, which occupies 2 of the properties and has an aluminium shop front and large shop sign over it and Su's Hot Food Take Away which has a yellow tiled front and picture window at the first floor. The walls to Perry Street are painted smooth render, with the terrace having been the subject of the towns improvements scheme which gives the impression of virtual shops and dwellings along the street. To the rear, facing into Church Street car park, are a number of different wall and fence types and a mixture of single and 2 storey buildings with finishes ranging from red brick flat roofed, concrete block with tin roof and some stone walls.</p> <p>The remainder of Perry Street is a mix of 2 and 3 storey commercial premises with mixture of painted render walls and shop fronts and a mixture of appearances. Listed buildings are located at St Annes Church at the top of the hill and the Methodist Church at Northland Place.</p>	
<b>Description of Proposal</b>  <p>This application is for the demolition of all of the existing buildings on the site and erection of a 3 storey terrace with 2no ground floor commercial buildings, to accommodate the existing florists and hot food establishment, with 2no duplex apartments on the upper floors, 8no 5 bedroom townhouses and a 165sqm feature building for A1 retail purposes. The proposed buildings will have painted smooth render walls with Upvc heritage sliding sash windows t the front and casement windows to the rear, black cast iron guttering and downspouts and Spanish slate roofs. It is proposed to replicate the narrow dormers on the roofs of the properties with more modern dormers on the feature building. The shopfronts are traditional conservation style fronts in keeping with the conservation area. The dwellings will have rear amenity space accessed by steps down from the existing car park and enclosed by 2 render walls, 2 meters in height on the car park elevation.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>	

The extant plan for the area is the Dungannon & South Tyrone Area Plan 2010 and this identifies the application site is located in Northland Conservation Area, which sits within the settlement limits and town centre boundary for Dungannon. It also identifies Anne Street Car Park as being a retained car park.

Members are advised the policies within the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 3 (PPS3) – Access, Movement and Parking, Planning Policy Statement 6 (PPS6)– Planning, Archaeology and the Built Heritage and Planning Policy Statement 7 (PPS7)– Quality Residential Environments are the most relevant for consideration in relation to this application. Of most note is the policy direction to preserve or enhance the character of the conservation area. It enshrines in policy that demolition of buildings should only be considered where they do not make a material contribution to the character or appearance of the Conservation Area. Where buildings make a material contribution to a conservation area, there is a higher test for retention, similar to policies for demolition of a listed building.

Northland Conservation Area Book recognises that Perry Street has been scarred by inappropriate alterations, however the terrace, which runs for 70m along nearly the entire north side of Perry Street, does make a material contribution to the character and appearance of the conservation area. Members are advised the policy directs that this application to demolish the buildings should be refused.

That said, it is recognised that in some cases the Council may allow demolition of buildings and I would draw members attention to Demolition Consent M/2006/1605/DCA granted in 2009, by the Department which allowed all but the front wall of this terrace to be demolished. In support of this application for demolition, an invasive condition report for the entire terrace, on a property by property basis, was undertaken and this has been verified by building control officers. The report has identified a number of issues with the buildings and there has been partial collapse in some of the properties. Unsympathetic alterations to the front walls of the terrace to insert shop fronts, coupled with rotting wood to the window heads and rafters in the roof will result in very limited amounts of the front walls being capable of retention. Those parts that could be retained are at a high level which, in practical terms, would require significant works to retain them resulting in the closure of part if not all of Perry Street for a significant period for time with the additional knock on effects this would have. The report has noted there would be an additional cost to the developer to retain the buildings, however it is also apparent that there is a limited amount of the existing buildings that can be retained. So whilst a limited amount of the front wall could be retained, I do not consider what would be achieved would justify the resultant upheaval to Perry Street and the wider Dungannon Town Centre during the period of the works.

Members are advised that where it is accepted to demolish buildings in a conservation area, this should only be allowed when a replacement scheme has been agreed and it should be tightly conditioned to ensure the developer has the necessary funding to deliver the scheme. This is to prevent the scenario where the buildings are demolished and a replacement scheme is not put back in a timely manner, or at all, leaving a gap site within the conservation area. Some funding bodies may not consider grant aiding other development within the conservation area, as has happened in the past in other areas, where such a scale of demolition has been allowed, though in this case the Rural Development Fund has an application for funding for the replacement scheme in the final stages.

I consider the demolition of the buildings can be accepted in this case.

The SPPS advocates a town centre first approach for retail development and as such I consider it supports the retailing elements of this scheme. I also consider the re-introduction of the residential elements of this scheme in conjunction with the retail elements will complement the town centre and add to its vitality and viability by increasing the amount of residents within the town centre without detracting from it.

The design concept statement identifies the features that are being replicated and the how the scheme was derived, taking account of the movement and access to the site and shows level access onto Perry Street. The scheme proposes to keep the ridge and eaves heights of the buildings as they currently are and provide the rhythm to the terrace that has been lost by the unsympathetic alterations to the buildings. The roofscape will also improve with the re-introduction of the dormer windows that reflect those that are existing and the reintroduction of the large chimneys. It is recognised that it is more desirable to have painted timber sliding sash windows in the conservation area, however members will be aware that new Upvc windows are difficult to distinguish from wooden windows and their replacement with frame that look similar may not be development as defined in Section 23 of the Planning Act (NI). The modern dormers and appearance to the feature building at the Northland Pace end of the terrace provides some interest in the terrace and I do not consider it is out of place as it still respects the rhythm of the terrace with the similar sized 1st floor windows and ridge and eaves lines which carry through. I also consider the proposed development is more in keeping with the conservation area than the scheme approved by the Department which set a row of buildings behind the frontage at a higher level than the existing. As such I consider the proposal is in keeping with the Conservation area and will enhance the appearance of it.

The proposed development does not propose to provide any car parking or servicing arrangements, and ordinarily some should be provided in accordance to the Car Parking Standards. However this development is located within the town centre and is well served by other modes of transport which allows a reduction in parking to be applied. It is also notable that the existing shops are accommodated from the street and the rear car park and the previous residential development was also served from the surrounding streets. In light of these factors I do not consider it is necessary to seek any additional car- parking or servicing arrangements for the development.

There is no private amenity space for the apartments and the private amenity space for houses 1, 2 and 3 is below the minimum standards advocated within Creating Places, however I recognise that this was an existing situation within the town centre and some compromises on private space are to be expected. There is still some sitting out areas available for the residents of all the houses and on the whole I consider it is acceptable.

NIEA have raised issues about land contamination however the applicant has carried out a desktop survey and the possible contamination from a garage /petrol filling station is not within or close to the site and they are therefore confident that no land contamination issues will arise. I consider it is appropriate to attach conditions in relation to the land contamination issues in the event there are any issues arising which could impact on the residents of the dwellings.

NIEA Archaeology and Built Heritage, now Historic Environment Division were consulted and have asked that a photographic survey of the buildings is carried out prior to the demolition of the buildings to preserve an historic record of the buildings.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> Approve with conditions, subject to satisfactory notification to the Department on the accompanying Conservation Area Consent.	
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. In accordance with Section 105 of the Planning Act (Northern Ireland) 2011, the building(s) shall not be demolished until a signed contract for the carrying out of the works in accordance with this approved scheme has been submitted to the Council.  Reason: To ensure vacant sites awaiting redevelopment do not mar the conservation area.  3. The demolition of the buildings hereby approved shall be carried out in at least 2 phases, with the second phase not commencing until shop 1, shop 2 and the 2 apartments as identified on drawing No 09 Rev 1 bearing the stamp dated 6 JUL 2017 have been completed and ready for occupation.  Reason: To prevent undeveloped gap sites impacting on Northland Conservation Area.  4. Following the commencement of the demolition of any of the buildings, the replacement buildings as detailed on drawing nos 02 Rev1 , 05 Rev 1, 06 Rev 1, 09 Rev 1 and 11 bearing the stamp dated 6 JUL 2017 and 07 Rev1 and 08 Rev 1 bearing the stamp dated 27JUL 2017, shall be constructed in a phased manner with: - shop 1, shop 2 and 2 duplex apartments constructed up to eaves level and have chimneys and roof completed within 1 year, - houses 1, 2, 3, 4, 5, 6, 7 and 8 constructed up to eaves level and have chimneys and roof completed within 18 months and - the entire scheme to be constructed up to eaves level and have chimneys and roof completed within 2 years.  Reason: To protect the appearance of Northland Conservation Area.  5. No site works of any nature, including demolition of the buildings shall take place until arrangements have been made and agreed, in writing, with the Department for Communities, for an archaeological photographic survey.  Reason: To ensure that archaeological remains, which may exist within the application site are properly identified and recorded.  6. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities to observe the operations and to monitor the implementation of archaeological requirements.	



Reason: To ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is completed in accordance with the approved programme.

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

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

Informatives

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	17th September 2015
<b>Date First Advertised</b>	6th October 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Perry Street Drumcoo Dungannon The Owner/Occupier, 15A Perry Street Drumcoo Dungannon The Owner/Occupier, 16 - 18 Perry Street,Drumcoo,Dungannon,Tyrone,BT71 6AJ, The Owner/Occupier, 19 Perry Street Drumcoo Dungannon The Owner/Occupier, 19A Perry Street Drumcoo Dungannon The Owner/Occupier, 2 Perry Street Drumcoo Dungannon The Owner/Occupier, 21 Church Street,Drumcoo,Dungannon,Tyrone,BT71 6AB, The Owner/Occupier, 21 Perry Street Drumcoo Dungannon The Owner/Occupier, 21A Perry Street Drumcoo Dungannon The Owner/Occupier, 22 Perry Street Drumcoo Dungannon The Owner/Occupier, 23 Church Street,Killylack Glebe,Dungannon,Tyrone,BT71 6AB, The Owner/Occupier, 25 Church Street,Killylack Glebe,Dungannon,Tyrone,BT71 6AB, The Owner/Occupier, 38 Perry Street Drumcoo Dungannon The Owner/Occupier, 9 -13,Perry Street,Drumcoo,Dungannon,Tyrone,BT71 6AJ,	
<b>Date of Last Neighbour Notification</b>	30th September 2015
<b>Date of EIA Determination</b>	<b>NA</b>
<b>ES Requested</b>	<b>NA</b>

## **Planning History**

Ref ID: M/2007/0613/Q

Proposal: Dungannon Town Centre Health Check Planning Search

Address: Dungannon Town Centre

Decision:

Decision Date:

Ref ID: M/1980/0685

Proposal: CONVERSION OF DWELLING TO SHOP

Address: 28 PERRY STREET, DUNGANNON, CO TYRONE

Decision:

Decision Date:

Ref ID: M/1981/0299

Proposal: CONVERSION OF VACANT DWELLING TO SHOP

Address: 20 PERRY STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/1602/F

Proposal: Development to Include 11 No. Retail Units at Ground Floor Level with 20 No. Apartments over .

Address: 4 - 36 Perry Street, Dungannon

Decision:

Decision Date: 26.05.2009

Ref ID: M/2006/1605/DCA

Proposal: The existing front facade is to be maintained. the rear projections/extensions facing towards the car park are to be demolished.(Amended Proposal)

Address: 4 - 36 Perry Street, Dungannon

Decision:

Decision Date: 27.05.2009

Ref ID: M/2001/0130

Proposal: Proposed Refurbishment

Address: Perry Street Dungannon

Decision:

Decision Date:

Ref ID: M/2002/0305/F

Proposal: Change of Use from Restaurant to Amusement Arcade  
Address: 2 Perry Street, Dungannon  
Decision:  
Decision Date: 10.03.2003

Ref ID: M/1986/0358B  
Proposal: Shop and offices  
Address: CHURCH LANE 2 PERRY STREET DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1993/0620  
Proposal: Change of use from shop and offices to Bistro and external alterations  
Address: 2 PERRY STREET DUNGANNON  
Decision:  
Decision Date:

Ref ID: LA09/2015/0835/F  
Proposal: Mixed Use Development to include 8 no Townhouses, 3 no Apartments, 3 no Retail Units (inclusive of commercial landmark building)  
Address: 4-36 Perry Street, Dungannon,  
Decision:  
Decision Date:

Ref ID: LA09/2015/0829/DCA  
Proposal: Demolition of mixture of commercial and residential premises in severe disrepair  
Address: 4 - 36 Perry Street, Dungannon,  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

NIEA - possible land contamination, buildings require photographic survey prior to demolition  
EHO - no objection, draw attention to need for sensitive siting of noisy equipment  
Roads - refers to conditions on previous planning permission  
Rivers - water to be dealt with by NI Water system  
Building Control - advise it is unviable to retain the existing buildings.

### **Drawing Numbers and Title**

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

Drawing No. 02  
Type: Proposed Plans  
Status: Submitted

Drawing No. 10  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 09  
Type: Proposed Plans  
Status: Submitted

Drawing No. 03  
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

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

Drawing No. 08  
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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0978/O	<b>Target Date:</b> 24/10/2016
<b>Proposal:</b> Proposed Dwelling and Garage	<b>Location</b>  45m NW of 275 Mountjoy Road Stewartstown
<b>Referral Route:</b>  Letter of objection	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr. Richard Walker 39 Ballynagowan Road Stewartstown Dungannon	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>  Approved recommendation taking into consideration Objector's concerns and applying relevant policy	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

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

### Characteristics of the Site and Area

The application site is located at 45m NW of 275 Mountjoy Road, Stewartstown County Tyrone. The boundaries consist of wire and post fence with intermittent hedgerows on the northern, western boundaries the eastern and southern boundaries are defined by a thick hedgerow both of these boundaries abuts the public road - the eastern boundary abuts Carnan Road and southern boundary abuts Mountjoy Road.

There are 2 buildings located to the east Nos 5 and 275(farm dwelling) with roadside frontages accessing onto Carnan Road. Adjacent to No 275 is a farmyard with associated sheds. The application site is currently used for agricultural use. The site's topography is relatively flat throughout. There are no history of any flooding issues.

The surrounding area can be classified as rural with dispersed detached dwellings peppered through the area the surrounding land is predominately agricultural and situated outside any settlement limits as identified in the Cookstown Area Plan 2010.

### **Description of Proposal**

The applicant is seeking outline planning approval for a dwelling and garage on a farm at 45m NW of 275 Mountjoy Road, Stewartstown County Tyrone.

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

#### **Principal Planning Policies:**

Regional Development Strategy (RDS)  
Cookstown Area Plan 2010  
Planning Policy Statements (PPS's)  
Strategic Planning Policy Statement for Northern Ireland (SPPS)  
PPS3 Access Movement & Parking  
PPS21 Sustainable development in the countryside

**Supplementary planning guidance:** A Design Guide for Rural Northern Ireland

#### **Statutory consultees**

- TransportNI was consulted on 2 August 2016, have responded on 29 November 2016 with no objections subject to standard conditions;
- DAERA was consulted on 2 August 2016, have responded on 8 September 2016, no objections
- Environmental Health Department was consulted on 2 August 2016 and have responded on 20 September 2016 no objections recorded

#### **Third party representation**

One letter of objection was received on 12 August 2016, the objector raised the following issues:-

1. That the proposed dwelling would not invade the privacy at No. 5 Carnan Road, this has been considered where the proposed development shall be located within area shaded green on approval plan No 1 bearing date 11 July 2016 to ensure no overlooking take place;
2. The entrance should not be directly opposite entrance to No. 5 Carnan Road – this is a matter for TransportNI I have advised the agent of this to be taken into consideration when submitting at Reserve Matters stage;
3. Concerns with increase of tractors, Lorries and motor vehicles including walkers have increased on Carnan Road would result in road safety issues – TNI were made aware of this and responded with no concerns raised.

#### **Assessment**

The main material consideration relate to the following aspects to be:

- Principle of Development
- Design and Integration
- Rural Character



- Access and Traffic
- Principle of Development

Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that the Council, when dealing with a planning application, shall have regard for the local development plan so far as it is material to the application and to any other material considerations. Section 6 (4) of the Act requires that the determination of the application must be made in accordance with the development plan unless material considerations indicate otherwise.

The application site does not lie within any defined settlement limits but is in the countryside as depicted under the Cookstown Area Plan (2010). Pursuant to section 45(I) of the Planning Act (Northern Ireland) 2011 (the 2011 Act), the decision maker is required to have regard to the Local Development Plan so far as material to the proposal. Policy COU 1 makes general aspirational statements about protecting, conserving and enhancing sensitive landscapes, but does not contain any specific policies in relation to proposals for single houses in the countryside.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application and along with Planning Policy Statement 3: Access, Movement and Parking, Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21), provides the relevant planning context for determining this application. Policy CTY 1 of PPS 21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is the development of a farm dwelling in accordance with Policy CTY 10.

Policy CTY1 of PPS21 sets out a range of the types of development which are considered to be acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY10 upon which this application relies. Policy CTY10 requires compliance with all of the three listed criteria.

Criterion (a) requires that a farm business is currently active and has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification text states that the applicant is required to provide the farm's DARD Business ID number along with other evidence to prove active farming over the required period. During the processing of the planning application, the appellant's agent submitted information referred a P1C form relating to farm business ID 608423 number including farm maps. DARD have confirmed that the Business ID Number has been in existence for more than 6 years.

The farm maps indicates a total of 46.69 hectares farmed by the application contained in 3 parcels of land.

DAERA confirmed in its statutory response the business does claim Single Farm Payment and with evidence on site I witnessed large numbers of livestock, which demonstrates the applicant is an active farmer. On the basis of the written evidence presented in support of the application I find that the application meets criterion (a) of Policy CTY10.

Information received from the agent points to no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application. Therefore the application meets criteria (b)

Criterion (c) of Policy CTY 10 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. The applicant's holding comprises a farm yard with outbuildings along with a dwelling house No 275 located approx. 25m east from the application site.

I referred earlier in my report the proposed site is approx. 25m from the main grouping of sheds and therefore meets policy criteria c.

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

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The site is poor in terms of integration being cut out of a field at a road junction. This said, the existing buildings coupled with its natural flat nature means it wouldn't be visually prominent. Therefore by restricting height, size and requiring existing boundary to be retained and additional planting the impact of the proposed dwelling can be lessened to an acceptable level.

In summary the proposed dwelling should be of a modern vernacular design in terms of ridge height I impose a condition not exceeding 6m above finish floor level and should not have a ground floor area of less than 150 sqm.

to be situated on approve plan shaded green bearing the No 01 received on 11 July 2016. In terms of overall design must accord with design principles set out in 'Building on Tradition' design guide and reflect an appropriate scale, form and massing to integrate satisfactorily into this rural setting and will be contemporary with a relative simple design and its use of local materials, texture and colour to enhance the appearance of the proposed building.

I also impose additional landscaping conditions to strengthen the west and north boundaries of the site

While the proposed development will have intermittent visibility when travelling from west to east direction along the Mountjoy Road and north to south on Carnan Road, I am content that the development would not have a detrimental impact upon the character of the area, and would not result in a loss of amenity in terms of loss of outlook or overlooking and therefore, does comply with CTY 13.

Given the design, size and scale of the proposal will be conditioned to respect the character of the surrounding landscape and the nature of the existing built environment surrounding the site. There are no issues regarding integration. It is my opinion that the site would have the capacity to absorb a dwelling of the size and scale that reflects the vernacular style of the surrounding area.

### **CTY 14 – Rural Character**

In terms of Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. It is considered that the site and its surrounding environment has the capacity to absorb the proposed dwelling there is a significant degree of enclosure with being visually linked to existing farm buildings and farm dwelling.

### **Conclusion**

For the reasons outlined in my report, I am satisfied that the proposal relates to a farm business which is active and has been established for at least 6 years. Furthermore, I am content that the

proposal is policy complaint and meets the requirements set down SPPS, PPS 21, and PPS 3 for the reasons documented above.

The application was initially advertised in the local press on w/c 25 July 2016 (publication date 28 July 2016). Three (3) neighbouring properties were notified by letter dated 3 August 2016, 1 letter of objection received dated 12 August 2016.

#### Neighbour Notification Checked

**Yes**

#### Neighbour Notification Report attached to this report

#### Summary of Recommendation:

Approval subject to conditions

#### Conditions

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

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

Reason: Time Limit

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

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

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level and should not have a ground floor area of less than 150 sqm.

Reason: To ensure that the development is satisfactorily integrated into the landscape.

5. The proposed dwelling and its curtilage be contained within the area shaded Green on the approved plan 01 bearing the date stamp 11 July 2016.

Reason: To ensure that the development is clustered and visually linked to the existing buildings on the farm

6. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

7. The hedgerow along the eastern boundary identified in blue shall be retained and additional hedgerows interspersed with trees shall be planted along the northern and western boundaries to the curtilage as identified in brown

Reason: To ensure the dwelling integrates into the landform.

7. A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application, showing the access point including visibility splays of 2.4 metres x 60 metres in accordance with the attached form RS1 to be constructed prior to the commencement of any development hereby approved and as approved at Reserved Matters stage.

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

8. A landscaping scheme shall be submitted to the Council at Reserved Matters stage indicating proposed planting and shall include a survey of all existing trees and hedgerows on the land, together with details of those to be retained and measures for their protection during the course of development. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. The work shall be carried out during the first available planting season after the occupation of the dwelling.

Reason: To ensure the provision of a high standard of landscape and ensure the development integrates into the countryside

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

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

10. All existing hedgerows along the boundaries of the site highlighted Yellow as shown on approved drawing No. 01 received 11 July 2016 shall be permanently retained intact and no lopping, topping, felling or removal shall be carried out without the prior written approval of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within one week of the work being carried out.

### **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.

1. A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

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

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

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

5. Mid Ulster District Council receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	11th July 2016
<b>Date First Advertised</b>	28th July 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 275 Mountjoy Road Carnan Stewartstown The Owner/Occupier, 4 Carnan Road Carnan Stewartstown The Owner/Occupier, 5 Carnan Road Carnan Stewartstown Brendan Rooney 5 Carnan Road, Stewartstown, Dungannon, BT71 5NU	
<b>Date of Last Neighbour Notification</b>	03 August 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/0978/O Proposal: Proposed Dwelling and Garage Address: 45m NW of 275 Mountjoy Road, Stewartstown, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1281/F	<b>Target Date:</b>
<b>Proposal:</b> Campsite of 4 wooden "Glamping" style cabins with ancillary facilities cabin with on-site sewage treatment and access roadway (under farm diversification)	<b>Location:</b> 200m NE of 36 Slaughtneil Road Maghera
<b>Referral Route:</b> Exception to policy	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Ciaran and Bronagh McEldowney 36 Slaughtneil Road Maghera BT46 5NJ	<b>Agent Name and Address:</b> Conor McKenna 16 Loughbeg Park Carryduff BT8 8PE
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	DAERA - Coleraine	
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	Northern Ireland Tourist Board	Substantive Response Received



Non Statutory	Northern Ireland Tourist Board	
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b> Exception to policy, however the planning committee may be minded to approve this proposal in this instance due to the recognised need for this type of accommodation in this particular area.		
<b>Characteristics of the Site and Area</b>  This proposal site is located within an agricultural field within a large farming complex and is approx. 240metres off the Slaughtneill Road. The site is accessed via an existing long lane and the site is surrounded by further agricultural farming land. The site is surrounded by agricultural hedges and there are no critical views from the neighbouring public road(s)		
<b>Description of Proposal</b>  Campsite of 4 wooden 'glamping' style cabins with ancillary facilities cabin with on-site sewage treatment and access roadway (under farm diversification).		
<b>Planning Assessment of Policy and Other Material Considerations</b>  I have assessed this proposal under the following:  SPSS Magherafelt Area Plan 2015 PPS 16 - Tourism CTY 11 of PPS21 - Farm Diversification  Consultations: - DAERA were asked to comment on the farm business and confirm if it is active and established in an email on file dated 17.01.2017. Northern Ireland Tourist board were asked to comment and responded on 01.06.2017 giving general non-specific advice regarding tourism proposals. Mid Ulster District Council's head of tourism also was asked to comment and responded via email on 17.10.2017 stating that he would welcome this application as the demand for glamping accommodation is on the increase.  Neighbours: There are no neighbouring properties required to be notified of this proposal  In line with legislation this proposal was advertised within several local press publications during September 2016. No objections have been received to date.  In order to comply with CTY 11 of PPS21 - Farm diversification, the applicant is required to demonstrate that the proposal is to be run in conjunction with the agricultural operations on the farm. A statement was submitted to demonstrate this. The applicant for this proposal is Bronagh		

and Ciaran McEldowney, the farm business is current property of Laurence and eldest son Michael McEldowney. The applicant Ciaran McEldowney is a son of the farm owners and although he collaborates with his father and brother at weekends when required he also owns a neighbouring farm.

The proposed glamping site is intended to be operated by Bronagh McEldowney and attendance and administration of the glamping site is anticipated to be a part time undertaking for Mrs McEldowney. Produce from the farm holding is to be eventually made available for use by the guests.

It is necessary in order to comply with this policy that the farm business is currently active and established, this has been confirmed by DAERA who stated on 17.01.2017 that the farm business is active and established. It has been confirmed that the applicant does not foresee any reduction of agricultural activity.

In addition in order to comply with CTY 11 the proposal has to be of an appropriate scale and character for its location. This proposal is for 4 glamping pods, showering and WC facility and a small focal point and seating area which I feel is of a relatively small scale and one which would be appropriate to the proposed location and one which would not have a negative impact on the continuing use of the farm business. This is proposed to be located approx. 240metres back from the road and accessed via an existing lane. The proposal site is surrounded by agricultural land and is unseen from the public road.

In addition in order to comply with CTY 11 the proposal must not have an adverse impact on the natural or built heritage, the location of this proposal would have no impact on natural or built heritage and as such complies with this point of the policy.

The final criteria within CTY 11 is that the proposal should not result in a detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution. This proposed site is far enough removed from any neighbouring properties that there should be no impact from noise, smell or pollution. The waste from the proposal is proposed to be contained in a septic tank.

Within CTY 11 it states that proposals will only be acceptable where they involve the re-use or adaption of existing farm buildings - this point has not been discussed within the applicant's submission. However for this type of proposal the reuse of farm buildings would not be a plausible idea and I feel the proposed new buildings is acceptable.

The policy wording does go on to state that exceptionally a new building will be permitted where there is no existing building available to accommodate the proposed use. It is my opinion that the proposed use could not be housed within existing buildings as they would be within the farm yard and this would not be either safe or a desirable location for this type of proposal.

In terms of integration this proposal would not have any negative impact on the surrounding landscape character, the buildings proposed are of such a scale and design that they would integrate sensitively with the surrounding area and would not have any negative impact.

The proposal is intended to be run in conjunction with the existing farm and according to submitted statements to be run so as compliments the existing farm and 'perhaps bring more attention to the award winning produce'. In addition it has been proposed that the farm will provide fresh produce which will be available for the campers to purchase during their stay. No evidence has been submitted as to why existing buildings on the farm can-not be utilised however for this type of development it is unlikely that farm buildings would be considered appropriate.

The proposal is intended to make use of the surrounding landscape and encourage use of the neighbouring walking trails within the Sperrin AONB.

In addition to the above a proposal of this nature needs to be assessed against Planning Policy Statement 16 - Tourism, whereby it states that planning approval will be granted for self-catering units of tourist accommodation in any of the following circumstances:

a) - one or more new units all located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;

- b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that it/will be a significant visitor attraction in its own right;
- c) the restoration of an existing clachan or close, through conversion and/or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included.

This proposal does not comply with point a) of the above. Additional information submitted through the processing of this proposal has been an attempt to show that the proposal site is close to existing tourist amenity that is a significant visitor attraction in its own right. The closest attractions identified by the agent are within 1-2 miles of the proposal site however it is not my opinion that the attractions are significant in their own right to justify the approval of the proposed self-catering accommodation in the countryside. In addition the distance of the proposed site is too great for the proposed accommodation to be considered ancillary to the primary tourism locations mentioned and as such fails to meet this policy and as such I would advise the committee that a refusal may be the most appropriate decision. However it may be the planning committee's opinion that this proposal would be a valuable addition to the available accommodation in this particular locality and as such may feel it acceptable to issue an approval.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Exception to policy

**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 glamping pods hereby permitted shall be used only for holiday accommodation and shall not be used for permanent residence(s).

Reason: The site is located within a rural area where it is the policy of the Department to restrict development and this consent is hereby granted solely because of its proposed holiday use.

**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:**

<b>ANNEX</b>	
<b>Date Valid</b>	15th September 2016
<b>Date First Advertised</b>	29th September 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/1281/F Proposal: Campsite of 4 wooden "Glamping" style cabins with ancillary facilities cabin with on-site sewage treatment and access roadway (under farm diversification) Address: 200m NE of 36 Slaughtneil Road, Maghera, Decision: Decision Date:	
Ref ID: H/2008/0446/F Proposal: Proposed replacement dwelling and garage Address: Approx. 30metres North of 34 Slaughtneil Road, Maghera Decision: Decision Date: 24.11.2008	
Ref ID: H/1998/6027 Proposal: DWELLING HOUSE TIRKANE ROAD MAGHERA Address: TIRKANE ROAD Decision: Decision Date:	
Ref ID: H/2002/0693/F Proposal: Dwelling & garage Address: 120 m NE of 34 Slaghtneill Road, Maghera Decision:	

Decision Date: 23.10.2002

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

Drawing No. 02  
Type: Proposed Plans  
Status: Approved

Drawing No. 03  
Type: Proposed Plans  
Status: Approved

Drawing No. 04  
Type: Proposed Plans  
Status: Approved

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

Date of Notification to Department:  
Response of Department:

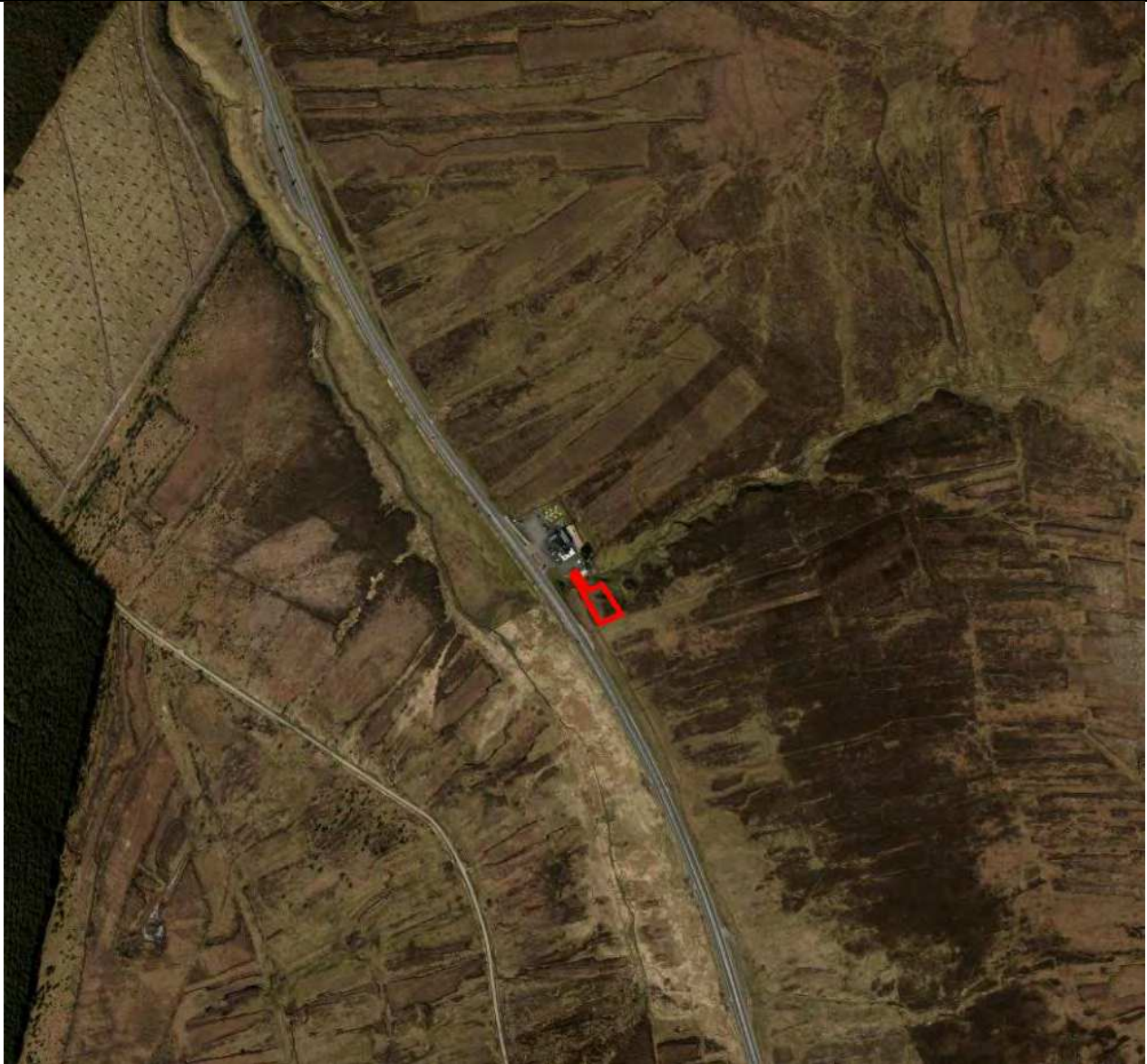


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1406/F	<b>Target Date:</b>
<b>Proposal:</b> Provision of Additional Car Parking and Associated Site Works	<b>Location:</b> Lands 60m SE of The Ponderosa Bar and Restaurant 974 Glenshane Road Dungiven
<b>Referral Route:</b> Refusal – contrary to PPS in that the development would, if permitted, have an unacceptable adverse impact on the conservation objectives of the Carn-Glenshane Pass SAC/ASSI and the River Roe and tributaries SAC/ASSI.	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Mr Karl McErlean c/o The Ponderosa Bar & Restaurant 974 Glenshane Road Dungiven BT47 4SD	<b>Agent Name and Address:</b> MBA Planning 4 College House Citylink Business Park Belfast BT12 4HQ
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

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



Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	NIEA	Substantive Response Received
Statutory	Shared Environmental Services	Advice
Statutory	Shared Environmental Services	Advice
Statutory	Shared Environmental Services	Advice
Statutory	NIEA	Advice
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<b>Characteristics of the Site and Area</b>		
<p>The proposal site is located immediately adjacent to a long established restaurant and parking area.</p> <p>The proposal site is to increase the level of parking at the existing site by the introduction of a small bridge and car parking on the adjacent vacant land. The site is adjacent to a main road and has no other development within the near vicinity.</p>		
<b>Description of Proposal</b>		
Full application for ' provision of additional car parking and associated site works'.		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
The proposal site is within the Carn - Glenshane Pass SAC _ ASSI (special area of conservation) as defined in the Magherafelt Area Plan 2015.		

Consultees: - Environmental Health were asked to comment and responded on 09.11.2016 with no objections.

Rivers Agency were asked to comment and responded on 12.11.2016 with no objections.

HED were asked to comment and responded on 17.11.2016 with no objections.

DAERA (NIEA) were asked to comment and responded on 18.11.2016 - Water Management Unit is content with the proposal subject to conditions. However Natural Environment Division objects to the proposal, as per their consultation response dated 13.03.2017 they have stated that they have serious nature conservation concerns with this proposal and considers that it is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH1 and 3, in that development would if permitted, have an unacceptable adverse impact on the conservation objectives of the designated site. NED were reconsulted and responded on 12.06.2017 stating that they maintain their objection to the proposal as it is likely to have an indirect and direct adverse impact on the conservation objectives of the Carn-Glenshane Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI). Following this, additional information was submitted by the agent disagreeing with NED and SES points, this was in the form of an email dated 02.10.2017.

Transportni were asked to comment and responded on 21.12.2016 with no objections to the proposal.

Shared Environmental Services were asked to comment and responded on 15.06.2017 requesting additional information and stating that as submitted the proposed is contrary to the conservation objectives for Carn-Glanshane Pass SAC, and thus would have the potential to have an adverse effect on the site integrity of this European Site.

Neighbours: - There are no neighbouring properties to be notified of this proposal.

In line with legislation this proposal was advertised in several local press publications during October 2016, no representations have been received to date.

#### SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 15 - Planning and Flood risk

Planning Policy Statement 21 - Sustainable development in the countryside

In line with PPS3 transportni were asked to comment on this proposal. They responded on 21.12.2016 with no objections to the proposal subject to conditions and informatives.

In line with planning policy statement 2, planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed special protection area, special areas of conservation, candidate special areas of conservation and sites of community importance); or
- a listed or proposed RAMSAR site.

The application site is within Carn-Glenshane Pass SAC/ASSI and is also hydrologically connected to the River Roe and Tributaries SAC/ASSI and as such the applicant is required to demonstrate that there is no alternative solutions for their proposed development and also to demonstrate/prove that the proposed development is required for imperative reasons of overriding public interest.

The applicant has stated that the application site has been selected as this was the only land available adjacent to the existing premises that the applicant could acquire. A full and detailed planning, design and access statement, an outline construction environmental management

plan, a habitats and mammals assessment, a peat slide risk assessment and a drainage assessment have all been submitted with this proposed application. Despite this NIEA remains to have concerns relating to this proposal and the possible impact its approval could have on the Conservation objectives of the SAC.

In line with PPS 15 a drainage assessment was submitted with this proposal. Rivers Agency were consulted with this document and they responded on 12.11.2016 stating that although the submitted drainage assessment did not fully comply with the policy Rivers agency could not sustain a reason to object to the proposed development from a drainage or flood risk perspective due to the very small amount of surface water runoff generated. Advice was given in their response to be added to a decision notice should an approval be granted.

In line with PPS 21 there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It has not been demonstrated how this proposal is compatible with this unique landscape and how its benefits would outweigh the negatives potentially caused by its approval.

Within the submitted supporting information references have been made as to the 'Ponderosa' being a 'tourism hotspot' and for this reason along with the increased business that an approval should be granted. However irrespective of the validity of this statement or not tourists are attracted to this particular location because of the special landscapes and this should be protected by only granting approval for developments which are appropriate in terms of nature, scale and location.

In conclusion having considered the policies above and all advice and guidance from consultees especially NED and SES stating they have 'serious concerns' I feel this proposal as submitted is not acceptable and a refusal should be issued.

Recommendation: Refusal

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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<b>Summary of Recommendation:</b>	
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Refusal recommended.

<b>Reasons for Refusal:</b>	
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1. The proposal is contrary to the Department's Planning Policy Statement 2, Natural Heritage, in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of the Carn-Glenshane Pass SAC/ASSI and the River Roe and tributaries SAC/ASSI.

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

<b>ANNEX</b>	
<b>Date Valid</b>	5th October 2016
<b>Date First Advertised</b>	20th October 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Non applicable	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1406/F Proposal: Provision of Additional Car Parking and Associated Site Works Address: Lands 60m SE of The Ponderosa Bar and Restaurant, 974 Glenshane Road, Dungiven, Decision: Decision Date:  Ref ID: B/2014/0247/F Proposal: Retrospective planning for conversion of smoking area to restaurant area, stone external cladding and new smoking/storage area. Address: 974 Glenshane Road, Dungiven., Decision: PG Decision Date:  Ref ID: B/2013/0289/F Proposal: conversion & extensions to existing pub/restaurant to incorporate a coffee shop, new kitchen, toilet facilities, smoking area and relocation of off licence Address: 974 Glenshane Road, Dungiven, Decision: PG Decision Date:  Ref ID: B/2014/0246/A Proposal: Vertical sign and wall mounted signage on main building	

Address: 974 Glenshane Road, Dungiven,  
Decision: CG  
Decision Date:

Ref ID: LA01/2016/0338/PAD  
Proposal: Proposed extension to the Ponderosa  
Address: 974 Glenshane Road, Dungiven,  
Decision:  
Decision Date:

Ref ID: LA09/2016/0301/PAN  
Proposal: Extension to the Ponderosa to accommodate function room and tourist facilities, 6 no self catering chalets, car parking and associated site works  
Address: The Ponderosa and adjoining land to the Southeast, 974 Glenshane Road, Dungiven,  
Decision:  
Decision Date:

Ref ID: LA09/2016/0302/PAD  
Proposal: Extension to the Ponderosa to accommodate function room and tourist facilities, 6 no self catering chalets, car parking and associated site works  
Address: The Ponderosa and adjoining land to the Southeast, 974 Glenshane Road, Dungiven,  
Decision:  
Decision Date:

Ref ID: B/1997/0306  
Proposal: Erection of 30 m lattice telecommunications tower and associated equipment with 2.15 m high chain link fence  
Address: TO REAR OF PONDEROSA BAR GLENSHANE ROAD CARRUDDA LIMAVADY  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

Drawing No. DOC 05  
Type: Miscellaneous  
Status: Submitted

Drawing No. DOC 04  
Type: Miscellaneous  
Status: Submitted

Drawing No. DOC 03  
Type: Miscellaneous  
Status: Submitted

Drawing No. DOC 02  
Type: Miscellaneous  
Status: Submitted

Drawing No. DOC 01  
Type: Miscellaneous  
Status: Submitted

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1571/F	<b>Target Date:</b>
<b>Proposal:</b> Provision of 8 Dwellings - 2 no Complex Needs Dwellings (3P2B Bungalow) and 6 no General Needs Dwellings (3 no. 5P3B Houses and 3 no. 3P2B Houses) with new access road and footpath	<b>Location:</b> Lands at Roskeen Road Moygashel Dungannon (Between 5-15 and 53 Roskeen Road)
<b>Referral Route:</b> Application that is contrary to the Area Plan.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Apex Housing Association Ltd 10 Butcher Street Derry BT48 6HL	<b>Agent Name and Address:</b> Diamond (Belfast) Ltd 185A Ormeau Road Belfast BT7 1SQ
<b>Executive Summary:</b> Housing development on land that is zoned for open space and is contrary to the plan. Exceptions to policy allowed for social housing and the developments other policies and guidance.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

Letters of Support	None Received
Letters of Objection	None Received



Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b> None raised	
<b>Characteristics of the Site and Area</b>  The site is a portion of grassed open space with some trees planted within it. Ground levels fall from a low retaining wall to the north towards a hedge at the south. Immediately north of the site, on higher ground beyond an access road, sits a terrace of red brick 2 storey dwellings, which is typical of the appearance of dwellings to the north and these are predominantly terraced with some semi-detached dwellings. To the east is an area of open space that has an all weather playing surface and grassed playing area. A former playschool to the east is now St David's Laboratory Services. Dwellings to the south are render finished with hipped roofs and are predominantly semi-detached with some terraced dwellings. There are agricultural fields to the south and west.	
<b>Description of Proposal</b>  The proposal is for the erection of 8 dwellings, 1 pair of semi detached bungalows and 3 pairs of 2 storey semi-detached dwellings. The dwellings are proposed to be finished with flat concrete roof tiles and smooth red clay brick walls with render panels. Rear amenity spaces are to be fenced off with 1.8m wooden screen fences and 1m high railing to the fronts of the gardens. Retaining structures are proposed along the boundaries of the site: 1.5m to 3.5m walling topped by 1.8m screen fence, where the site has a boundary with the existing dwellings and roadway for 5 – 15 Roskeen Road and 2.5m to 3.0m retaining bank to the gardens of the dwellings along the south of the site. Landscaping is also proposed as well as an access road the widening of the existing Roskeen Road.	
<b>Planning Assessment of Policy and Other Material Considerations</b>  The proposal should be considered against the policies in the Dungannon & South Tyrone Area Plan 2010 (DSTAP), which is the extant plan for the area. Other policies for consideration are contained in the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 3 (PPS3) – Access, Movement & Parking, Planning Policy Statement 7 (PPS7) – Quality Residential Environments, PPS7 Addendum – Safeguarding the Character of Established Residential Areas, Planning Policy Statement 8 (PPS8) – Openspace, Sport and Outdoor Recreation, Planning Policy Statement 12 (PPS12) and Planning Policy Statement 13 (PPS13). Other guidance documents include Creating Place, DCAN 8 and DCAN 15.	

The Dungannon and South Tyrone Area Plan 2010 is the extant plan for the area, the site is located within the settlement limits for Dungannon as defined by SETT1 and Policy AG11 identifies the site for a Community Woodland. Members are advised that this proposal for housing on this site is therefore contrary to the area plan. As the site is an existing area of open space, this proposal is also contrary to Policy ROS1 of the DSTAP and Policy OS1 of PPS8, which provides protection to the area from development as it advocates a presumption against loss of existing areas of open space. However, members are advised there is an exception to Policy OS1, where there is substantial community benefit that decisively outweighs the loss of open space. Members are also advised, NIHE are the owners of this land and they had a Joint Protocol with DoE Planning Service that recognised there may be circumstances where existing open space can be developed. In considering this development the protocol sets out information that is necessary to consider if development meets with the exception. NIHE have recognised there is a need for social housing in Moygashel and this development would help to service that need. Another area of NIHE land that was considered is an existing area of open space located to the north of Dunore Avenue, however discussions in relation to it identified issues with poor vehicular access to the site and difficulties with development due to the sloping nature of the site. The DoE Planning Service accepted development on this site: outline planning permission was granted on 16th October 2008 under M/2007/1515/O for 6 houses and full planning permission was granted on 14th February 2012 under M/2011/0448/F for 8 houses. Members should note development has not been commenced in relation to either of these and they have lapsed, though this application was received before the M/2011/0448/F permission had expired. The proposal will result in the loss of an area of 0.42ha of open space, which NIHE have advise has problems with maintenance as it is used as a bonfire site. There will still remain 1.3ha of open space in the immediate vicinity with the playing areas to the east, the community woodland to the north and the green area at Dunore Avenue further north. There is also Dungannon Park close by which is a very significant area of open space owned and managed by the Council, therefore I consider if this 0.42ha of open space is developed there is still a satisfactory amount of open space remaining in the area. It is noted there have not been any objections from the local community in relation to the proposal and in a supporting statement the applicant has indicated that the remainder of the community woodland will be provided with linkages through this site to the community woodland and this will benefit the local community and also improve biodiversity. Taking into account all of the above I consider that the proposal can be considered as an exception to OS1 of PPS8 and as it meets Regional Policy it will meet with ROS1 of the DSTAP. In principle I consider housing can be accepted on this site.

The proposed development of 8 houses on this 0.43ha site is similar in density to the adjacent houses in Roskeen Road, and the house types are similar in style and appearance to the surrounding dwellings. I consider they reflect the existing red brick houses to the north in Roskeen Road. Parking has been provided for 2 vehicles clear of the public road for each dwelling, which I consider is appropriate as other spaces are available on the adjacent estate road. The sloping nature of the site requires retaining structures and cut and fill to develop the site, the more prominent retaining walls on the north of the site are in front of existing concrete retaining walls and I consider the proposed walls improve their appearance. The lower part of the site is proposed to be retained by reinforced earth banks and these will have limited visual impact on the area. Overall the development is well spaced out and private amenity space, to the rear of the dwellings is screened off by fences and landscaping and is well above the guided minimum space requirement. There are small public areas of trees and landscaping proposed within the development and I consider these are of an appropriate scale given the community woodland at the end of the development. It is notable that the gardens on sites 1 and 2, the bungalows, are less than the 10m guidance for rear gardens. While this is not desirable, I consider it can be accepted in this instance as the boundary line location will dictate that any

development on the other side of the boundary is likely to have more generous gardens. The separation between plots 1 & 2 and 7 & 8 is 15 metres from front to front, I consider this is appropriate in this instance as it is 2 storey on one side of the estate road and single storey on the other side, which I consider will lessen the feeling of being closed in which could occur if it was 2 storey on both sides. The proposed development links into the existing footpaths, which in turn provide linkages to Dungannon Park, the National Cycle Network and the Main Street in Moygashel where there is existing retail, services and public transport links.

Part of the site has been historically used as a bonfire site which presents issues in relation to land contamination. Environmental Health and NIEA have been consulted in relation to the possible impacts on future residents and have agreed a mitigation scheme that should be carried out prior to any housing being occupied.

Taking account of all of the above factors I consider the proposed development can be considered as an exception to the Open space policies and the layout and design of the development is acceptable.

**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. The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with the approved plans, prior to the commencement/occupation/operation of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

5. No other development hereby permitted shall be occupied until the road works indicated on Drawing No.... bearing the date stamp .... have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

6. The development hereby permitted shall not be occupied until the remediation measures as described in the RSK Ireland Ltd Remedial Strategy, Lands at Roskeen Road, Moygashel, Ref 601209-R3(00), dated April 2017 have been implemented to the satisfaction of Mid Ulster District Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

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

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

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

8. After completing the remediation works under Conditions 6 and 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Mid Ulster District Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

9. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drawing No 17 bearing the stamp dated 26 OCT 2017 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development hereby approved and shall be maintained in accordance with the approved details.

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

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

1. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings No 16 Rev 2 bearing the date stamp 5 SEP 2017.

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

2. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 16 REV 2 bearing the date stamp 5 SEP 2017. The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

3. The development hereby permitted, shall not be adopted until any retaining wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1 : Design Manual for Roads and Bridges.

REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1 : Design Manual for Roads and Bridges.

Informatives

Your attention is drawn to the comments or Roads, NIEA and EHO.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	7th November 2016
<b>Date First Advertised</b>	24th November 2016
<b>Date Last Advertised</b>	2nd February 2017
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Roskeen Road Moygashel Tyrone The Owner/Occupier, 13 Roskeen Road Moygashel Tyrone The Owner/Occupier, 15 Roskeen Road Moygashel Tyrone The Owner/Occupier, 20 Roskeen Road Moygashel Tyrone The Owner/Occupier, 24 Roskeen Road, Moygashel, Tyrone, BT71 7RG, The Owner/Occupier, 24 Dunore Avenue, Motgashel, Co Tyrone The Owner/Occupier, 26 Dunore Avenue, Moygashel, Co Tyrone The Owner/Occupier, 26 Roskeen Road, Moygashel, Tyrone, BT71 7RG, The Owner/Occupier, 3 Roskeen Road, Moygashel, Tyrone, BT71 7RG, The Owner/Occupier, 4 Ardmore Terrace, Moygashel, Dungannon The Owner/Occupier, 5 Roskeen Road Moygashel Tyrone The Owner/Occupier, 53 Hillcrest Park, Moygashel, Co. Tyrone The Owner/Occupier, 53 Roskeen Road, Moygashel, Dungannon, BT71 7RG The Owner/Occupier, 7 Roskeen Road Moygashel Tyrone The Owner/Occupier, 8 Ardmore Terrace, Moygashel, Dungannon The Owner/Occupier, 9 Roskeen Road Moygashel Tyrone	
<b>Date of Last Neighbour Notification</b>	18th January 2017

<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	<b>NA</b>
<p><b>Planning History</b></p> <p>Ref ID: M/1984/0249  Proposal: RECREATION AND AMENITY AREA  Address: MOYGASHEL, DUNGANNON  Decision:  Decision Date:</p> <p>Ref ID: M/1978/0635  Proposal: PLAYFIELD AND AMENITY AREA  Address: MOYGASHEL, DUNGANNON  Decision:  Decision Date:</p> <p>Ref ID: M/2011/0448/F  Proposal: 8 no. Passivhaus dwellings within curtilage parking, vehicular/pedestrian access  Address: Lands adjacent to Roskeen Road, Moygashel,  Decision:  Decision Date: 17.02.2012</p> <p>Ref ID: M/1998/0218  Proposal: Site for Residential Development  Address: LAND SOUTH OF DUNORE AVENUE MOYGASHEL  Decision:  Decision Date:</p> <p>Ref ID: M/2001/1050/Q  Proposal: Housing Development  Address: Roskeen Road, Moygashel, Dungannon  Decision:  Decision Date:</p> <p>Ref ID: M/2007/1515/O  Proposal: Proposal for approx 6 dwellings within curtilage parking, vehicular/pedestrian access  Address: Land adj to Roskeen Road, Opposite nos 5-15, Moygashel  Decision:</p>	

Decision Date: 22.10.2008

Ref ID: M/2011/0454/PREAPP

Proposal: Passive Housing Scheme

Address: Roskeen Road, Moygashel, County Tyrone,

Decision:

Decision Date:

Ref ID: M/1974/020301

Proposal: PLAY AREA, SITTING AREA AND PLANTING

Address: MOYGASHEL PARK, MOYGASHEL

Decision:

Decision Date:

Ref ID: M/1974/0203

Proposal: CHILDREN'S PLAY AREA, SITTING AREA AND PLANTING

Address: MOYGASHEL PARK, MOYGASHEL

Decision:

Decision Date:

Ref ID: LA09/2016/1571/F

Proposal: Provision of 8 Dwellings - 3 no Complex Needs Dwellings (1no 6P5B Bungalow, 2no 3P2B Bungalows) and 5 no General Needs Dwellings (2no 5P3B Houses, 2no 3P2B Houses and 1 no 3P2B Bungalow) with New Access Road and Footpath

Address: Lands at Roskeen Road Moygashel Dungannon (Between 5-15 and 53 Roskeen Road),

Decision:

Decision Date:

### **Summary of Consultee Responses**

TNI – Council should attach conditions to any approval

EHO – conditions to be attached in relation to contamination

NIEA – conditions to be attached in relation to contamination

NIHE – identified need for social housing in the area

NI Water – available capacity at WWTW

### **Drawing Numbers and Title**



Drawing No. 05  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 15  
Type: Proposed Plans  
Status: Submitted

Drawing No. 06  
Type: Levels and Cross Sections  
Status: Submitted

Drawing No. 07  
Type: Proposed Plans  
Status: Submitted

Drawing No. 08  
Type: Proposed Plans  
Status: Submitted

Drawing No. 09  
Type: Proposed Plans  
Status: Submitted

Drawing No. 10  
Type: Proposed Plans  
Status: Submitted

Drawing No. 11  
Type: Proposed Plans  
Status: Submitted

Drawing No. 12  
Type: Proposed Plans  
Status: Submitted

Drawing No. 13  
Type: Proposed Plans  
Status: Submitted

Drawing No. 04  
Type: Roads Details  
Status: Submitted

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

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

Drawing No. 14  
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:

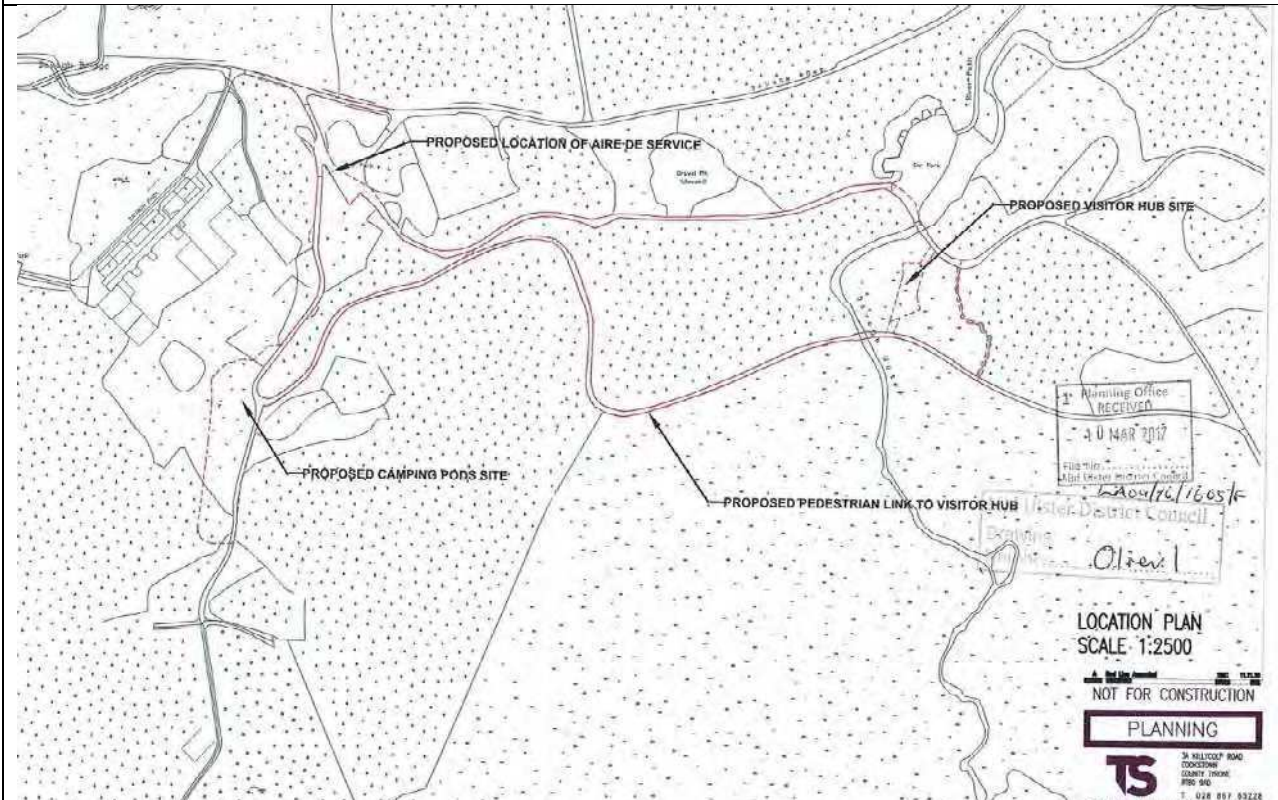


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1605/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed observatory visitor hub, 5 no glamping pods and amenities compound with associated external works.	<b>Location:</b> Davagh Forest Park Davagh Road Omagh
<b>Referral Route: Council application.</b>	
<b>Recommendation:</b> Approval subject to conditions.	
<b>Applicant Name and Address:</b> Mid Ulster District Council 76 - 78 Burn Road Cookstown BT80 8DR	<b>Agent Name and Address:</b> Teague and Sally 3A Killycolp Road Cookstown BT80 9AD
<b>Executive Summary:</b> recommendation to approve in absence of NED final comments subject to conditions.	
<b>Signature(s): M.Bowman</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	Historic Environment Division (HED)	Content
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Northern Ireland Tourist Board	
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Add Info Requested

Non Statutory	Northern Ireland Tourist Board	
Statutory	NIEA	Advice
Non Statutory	Northern Ireland Tourist Board	
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Shared Environmental Services	Add Info Requested
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Add Info Requested
Statutory	NIEA	Extension Required
Statutory	Transport NI - Enniskillen Office	Content
Statutory	NIEA	Final response outstanding
Non Statutory	Shared Environmental Services	Final response outstanding
Non Statutory	Shared Environmental Services	
Non Statutory	Shared Environmental Services	
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Characteristics of the Site and Area</b>		
<p>This is a location within Davagh Forest, an AONB, Tourism Opportunity Site and Countryside Policy Area as identified in the Cookstown Area Plan.</p> <p>The proposed development occupies 2 separate plots of land within the forest for the 5 glamping pods and for the dedicated observatory visitor hub.</p> <p>The site of the observatory has been identified as being on wet heath in transition to blanket bog. An adjacent plot of lands has been identified as being blanket bog by NIEA. The glamping pod location is regarded as being less sensitive, being in an area of previously felled trees.</p>		

## Description of Proposal

Proposed observatory visitor hub, 5 no glamping pods and amenities compound with associated external works.

## Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan

SPPS

PPS2

PPS21

PPS8

PPS6

PPS16

This proposal involves the erection of a purpose built observatory which within the submitted design and access statement is designed to be sympathetic to its environment by way of respecting the sites undulating and changing surroundings. This has led to an irregular design and form with clever use of timber cladding to help blend in with the sites woodland surroundings. The pods site has been chosen to make use of existing paths and parking facilities. The buildings are modest in scale and undulate between heights of 2.4m to 5.12m.

Historically the site has had a high level of use particularly by mountain bikers. A dedicated MTB trail is now well established throughout the forest. It is also traditionally well used by walkers and runners informally. Significant areas of tree harvesting have taken place over recent years also.

The Council within its Tourism strategy has identified the potential of the area and has proposed the Dark Skies project here. Research has shown that the Davagh area offers one of the best locations in NI to view the night sky. The Council are seeking to register the area under the IDA (International Darksky Association).

The chosen location has had to consider carefully the ability to minimise all potential for light pollution and one which provides shelter. The exact site has also been chosen to maximise views of the sky and is sited far enough away from trees not to obscure views.

The Cookstown Area Plan identifies the location of the proposal within a Tourism Opportunity Zone (TM1) Within these zones favourable consideration will be given to tourism and recreational development provided these integrate with their surroundings, provides adequate infrastructure and will not have any significant detrimental impact on conservation interests.

Policy TM3 deals with the design of tourism development. This promotes quality in design and such proposals should also meet the following criteria:

- Respect local topography, the character of the local landscape and features of nature conservation or heritage interest
- The form, scale, design and character of development should be appropriate to landscape setting
- The proposal should make use of materials appropriate to the locality
- There should be no significant detrimental impact on the amenities of any adjoining residential properties
- The proposal should meet the requirements of people with disabilities or special needs.

The Plan goes on to reinforce the sustainability of the tourism industry to the Council area. It is recognised that there will always be impact however development that complies with the basic principles of good design and sympathetic landscaping, sympathetic location will ensure that new tourism facilities minimise detrimental effects whilst securing the long term future of tourism resources.

The Council's Tourism Strategy states that Mid Ulster has the potential to expand its tourism offer significantly by focusing upon one new tourism strand, currently under development – linked to Seamus Heaney - and two strands that are significant and prominent, but so far undeveloped, relating to Outdoor Activities and to Archaeological sites, the History and Heritage of the island of Ireland, Northern Ireland and the area itself. These strands, or themes, will serve as the strategic core propositions for Mid Ulster, to attract visitors, encourage them to stay longer in the area and ensure that tourism contributes to the local economy.

The success of the area in initiating and running events which have grabbed the imagination – such as the Dark Skies project – offer a positive foundation for new events to enhance off season visitation. This has a direct link to Davagh forest and this planning application.

The overall vision for Mid Ulster Tourism is to enhance Mid Ulster's image and reputation for visitors and grow the visitor economy to £50m by 2021 as measured by overnight visitor expenditure. It is of course the case and my view that this proposal will help to achieve this aim.

The SPSS recognises the vital contribution that tourism makes to the NI economy. Its regional strategic objectives are to facilitate sustainable tourism development in an environmentally sensitive manner; contribute to the growth of the regional economy by facilitating tourism growth; safeguard tourist assets from inappropriate development; utilise and develop tourism potential of settlements by facilitating tourism development of an appropriate nature and scale; sustain a vibrant rural community by supporting tourism development of an appropriate scale, nature and ensure a high standard of quality and design for all tourist development.

PPS21 Policy CTY1 permits non-residential development in countryside, such as this proposal, for tourism development as long as such development is in accordance with PPS16. The aim of this Planning Policy Statement (PPS) is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

**Policy TSM 2** 'Tourist Amenities in the Countryside' is relevant. For new Proposals Planning permission will be granted for a tourist amenity in the countryside where it is demonstrated that:

- a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside,
- or b) the type of tourist activity in itself requires a countryside location.

All proposals that include buildings must make provision in existing or replacement buildings, where possible. Where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it must demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Such applications must be supported by a tourism benefit statement and a sustainable benefit statement.

A tourist amenity is defined by the Tourism (NI) Order 1992 as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. As the glamping pods offer a form of accommodation I must pay regard to **TSM 5** 'Self Catering Accommodation in the



Countryside'. Planning approval will be granted for self catering units of tourist accommodation in any of the following circumstances:

- (a) one or more new units all located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park;
- (b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;
- (c) the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries.

Where practicable original materials and finishes should be included. In either circumstance (a) or (b) above, self catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.

This application proposes small glamping pods with a 31sq.m floor area which include a kitchen, living area and bunk. These are located close to the existing tourist amenity of the MTB trails that already is a significant visitor attraction in its own right. They integrate well into the landscape and are of high quality and sensitive design using a cedar cladding and single ply roof membrane. I therefore take the view that they are acceptable within provision (b) of TSM5.

**TSM 7** 'Criteria for Tourism Development' is a policy which must be given consideration for this proposal also.

A proposal for a tourism use, in addition to the other policy provisions of this Statement, will be subject to the following design criteria:

Design Criteria (a) 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 has been satisfactorily addressed in the submitted Design and Access Statement.

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

Both the Observatory and the Pods are of high quality design and utilise open forested areas.

(c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;

This site is very remote within the heart of the forest.

(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;

Reed beds and a Swale proposed as well as traditional soakaway for the Pods.

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

This is a remote location. I understand there are measures in place at the entrance points to Davagh.

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding

site context. In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o). General Criteria

n/a

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

The proposal will satisfy this requirement and will in no way detract from the site or wider AONB location.

(h) it does not harm the amenities of nearby residents;

No nearby residents

(i) it does not adversely affect features of the natural or built heritage;

Discussed further below

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

Provided for via on site facilities and mains supply.

(k) access arrangements must be in accordance with the Department's published guidance;

TNI have no objections

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

As above.

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

As above.

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.

N/A

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided

The proposal utilises and promotes greater access to the adjoining amenity in my view.

**PPS2** is critical to this proposal given its potential to impact detrimentally on the natural environment. Whilst there are no issues which arise with the glamping pods, the visitor hub lies adjacent to a sensitive site.

Natural Environment Division (NED) has concerns with this proposal and considers that, in the absence of amendments; the proposal would be contrary to the Habitats Regulations and Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that:

1. The development would have an unacceptable adverse impact on priority habitats and natural heritage feature worthy of protection and insufficient information has been submitted on appropriate mitigation and compensation measures Designated Sites  
Given that the chosen site for the visitors centre has been carefully chosen for the reasons outlined earlier in this report its re-location is not at this stage a likely option for the Council. As a result the Council employed the services of ecologist to propose compensatory measures for the loss of priority habitat felt to be caused by the proposed building.

NED has considered the content but remain concerned with the loss of habitat that is proposed by the development of the visitors hub. NED refers to PPS 2 NH5, *'A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitat, species or other features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required'*.

NED still however considers that there is the potential to remove the visitors hub out of areas of priority habitat and that appropriate alternative locations have not been sought. The removal of the visitors hub out of priority habitat would alleviate NED concerns regarding the permanent impact to priority habitat.

If it is considered by the Planning Authority that the location of the visitors hub is appropriate, NED would advise that further information is requested to ensure that the mitigation proposed is adequate to compensate for the loss of priority habitat caused by the development. NED has concerns regarding the sites 1 & 2 proposed for compensation, and notes that a Habitat Management Plan should be submitted to fully assess the potential for habitat restoration. NED notes that a restoration project has already taken place within site 1 and is of good quality in areas.

NED also has concerns the sites 1 & 2 would be inappropriate for ground nesting birds as the conifer plantation would provide good cover for predators and therefore likely to increase predation of breeding birds in the sites.

NED have asked for the following information,

1. A change of location for the habitat offsetting to take place, in order to provide a suitable site that is likely to be restored and maintained.

Or

2. If the habitat off-setting location is to remain a Habitat Management plan must be submitted, to include the schedule of management and monitoring of the compensation sites for a minimum of 25 years. This habitat Management Plan must take into account the concerns raised in the consultation response.

In response an Outline Construction Environmental Management Plan was received on the 29 Aug 2017. Both SES and NED have been consulted. Unfortunately NED have still to comment on its contents whilst SES have issued a draft response (subject to final NED Comments) stating the following:

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

It seems clear that NED have accepted the principle of 'off-setting' and that the only outstanding matter relates to site selection for off-setting and its long-term management. This is itself not development, as a result I am content that this can be dealt with by condition given the lands in question are in public control.

I therefore suggest that a condition proposes the following:

1. That a 25yr Management Plan for peatland sites in order to compensate for this proposal shall be submitted and agreed in writing by the Council and NED prior to the observatory opening.

Reason: To ensure the long term protection of all identified compensation areas.

Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH 4 of PPS 6.

Having considered the need for this proposed development, the support that it has from the local area plan and other Tourism Policies, along with the importance of the amenity for Mid-Ulster Council's Tourism Strategy as well as a tight deadline to secure the future delivery of the project, I recommend that the application be approved.

It is acknowledged that this opinion is being presented to Committee without the final response from NED who have not been able to provide a final response within statutory timescales. It is the case that NED may have formally responded via SES when the application comes before Committee in which case members can be further advised however given that the principle of the Environmental off-setting appears to be agreed by NED the condition as set out below I feel offers sufficient long-term protection of these areas.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation: approval subject to conditions.**

Conditions.

1. 5 year commencement of development

2. 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 12(Rev 2) bearing date stamp 10/03/17 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 circulation within the site.

3..A (final) Construction Environmental Management Plan must be submitted to Mid Ulster Council at least eight weeks prior to any works commencing by the appointed contractor. This must identify all potential risks to the adjacent watercourse and appropriate mitigation to eliminate these risks as detailed within the OCEMP (10/08/2017). Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified. The approved Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the council. Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of Owenkillew River SAC.

4. That a 25 year Management Plan for peatland sites in order to compensate for this proposal shall be submitted and agreed in writing by the Council and NED prior to the observatory opening.

Reason: To ensure the long term protection of all identified compensation areas.

5. A suitable (vegetated) buffer of at least 10metres shall be maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all watercourses within or adjacent to the red line boundary.

Reason: To prevent polluting discharges entering and impacting on the site integrity of the Owenkillew River SAC.

6.No works will occur within the 10metres of the Owenkillew River SAC boundary.

Reason: To prevent polluting discharges entering and impacting on the site integrity of the Owenkillew River SAC

7.There shall be no in-river works of any nature.

Reason: To prevent pollution or damage to the Owenkillew River SAC.

8.All refuelling, storage of oil/fuel/machinery, concrete mixing and washing shall be positioned outside of the Q100 floodplain.

Reason: To prevent polluting discharges entering and impacting on the site integrity of the Owenkillew River SAC.

9.There shall be no direct discharge of surface water from the site to the any watercourse during all construction works.

Reason: To prevent polluting discharges entering and impacting on the site integrity of the Owenkillew River SAC.

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

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

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

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

**Signature(s) M.Bowman**

**Date: 26<sup>TH</sup> Oct 2017.**

<b>ANNEX</b>	
<b>Date Valid</b>	14th November 2016
<b>Date First Advertised</b>	1st December 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Davagh Park Davagh Lower Mountfield The Owner/Occupier, 2 Davagh Park Davagh Lower Mountfield The Owner/Occupier, 3 Davagh Park Davagh Lower Mountfield The Owner/Occupier, 4 Davagh Park Davagh Lower Mountfield The Owner/Occupier, 5 Davagh Park Davagh Lower Mountfield The Owner/Occupier, 6 Davagh Park Davagh Lower Mountfield	
<b>Date of Last Neighbour Notification</b>	11th July 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1605/F Proposal: Proposed observatory visitor hub, 5 no glamping pods and amenities compound with associated external works Address: Davagh Forest Park, Davagh Road, Omagh, Decision: Decision Date:  Ref ID: I/2013/0294/PREAPP Proposal: Proposed recreational building with parking, including camping pods Address: Davagh Forest Project, Cookstown, Decision: EOL Decision Date:  Ref ID: LA09/2015/0803/PAD Proposal: Provision and management of outdoor recreation at the site including walking and mountain biking	

Address: Davagh Forest Park, Co Tyrone, Decision: Decision Date:
<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1642/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Land between 151 and 151a Five Mile Straight Fallagloon Maghera
<b>Referral Route:</b> Objections received	
<b>Recommendation: Approve</b>	
<b>Applicant Name and Address:</b> Maura McKenna 113 Fivemile Straight Maghera BT46 5JP	<b>Agent Name and Address:</b> CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
<b>Executive Summary:</b> Objections have been received to the application. Infill site.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Pattern of development, right to a view, impact on residential amenity, interference with water mains.

### Characteristics of the Site and Area

The site is located 1.5 mile south west of Maghera in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located between 151 & 151a Five Mile Straight and comprises entirely of a small agricultural roadside field. The site is relatively flat in nature and is bound by tall mature vegetation along the southern and western boundaries. The northern and eastern boundaries are defined by 1.5m hedgerow with some matures trees. The surrounding area is characterised by a relatively flat landscape and the predominant land use is of an agricultural nature, with one off single dwellings and associated outbuildings also visible in the locality.

**Description of Proposal**

The application seeks outline planning permission for a site for a dwelling and garage. The Agent indicates this is an infill dwelling.

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

There is no relevant site history.

2 neighbour notification letters were sent to the occupiers of Nos 151 & 151a Five Mile Straight, Maghera.

2 objection letters have been received, one from Kathleen Convery who resides at No 151 Five Mile Straight which is the property located immediately north of the proposal site and the other from Alexander Bradley & H Bradley who resides at No 151a Five Mile Straight the property located immediately south of the proposal site.

Kathleen Convery raises the following concerns:-

1. Impact on residential amenity.
2. The proposal will have a negative impact on surrounding views, particularly views of Slievegallion Mountain.
3. There is no availability of mains water or sewerage in the area and there is inadequate infrastructure to support the proposed development.

With regards to the first objection it will be considered in greater detail in the policy assessment below. The second objection relating to the right to a view is not considered a valid planning objection, however I am satisfied that a dwelling located in the southern portion of the site will help to minimise loss of views. With regards to the third objection many dwellings in the countryside rely on a septic tank as a means of sewerage disposal which is subject to separate consent from the relevant environment agency. The objection raised by No 151a implies to an existing water mains running through the site, therefore I am satisfied that there is adequate infrastructure to support the proposed development.

Alexander Bradley & H Bradley raises the following concern:-

1. A water mains runs through the site and provides water for their farm and three other customers

If necessary the water mains can be re-routed to avoid disruption or a new dwelling can be sited to avoid the water main.

The planning application should be considered within the following policy context:

Regional Development Strategy 2035

Strategic Planning Policy Statement

Magherafelt Area Plan 2015

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 21 - Sustainable Development in the Countryside.

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. The SPPS sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the Council area. The SPPS retains certain existing planning policy statements and amongst these is PPS 21 which provides the relevant policy context for the appeal proposal.

As identified in the Magherafelt Area Plan 2015 the application site is in the open countryside and falls to be considered under PPS 21. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will

contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. Policy CTY 8 requires four specific elements to be met:

- The gap site must be within an otherwise substantial and continuously built up frontage;
- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- And other planning and environmental requirements must be met.

The application site is proposed to be accessed directly off the Five Mile Straight. No 151 Five Mile Straight is a small two storey dwelling that sits gable end onto the road with an outbuilding and agricultural sheds to the rear and this is located north of the application site. No 151a Five Mile Straight is a single storey dwelling that fronts onto the Five Mile Straight. To the side of this dwelling sits an outbuilding within the plot of No 151a which also fronts onto the Five Mile Straight.

Policy CTY 8 states that for the purpose of the policy that 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. In a recent PAC decision 2017/A0012, the Commissioner in that appeal decided that an accompanying outbuilding was located within the plot of a dwelling fronting onto the road as opposed to having its own plot. The Commissioner ruled that the dwelling itself had a road frontage which, together with the outbuilding in the same plot and another dwelling further along there was a line of 3 or more buildings along the road frontage. I find this case to be similar. No 151a has a dwelling and an outbuilding within the same plot and both have a frontage to the road. Policy CTY 8 at Paragraph 5.33 indicates that ribbon development does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. As previously highlighted No 151 sits gable ended to the road but this is acceptable as indicated in Paragraph 5.33. I therefore consider the site to be within an otherwise substantial and continuously built up frontage.

In terms of a small gap site the application site has a frontage of c.66 m. This compares to No 151 having a frontage of c.30 m and 151a c.37 m. Whilst the site is considerably larger than the plots either side it is sufficient only to accommodate up to a maximum of two houses which is what is required by CTY8.

The existing development pattern along the frontage is that of roadside dwellings, with most fronting on to the road and No 151 sits gable end on to the road. A siting condition, should the application be approved, can ensure the existing pattern of development will be respected.

For the reasons stated, the proposal represents an exception to policy and accordingly complies with Policy CTY 8 and CTY 1 of PPS 21.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am satisfied a dwelling with a ridge height of 8m can visually integrated into the surrounding landscape and the mature vegetation along the western boundary provides a suitable backdrop. The mature vegetation along the southern boundary would help to screen the site when travelling north and when travelling in the opposite direction the roadside vegetation would result in only fleeting views of the site.

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. With regards to impact on neighbouring residential amenity, the dwelling likely to be most affected by the proposal is No 151 because it fronts into the proposal site. However I am satisfied that this can be overcome by conditioning the new dwelling be located in the southern portion of the site, thus creating a separation distance of up to 30m between both properties.

I recommend an approval of the application subject to the conditions listed below.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve subject to the conditions listed.

**Conditions:**

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	21st November 2016
<b>Date First Advertised</b>	7th December 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 151 Five Mile Straight Fallagloon Draperstown Kathleen Convery 151, Five Mile Straight, Draperstown, Londonderry, Northern Ireland, BT46 5JP The Owner/Occupier, 151A Five Mile Straight Fallagloon Draperstown Alexander J and H Bradley 151A, Five Mile Straight, Draperstown, Londonderry, Northern Ireland, BT46 5JP	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1642/O Proposal: Proposed dwelling and garage Address: Land between 151 and 151a Five Mile Straight, Fallagloon, Maghera, Decision: Decision Date:  Ref ID: H/1978/0091 Proposal: EXTENSION TO DWELLING Address: 151 FIVE MILE STRAIGHT, MAGHERA Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  No objection	
<b>Drawing Numbers and Title</b>	

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

**Notification to Department (if relevant)**

N/A



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 07.11.2017	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1748/RM	<b>Target Date:</b> 06.02.2017
<b>Proposal:</b> Domestic Dwelling and Garage	<b>Location:</b> 100m NW of St Paul's Church 79 Killeeshill Road Killeeshill Dungannon
<b>Referral Route:</b>  Application has received valid planning objection from a statutory consultee (HED), the officer's recommendation is to approve.	
<b>Recommendation:</b>	APPROVE.
<b>Applicant Name and Address:</b> Arleen Watt 77 Killeeshil Road Dungannon BT71 1TJ	<b>Agent Name and Address:</b> Alan Fox 4 Bracken Court Coalisland BT71 4SE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

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

Transport NI, Historic Environment Division (HED) and NI Water were consulted and returned comment on this application.

All other material considerations have been addressed within the determination below.

### Characteristics of the Site and Area

The site is situated on the Killeeshill Road, Killeeshil, Dungannon, Co. Tyrone. 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 lowland area with an element of discernible variation in elevation. This is quite an enclosed area of the countryside with a complex network of small fields bound by mature vegetation and hedgerows. The nearby infrastructure associated with the Sandvik Engineering works (north west of the site) is a noticeable feature in the overall landscape fabric. There is a neighbouring residential property adjoining the application site to the north (No. 81 Killeeshill Road) and a site with development commenced to the south. Notably the proposal is sited in close proximity to the nearby St Pauls Church which is located to the east of the application site on the other side of Killeeshill Road. The church, which is a Grade B+ Listed Building, represents a focal point for the area and significantly contributes to the character of the wider landscape setting.

The application site is bound on all sides by vegetation and hedgerows, some of the hedgerows include mature trees. The hedgerow on the south eastern side of the application site has been recently removed and replaced with a fence line of approx. 15m from the edge of the road. The site area includes a fence line on the western side of the plot which runs from north to south. It also includes a line of vegetation towards the eastern side of the application site, again this runs from the northern boundary to the southern boundary.

In terms of elevation there is a steady rise in the site from east to west, from the Killeeshill Road to the rear of the site. The proposal is sited on the lower part of the site, towards the eastern fringe of the plot.

### Description of Proposal

The application seeks reserved matters planning consent for a dwelling and garage at lands 100m north west of St Paul's Church, 79 Killeeshill Road, Killeeshil, Dungannon, Co. Tyrone. The application relates to an outline planning consent which was approved under planning reference M/2014/0395/O.

The application seeks to develop a storey and a half dwelling and associated garage on the site which is accessed off the adjoining Killeeshill Road. The proposed finishes include a smooth render painted finish to the walls, natural slate to the roof, black uPVC windows, and cast iron (black) rainwater goods collection. The proposed height of the dwelling and garage does not exceed 6.5m from finished floor level.

Finished floor level and sewage treatment details have been provided and are annotated on Drawing No. 02 Rev C (31/08/2017).

### 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. Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
4. Planning Policy Statement (PPS) 6 – Planning, Archaeology and the Built Heritage.
5. Planning Policy Statement (PPS) 21 - Sustainable Development in the Countryside.
6. Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

### Planning History

M/2014/0395/O - Site for dwelling and garage, 100m NW of St Paul's Church 79 Killeeshill Road Killeeshill Dungannon BT70 1TJ - PERMISSION GRANTED (28.01.2015).

## **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.

PPS 21 sets out planning policies for development in the countryside. This is supplemented by Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

The principle of development has been established on the application site. The site was initially approved under Policy CTY 2A a new dwelling in an existing cluster. The main considerations in the processing of the application are assessing whether the conditions imposed on the outline consent have been adhered to, and the acceptability of siting, design, and finishes of the proposal as well as the means of access and landscaping.

The conditions on the outline consent relate to time limit, reserved matters (siting, design, and external appearance), ridge height, depth of underbuilding, location of the proposal, and visibility splays. This application for reserved matters has been submitted within the conditioned time frame, as per condition No. 1 of the outline approval. The proposed ridge height of the proposal is conditioned to 6.5m and this is reflected in the drawings provided. The ridge height of the proposal does not exceed 6.5m from finished floor level and the underbuilding does not exceed 0.45m at any point. The proposal is sited as per the location annotated in the outline application plans and site splays have been provided in accordance with condition No. 6 of the approved outline permission.

Members are advised that the conditions imposed on the outline planning consent have been adhered to.

Policy CTY 13 and 14 of PPS 21 are material considerations. CTY 13 and 14 outlines the criteria to be met in terms of the integration and design of new buildings in the countryside as well as rural character.

## **Integration**

The proposed dwelling and garage are sited in a position which utilises the existing topography of the site area. The proposal is sited on a lower elevation and away from the most prominent position on the site, this helps detract from the prominence of the proposal and aids its integration into the context of the surrounding landscape fabric. The site is deemed to integrate with its surroundings whilst blending with existing landform and slopes which provide an element of backdrop to the proposal. In terms of natural boundaries, the site is bound on all sides by established natural vegetation and hedgerows. It is noted that there is a small portion of the boundary on the south eastern fringes of the site which has been recently removed, however it is also noted that this is to be replaced with semi mature vegetation. I consider that the level of existing enclosure afforded to the site, in association with that proposed and outlined in the site layout plan, is sufficient to ensure that there is an adequate level of enclosure afforded to the development proposal. The level of vegetation proposed on the site is significantly smaller to that existing and therefore the site does not rely on new landscaping for integration.

The proposed garage which is ancillary to the use of the proposed dwelling house is subordinate in size and scale. It possesses a smaller ridge height and it is deemed to integrate effectively into the existing surrounding landscape setting. With regard to the design of the proposal, the house type and form of the proposed dwelling presents a contemporary re-interpretation on a traditional

building form and I consider this to be appropriate to the site and its locality. The proposal satisfies each of the criteria of Policy CTY 13.

#### Rural Character

As documented above the proposal does not present an unduly prominent feature in the context of this rural area. The design of the proposal has been altered throughout the processing of the application and this has resulted in the submission of a design proposal which respects the immediate site area within which it sits (gradient and topography) and also the wider setting. The proposal does not add to or create a ribbon of development.

I consider the proposal to be in accordance with the policy provision of Policy CTY 14 of PPS 21.

#### Historic Environment

As documented above, the proposal is sited in close proximity to St Paul's Church (COI), 79 Killeeshil Road, which is a Grade B+ Listed Building of architectural and historic importance. The boundary of the site is located some 48m from the closest part of the Church which is situated to the south east.

Department for Communities Historic Environment Division (HED) have been consulted on this application and have returned comment dated 11/10/2017. There are two sections within HED – Historic Monuments (HM) and Historic Buildings (HB). HM have highlighted that they are content with the proposal and that it satisfies the requirements of PPS 6. HB however have highlighted that the proposal may have (my emphasis) an adverse impact on the setting of the Listed Building. Policy BH 11 of PPS 6 is applicable in terms of assessing the impact of a proposal on the setting of a Listed Building. Having assessed the site and comments made by HED, I am satisfied that the proposal will not have an overbearing or significantly negative impact on the setting of the Listed Building. As highlighted above, the proposal is well integrated into this area of the countryside which restricts the level of potential impact. Additionally the design of the proposal respects the nature of the site and the surrounding setting, it is a contemporary interpretation of a traditional building form and this helps reduce the level of perceived impact. The materials to be used on the finishes of the dwelling also respect the nature of this setting and indeed the Listed Building. Natural slates will be used on the roof of the building and cast iron rainwater goods have been proposed. The use of natural stone on some of the projections of the dwelling also helps to integrate the proposal with the protected building. It is also noted that the applicant has significantly changed the design of the proposal throughout the planning process in an attempt to ensure that the proposal is satisfactorily integrated with the listed building.

Additionally it is noted that there is a dwelling approved (M/2008/0118/RM - currently under construction) to the immediate south of the proposal and directly opposite the Listed Building, in a position which is closer to the protected building than the proposal. Although HED have noted that they were not afforded the opportunity to make representation on the approved site, it is a consented dwelling and must be taken into consideration in my assessment of the proposal before me. The approved scheme is on a higher position in the context of the local topography and on a site which is much more open. The application site exhibits a higher degree of integration and I consider that it would have less of an impact on the protected structure than that approved.

The comments made by HED suggest that there may be an adverse impact on the setting of the Listed Building, however having visited the site and carried out the assessment above, I am content that the proposal will not have a significant adverse impact on the setting of St Paul's Church and as such I consider that the proposal adheres to the policy requirements contained within Policy BH 11 of PPS 6.

#### Access

The access to the site was established during the outline application and approval. The proposed access is in keeping with that approved in the outline application. TNI were consulted on this application and responded highlighting that they had no objection to the proposal, subject to

condition. I am satisfied that an adequate means of access to the site has been proposed and that it complies with the policy requirements of PPS 3 – access, movement and parking.

### Conclusion

For the reasons documented above, members are advised that the proposed development is considered to be in compliance with the policy objectives of the SPPS, PPS 21, PPS 6 and PPS 3, and accordingly approval is recommended.

### Neighbour Notification Checked

**Yes**

### Summary of Recommendation:

Recommendation to approve, subject to the conditions below.

#### Conditions:

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
  - i. The expiration of a period of 5 years from the grant of outline planning permission; or
  - ii. The expiration of a period of 2 years from the date hereof.

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

2. The vehicular access, including visibility splays of 2.4m x 45m North, 2.4m x 60m South and any forward sight distance shall be provided in accordance with drawing no. 02 Rev C bearing the date stamp 31/08/2017, 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.

#### 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:**

<b>ANNEX</b>	
<b>Date Valid</b>	12th December 2016
<b>Date First Advertised</b>	5th January 2017
<b>Date Last Advertised</b>	5th January 2017
<b>Details of Neighbour Notification</b> (all addresses)  The Owner/Occupier, 225 Dungannon Road,Killeeshil,Dungannon,Tyrone,BT70 1TH,  The Owner/Occupier, 81 Killeeshill Road,Killeeshil,Dungannon,Tyrone,BT70 1TJ,  The Owner/Occupier, Killeeshill Parish Church Hall,Killeeshill Road,Killeeshil,Dungannon,Tyrone,BT70 1TJ,  The Owner/Occupier, Killeeshill Parish Church,79 Killeeshill Road,Killeeshil,Dungannon,Tyrone,BT70 1TJ,	
<b>Date of Last Neighbour Notification</b>	22nd December 2016
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/2014/0395/O Proposal: Site for dwelling and garage Address: 100m NW of St Paul's Church 79 Killeeshill Road Killeeshill Dungannon BT70 1TJ, Decision: PG Decision Date: 28.01.2015	
<b>Summary of Consultee Responses</b>  Transport NI – Advice NI Water – No Objection HED – Advice	

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



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1755/F	<b>Target Date:</b>
<b>Proposal:</b>  Replacement of toilet / changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone	<b>Location:</b> 23 Ballymacombs Road Portglenone
<b>Referral Route:</b> Exception to PPS21 criteria	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Peter and Brendan Donnelly 23 Ballymacombs Road Portglenone BT44 8NQ	<b>Agent Name and Address:</b> CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	No Objection
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	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

## Summary of Issues

## Characteristics of the Site and Area

The site is set to the western side of an existing storage and distribution centre which has a number of large units all fronting onto the Ballymacombs Road and is enclosed by security fencing. At present there are approx. 11 units which are all adjacent to each other and all are accessed via the existing access which is to remain unchanged.

The existing toilet block and lorry wash are currently sited between the Ballymacombs road and the existing units.

## Description of Proposal

Replacement of toilet/changing blocks and relocation of lorry wash at 23 Ballymacombs Road, Portglenone.

## Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

### SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 4 - Planning - Economic Development

Planning Policy Statement 21 - Sustainable development in the countryside

Planning Policy Statement 3 - Access, Movement and Parking

Site History - H/2003/0038/F - 3 No. Industrial Units (Retrospective) - approved 28.09.2003

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

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

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

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

LA09/2017/0572/F - Proposed extension to existing kindercraft business to provide storage for raw materials, packaging and finished products. - Current application.

Consultees: - Transportni were asked to comment and responded on 21.02.2017 with no objections subject to conditions.

Environmental Health were asked to comment and responded on 16.02.2017 with no objections.

NI Water were asked to comment and responded on 01.02.2017 with no objections subject to advice.

Owners/Occupiers of Nos. 23A, 25 \_ 28 Ballymacombs Road were notified of this proposal on 31.01.2017, no representations have been received to date.

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

The proposed toilet block has a ridge height of approx. 3.4metres and floor space of approx. 47.88m<sup>2</sup>. This toilet block is to replace an existing one that the applicants have said is not in a convenient position nor is it upto an acceptable standard.

According to PPS 4 - Ped 3 'Expansion of an established economic development use in the countryside' 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. 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 and will integrate into the overall development'.

The current toilet block is proposed to be demolished and sited at a more convenient and safer location within the yard. This proposal would not be considered a major expansion and the scale and nature of the proposal would not harm the rural character or appearance of the local area. In addition to the toilet block this proposal also includes the relocation of the existing lorry wash from its current position in front of the existing between on the Ballymacombs Road side instead to be located on the western boundary which involves a small increase to the site area. Although there is a small increase proposed in the site area, this is only minimal and with the shape of the neighbouring land on the western boundary it could be argued that there is a natural rounding off of the site.

Having considered this information it is my determination that as no existing buildings can be utilised the proposal as submitted is the most suitable alternative and the proposed building is in proportion to the existing buildings and would integrate into the overall development; as such the proposal complies with PPS4, PED 3.

In addition the proposal needs to comply with PED 9 of PPS4. Under this policy the proposal will be required to meet all of the following criteria:

- it is compatible with surrounding land uses; - taking into consideration the historical approvals on this proposal site I feel this current application is compatible with the surrounding land uses.
- it does not harm the amenities of nearby residents; - Nos 23A, 25 \_ 28 Ballymacombs road were neighbour notified of this proposal on 31.01.2017, no objections have been received.
- it does not adversely affect features of the natural or built heritage; - there are no recognised natural or built heritage sites within close proximity to the proposal site.
- it is not located in an area at flood risk and will not cause or exacerbate flooding; - the site is not within a recognised flood zone.
- it does not create a noise nuisance; - the proposed building is a toilet block and as such no noise nuisance is predicted. Environmental Health were consulted regarding the proposal and made no comment regarding the lorry wash, the proposed siting of the lorry wash should not have any additional nuisances than the existing location.
- it is capable of dealing satisfactorily with any emission or effluent; - Environmental Health were notified of this proposal and raised no concerns.
- 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 21.02.2017 with no objections subject to conditions.
- adequate access arrangements, parking and manoeuvring areas are provided; - as previously mentioned Transportni commented on 21.02.2017 with no objections to the proposal.
- 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; - non applicable for this particular proposal.

- the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; - the proposal is in keeping with the existing development on site and the previous approvals within the site.
- appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; - buffer planting strip has been shown on the drawings as previously approved.
- is designed to deter crime and promote personal safety; and - the site is surrounded by secure fencing and gated.
- in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. - as mentioned above the existing planting around the site is to be retained and the previously conditioned buffer strip along the western boundary is to be implemented.

In addition to compliance with PPS4 this proposal needs to comply with the requirements of PPS21 - CTY 13 - Integration and Design of Buildings in the Countryside whereby it states that planning permission will only 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:

- it is a prominent feature in the landscape; - this proposal would not be considered a prominent feature in the landscape given the adjacent land uses.
- 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 existing vegetation on site has been indicated to be retained and the previously approval of LA09/2015/0549/F conditioned that a newly planted buffer strip should be planted along the western boundary which has also been shown on this current proposals drawings.
- it relies primarily on the use of new landscaping for integration; - the existing vegetation on site has been indicated to be retained and the previously approval of LA09/2015/0549/F conditioned that a newly planted buffer strip should be planted along the western boundary which has also been shown on this current proposals drawings.
- ancillary works do not integrate with their surroundings; - existing access is to be used for this proposal.
- the design of the building is inappropriate for the site and its locality; - the design of the building is similar to that of the existing toilet block already on site.
- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; - given the previous history of approvals and established use on site I do not feel this current proposal would greatly impact upon the existing landform, existing trees, buildings etc. and so should be considered acceptable.
- 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 criteria is non applicable for this proposal.

Finally the proposal should be considered against the criteria of CTY 14 - Rural Character of PPS21 whereby it states that planning permission will be granted for a building in the countryside where it does not cause change to, or further erode the rural character of an area. A new building will be unacceptable where:

- it is unduly prominent in the landscape - given the pre-existing buildings on the site and approved and recognised use within the yard I do not feel this proposal building would be unduly prominent in the landscape.
- it results in a suburban style build-up of development when viewed with existing and approved buildings - while it is recognised that this type of development is not generally acceptable in this rural location, however considering the previous approvals on site and that due to the landform on the western side of the site there appears to be a natural point to which any potential development can increase and development stop.

- it does not respect the traditional pattern of settlement exhibited in that area; - the proposal would integrate into the existing site and with the existing development.
- it creates or adds to a ribbon of development - considering the previous approvals on site and that due to the landform on the western side of the site there appears to be a natural point to which any potential development can increase and development stop.
- the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.- the proposal is to make use of the existing access to the public road and so complies with this criteria.

Having considered all the points above I feel that given the previous approvals on site this particular proposal would not have a significant impact on the over surrounding character nor on the existing site and as such despite this proposal not an approval should be recommended.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

Approval

#### Conditions:

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

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

2.During the first available planting season following the date of this decision, a 5m wide buffer planting strip shall be planted along the south western boundary of the site as indicated on the stamped approved drawing No. 03 date stamped 13th December 2016 and shall contain a mix of species as annotated in the landscape schedule on that drawing.

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

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

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

4.If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

**Informatives**

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

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

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

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

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

All services within the development should be laid underground.

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

None of the development shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	13th December 2016
<b>Date First Advertised</b>	5th January 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 23A Ballymacombs Road Glenone Bellaghy The Owner/Occupier, 25 Ballymacombs Road Glenone Bellaghy The Owner/Occupier, 28 Ballymacombs Road Glenone Bellaghy	
<b>Date of Last Neighbour Notification</b>	31st January 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2015/0549/F Proposal: Proposed shed extension to supersede previously approved unit ref H/2012/0168/F Address: 23 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 20.04.2017  Ref ID: H/2015/0033/LDP Proposal: Erection of farm shed utilising existing access. Address: 23 Ballymacombs Road Portglenone, Decision: PR Decision Date:  Ref ID: LA09/2016/1755/F Proposal: Replacement of toilet / changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone Address: 23 Ballymacombs Road, Portglenone, Decision: Decision Date:  Ref ID: LA09/2017/0572/F	

Proposal: Proposed extension to existing Kindercraft Buisness to provide storage for raw materials, packaging and finished products  
Address: 23 Ballymacombs Road, Portglenone,  
Decision:  
Decision Date:

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

Ref ID: H/2008/0494/F  
Proposal: Retention of hardcore area used for turning area, parking and storage area to existing industrial units  
Address: 23 Ballymacombs Road, Portglenone  
Decision:  
Decision Date: 28.05.2009

Ref ID: H/2010/0426/F  
Proposal: Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area  
Address: 23 Ballymacombs Road, Portglenone  
Decision:  
Decision Date: 15.03.2011

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

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

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



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

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

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

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

Ref ID: H/1987/0024  
Proposal: ALTS AND ADDS TO HOUSE  
Address: 10 BOYNE ROW CASTLEDAWSON  
Decision:  
Decision Date:

Ref ID: H/2013/0149/F  
Proposal: Amendment to planting scheme approved under previous application  
H/2012/0168/F  
Address: 23 Ballymacombs Road, Portglenone,  
Decision: PG  
Decision Date: 15.04.2014

Ref ID: H/2012/0318/F  
Proposal: 11KV Overhead Powerline  
Address: 180m NNE of 23A Ballymacombs Road, Portglenone,  
Decision: PG  
Decision Date: 16.10.2012

Ref ID: H/2013/0272/F

Proposal: Construction of a carpark in connection with an established business

Address: 60m South West of 23 Ballymacombs Road, Portglenone,

Decision: PR

Decision Date: 15.05.2014

Ref ID: H/2012/0168/F

Proposal: One additional unit for storage purposes, extension to existing car parking and new landscaped boundary treatments

Address: 23 Ballymacombs Road, Portglenone,

Decision: PG

Decision Date: 22.10.2012

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Proposed Plans

Status: Submitted

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

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
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**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0026/F	<b>Target Date:</b>
<b>Proposal:</b> Demolition of existing pavilion. New community building incorporating sports, leisure and cultural accommodation to include: 4 team changing rooms plus accessible changing, multi purpose hall, community hub, conference room, gym/multi-activity area and outdoor terrace	<b>Location:</b> Kildress Wolfe Tone Grounds 46 Loughdoo Road Pomeroy
<b>Referral Route: Major Application (SITE AREA)</b>	
<b>Recommendation:</b>	approve
<b>Applicant Name and Address:</b> Kildress Wolf Tones GAA 46 Loughdoo Road Pomeroy BT70 2SW	<b>Agent Name and Address:</b> Consarc Design Group 4 Cromac Quay Ormeau Road Belfast BT7 2JD

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	No Response
Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received

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

**Characteristics of the Site and Area.**

The application site lies within Gortacladdy within the settlements limits. Located within the existing grounds of Kildress Wolfe Tones GAC. This is a small rural community and the existing grounds are presently surrounded by agricultural fields on 3 sides. A small number of dwellings are positioned to the SW with a small terrace of properties called Gortacladdy Cottages fronting onto Loughdoo Road.

**Description of Proposal.**

Demolition of existing pavilion. New community building incorporating sports, leisure and cultural accommodation to include: 4 team changing rooms plus accessible changing, multi purpose hall, community hub, conference room, gym/multi-activity area and outdoor terrace

## Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan  
SPPS  
PPS8 Open Space/ Recreation  
PPS3

The SPPS recognises that open space, sport and recreation is important to society now and in the future. Its Regional Strategic Objectives are to safeguard safeguard such spaces, facilitate appropriate outdoor recreational activities, ensure sporting facilities are convenient and accessible for all sections of society, achieve high standards of design and ensure new facilities are in keeping with the principles of environmental conservation and helps biodiversity.

The Cookstown Area Plan 2010 recognises the sites location both within an area of existing recreation / open space and within Gortacladdy village.

Under planning approval I/2015/0028/F a proposed new community building incorporating sports, leisure cultural and office accommodation has been granted. This application in fact proposes a smaller building than the extant approval. The building will therefore have a lesser overall visual impact but still enhance the use of the site for the benefit of the local community. The total floorspace proposed is some 1580 sq.m gross compared to the existing pavillion's 400 sq.m gross floorspace. Its location is over the existing building's footprint. The proposal has been screened under the 2015 EIA Regulations (in place at the time the application was submitted) and has been regarded as giving rise to no significant environmental impacts.

The Design and Access Statement accompanying the application outlines the buildings concept. The existing club is identified as a modest structure and the agent argues that the proposed new building will will not lead to any more visual prominence on the site. The new building is over 2 stories which it is felt is in keeping with surrounding buildings.

The existing vehicular access from Loughdoo provides access to the new proposal, provision exists for coach parking and access also. Car parking provision is not effected. The design statement identifies central circulation space within the building which acts as a community hub. A large multi purpose room provides for a number of uses beyond Gaelic sports. A Small ancillary office space and conference facility is provided as well as 2 separate changing facilities.

The building provides a modern appearance using glazed openings, metal cladding, recessed balconies. Green and orange accents are taken from the Kildress club's colours. Landscaping is contained within existing surrounding playing fields which are not affected by this application.

PPS8 promotes the retention of open space and promotion of more opportunities to participate in sport and outdoor recreation in the future. This proposal sits at the heart of

an existing recreation area and can only enhance and provide more access to its functions.

Policy OS4 of PPS8 states that Intensive sports facilities, such as this, will only be permitted where these are located within settlements.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;

The new building replaces the existing clubhouse. Whilst there will be an increased use of the facility its location is such that no detrimental impact on neighbouring amenity is anticipated.

- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

There are no such features impacted upon by this proposal.

- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

The proposed building represents a high standard and quality design.

- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and

The building appears to be designed to cater for all types of users.

- the road network can safely handle the extra vehicular traffic, and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

TNI have raised no objections and means of drainage / waster have been fully considered.

In considering the scale, design and proposed use of the building it is my view that it has significant policy support. I regard the proposal as being a significant community asset which will do much to encourage the use of the GAC grounds for a variety of sporting / cultural and community uses.

I recommend to the Planning Committee that the application is approved.

### Summary of Consultee Responses and suggested Conditions.

EHO and Rivers Agency have no objections to the proposal. A 5m maintenance strip is to be made available along the Kildress Stream which bounds its northern edge.

The vehicular access, including visibility splays of **2.4m x 70m** in both directions, shall be in place, in accordance with Drawing No. **05** bearing the date stamp **30<sup>th</sup> August 2017**, prior to the commencement of any other works or other development hereby permitted.

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

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

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

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

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

No other development hereby permitted shall be commenced until the road works indicated on Drawing No **05** bearing the date stamp **30<sup>th</sup> August 2017** have been fully completed in accordance with the approved plans.

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

SES Having considered the nature, scale, and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

The following mitigation should be included through conditions.

A suitable buffer of at least 10 m shall be maintained between the location of all construction works including refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the northern edge of the red line boundary.



Reason: To prevent polluting discharges entering the Kildress Stream and impacting on the site integrity of the Upper Ballinderry River SAC.

Storm drainage of the site, during the construction phase, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on Upper Ballinderry River SAC via the Kildress Stream. SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.

Reason: To prevent polluting discharges entering the Kildress Stream and impacting on the site integrity of the Upper Ballinderry River SAC.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

REASON: In the interest of public health

Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

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

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation: Approval with conditions.**

<b>ANNEX</b>	
<b>Date Valid</b>	6th January 2017
<b>Date First Advertised</b>	19th January 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Gortacladdy Cottages Gortaclady Pomeroy The Owner/Occupier, 2 Gortacladdy Cottages Gortaclady Pomeroy The Owner/Occupier, 2 Gortaclady Heights, Cookstown, BT70 2SP The Owner/Occupier, 3 Gortacladdy Cottages Gortaclady Pomeroy The Owner/Occupier, 4 Gortacladdy Cottages Gortaclady Pomeroy The Owner/Occupier, 44 Loughdoo Road Gortaclady Pomeroy The Owner/Occupier, 47 Loughdoo Road Gortaclady Pomeroy The Owner/Occupier, 5 Gortacladdy Cottages Gortaclady Pomeroy The Owner/Occupier, 6 Gortacladdy Cottages Gortaclady Pomeroy	
<b>Date of Last Neighbour Notification</b>	19th January 2017
<b>Date of EIA Determination</b>	23rd October 2017
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0027/O Proposal: Site for Housing Development Address: Adjacent to 44 Loughdoo Road, Gortacladdy, Pomeroy, Decision: Decision Date:  Ref ID: LA09/2017/0026/F Proposal: Demolition of existing pavilion. New community building incorporating sports, leisure and cultural accommodation to include: 4 team changing rooms plus accessible changing, multi purpose hall, community hub, conference room, gym/multi-activity area and outdoor terrace	

Address: Kildress Wolfe Tone Grounds, 46 Loughdoo Road, Pomeroy,  
Decision:  
Decision Date:

Ref ID: LA09/2016/1394/PAN

Proposal: Demolition of existing pavilion. Proposed new community building incorporating sports, leisure and cultural accommodation to include; 4 No. team changing rooms plus accessible changing, multi purpose hall, community hub, conference room, gym/multi-activity area and outdoor terrace.

Address: Kildress Wolfe Tones Grounds, Loughdoo Road, Cookstown,  
Decision: PANACC  
Decision Date:

Ref ID: I/1982/0181

Proposal: RENOVATION AND EXTENSION TO DRESSING ROOM

Address: GORTACLADDY, COOKSTOWN

Decision:  
Decision Date:

Ref ID: I/1996/0101

Proposal: Extension to football club house

Address: KILDRESS FOOTBALL CLUB, REAR OF GORTACLADDY COTTAGES,  
LOUGH DOO ROAD, POMEROY

Decision:  
Decision Date:

Ref ID: I/2002/0557/F

Proposal: Level, Drain Sand and Re-Seed Training Area and Provide Replacement Floodlighting

Address: Gortaclady, Cookstown

Decision:  
Decision Date: 13.11.2002

Ref ID: I/2003/1089/F

Proposal: The erection of a new spectators stand to the right-hand side of Kildress GAA football pitch

Address: Kildress GFC, Gortaclady, Cookstown

Decision:  
Decision Date: 26.02.2004

Ref ID: I/1977/0335

Proposal: STAND FOR SPECTATOR ACCOMMODATION AT FOOTBALL PITCH

Address: GORTACLADDY, COOKSTOWN

Decision:  
Decision Date:

Ref ID: I/1977/033501

Proposal: STAND FOR SPECTATOR ACCOMMODATION AT EXISTING FOOTBALL PITCH

Address: GORTACLADDY, KILEENAN, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2007/0460/F

Proposal: New football pitch and flood lighting

Address: Gortacladdy, Cookstown

Decision:

Decision Date: 20.03.2008

Ref ID: I/1978/0062

Proposal: 11 KV O/H LINE

Address: KILLEENAN, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1978/0277

Proposal: 11 KV O/H LINE AND MV U/G SERVICE

Address: KILLEENAN, POMEROY

Decision:

Decision Date:

Ref ID: I/2006/0111/O

Proposal: Proposed site for dwelling

Address: Rear of 1 Gortacladdy Cottages

Decision:

Decision Date: 24.07.2006

Ref ID: I/2001/0388/RM

Proposal: Proposed 2 Storey Dwelling

Address: 36 Cavanoneill Road Pomeroy

Decision:

Decision Date: 28.07.2003

Ref ID: I/2000/0109/O

Proposal: Site for Two Storey dwelling.

Address: 600 metres N. E of Gortacladdy Cottages, Loughdoo Road, Pomeroy

Decision:

Decision Date: 01.04.2000

Ref ID: I/2006/0207/F  
Proposal: Proposed dwelling  
Address: 360m south west of 47 Cavanoneill Road, Pomeroy  
Decision:  
Decision Date: 07.07.2006

Ref ID: I/2006/0255  
Proposal: Proposed dwelling  
Address: 36 Cavanoneill Road, Pomeroy  
Decision:  
Decision Date: 02.03.2006

Ref ID: I/1980/0052  
Proposal: EXTENSION TO DRESSING ROOMS AND FOOTBALL PITCH  
Address: GORTACLADDY, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/1994/0317  
Proposal: Proposed Stand  
Address: GORTACLADDY COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/1993/0015  
Proposal: Dwelling  
Address: ADJACENT TO 1 GORTACLADDY COTTAGES POMEROY  
Decision:  
Decision Date:

Ref ID: I/1992/0027  
Proposal: Dwelling  
Address: ADJACENT TO 1 GORTACLADDY COTTAGES GORTACLADDY POMEROY  
Decision:  
Decision Date:

Ref ID: I/2015/0028/F  
Proposal: Proposed new community building incorporating sports, lesuire cultural and office accomodation  
Address: Kildress Wolf Tone Grounds, Loughdoo Road, Kildress, Cookstown,  
Decision: PG  
Decision Date: 26.05.2015



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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0057/F	<b>Target Date:</b>
<b>Proposal:</b> 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 (Amended plans received)	<b>Location:</b> Lands at and to the rear of 43-49 Rainey Street Magherafelt
<b>Referral Route:</b> 4 Objections received	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Market Yard (NI) Ltd Unit 2 Kilcronagh Business Park Kilcronagh Road Cookstown BT80 9HG	<b>Agent Name and Address:</b> Clyde Shanks 5 Oxford Street Belfast BT1 3LA
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Historic Environment Division (HED)	Extension Required
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Advice

Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	4	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
Approval recommended – 4 Objections received.		
<b>Characteristics of the Site and Area</b>		
<p>This is a historic site on the edge of the town centre, although still within the town centre limits. The site consists of mid and late Victorian basalt built 2 and 3 storey buildings surrounded by a high basalt wall, all of which are listed as of historic and architectural significance.</p> <p>Previous use of the proposal site was as a livestock market however more recently the site has remained vacant.</p> <p>Previous approvals on site have been for retail and office units and a restaurant on site.</p>		
<b>Description of Proposal</b>		
<p>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.</p>		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<p>I have assessed this proposal under the following:</p> <p>SPSS</p> <p>Magherafelt Area Plan</p> <p>Planning Policy Statement 1 - General Principles</p> <p>Planning Policy Statement 6 - Planning, Archaeology &amp; the Built heritage.</p> <p>Magherafelt Town Centre Design Guide.</p>		
<p>Site History - The site was previously approved for a hotel development under H/2001/0749/O with a subsequent approval for the replacement of the walls under H/2005/0668/F. However neither of these approvals were implemented.</p> <p>H/2010/0231/F &amp; H/2010/0225/LB - 'Redevelopment of existing market yard, conversion of existing listed building to 5 retail and offices, erection of 2 storey building for 6 retail unit &amp; restaurant. Provision of central courtyard and demolition and rebuild of boundary walls and</p>		



provision of pelican crossing in front of Nos. 46 and 48-50 Rainey Street - approval granted 03.08.2011.

H/2014/0052/F - this would be the most recent approval on site, this proposal was 'Temporary non-compliance with conditions 3, 4 & 5 of extant planning permission H/2010/0231/F (provision of improvements to the public carriageway, puffin type pedestrian crossing on Rainey Street; and 2m footway along Garden Street) to allow the phasing of development. \_Phase 1 - the conversion of existing listed building to 5 retail & office units to become operational without compliance with conditions 3, 4 & 5 of H/2010/0231/F; and \_Phase 2 - the erection of a 2 storey building for 6 retail units and restaurant which shall not become operational until conditions 3, 4 & 5 of H/2010/0231/F have been fully complied with.' Within the submitted documentation for this application it was stated that the previous approval of H/2010/0231/F had been implemented and development commenced. This was granted full approval on 16.06.2015.

This proposal was advertised in the local press during February 2017 and again in August 2017 when the scheme was amended.

Consultees: - HED - first response 28.2.2017 following amended plans several more consultations took place, eventually on 11.10.2017 HED responded confirming they have no objections to the latest submission.

NI Water - responded 01.02.2017 with no objections.

Transportni were asked to comment and responded on 15.03.2017 recommending a refusal due to the limited number of parking spaces supplied. A further confirmation of this same stance came through on 01.08.2017.

Environmental Health were asked to comment and responded on 24.07.2017 with no objections subject to conditions and informatives.

Neighbours: - the following owners/occupiers were all notified of this proposal on 14.08.2017:

1, 2, 3, 4, 5, 5A, 6 & 6A Garden Street Mews, Magherafelt

7 Garden Street, Magherafelt

41, 41A, 41C, 41D, 41E, 46, 46A, 46B, 48, 50, 50A, 50B, 52, 54, 56, 58, 60, 62, 64, 66 & 68 Rainey Street, Magherafelt

Objections: -

1. Mr John Keatley, 11 Desertmartin Road, Magherafelt, dated 25.04.2017

The main points raised within this objection are that the proposal is at odds with the essence of the Market Yard which should be commercial rather than residential. Mr Keatley also comments that the Market yard listed building is part of Magherafelt's fabric and as such requires the correct investment and design in order to enhance the lower end of Rainey Street and as a long term investment for the town and fellow local businesses as a whole.

2. Dr JD Keatley, 19 Tobermore Road, Magherafelt, dated 27.04.2017

The main points raised within this objection are that the proposal is grossly overloaded with residential units and with only a modest retail element. This would do little to improve footfall or increase the vitality in Rainey Street. The objector feels that as residential use was never mentioned in previous approvals or within the Area Plan then should it be introduced now it should be to a much smaller scale and more subordinate to that of the retail and community aspect.

3. Mr R Kennedy, Bridge House, 14 Bridge Street, Castledawson, dated 30.05.2017

The main points raised within this objection are that the proposal is grossly overloaded with residential units and with only a modest retail element. This would do little to improve footfall or increase the vitality in Rainey Street. The objector feels that as residential use was never mentioned in previous approvals or within the Area Plan then should it be introduced now it should be to a much smaller scale and more subordinate to that of the retail and community aspect.

4. Magherafelt Chamber of Commerce c/o 8 Broad Street, Magherafelt, dated 27.07.2017.

The main points raised within this objection is that the residential/commercial balance has not been adequately addressed by this application and the objectors believe a greater quantity of commercial unit space would enhance this application and add to the vitality and viability of Magherafelt Town centre.

The concerns of the objectors are audible in that this site is recognised as being suitable for shops and office uses in the Magherafelt Area Plan. Indeed such uses could add to the attraction of the town centre. However the Area Plan which promotes the land uses on the site, does not preclude residential uses. Also the primary retail core as designated in the plan does not stretch to this site thus no protection for retail use has been afforded by the plan.

In contrast the SPSS sets an objective to 'protect and enhance diversity in the range of town centre uses appropriate to their roles and function, such as leisure, cultural and community facilities, housing and businesses' which this proposal is in line with and meets this objective.

The Regional Development Strategy 2035 (RDS) sets out regional guidance to 'Conserve, protect and where possible, enhance our built heritage and our natural environment'. It is my consideration that this proposal does in fact secure the protection, conservation and enhancement of the Market Yard and would deliver economic and community benefits but whilst safeguarding the historic and architectural integrity.

The proposed redevelopment will ensure the upkeep of the listed buildings which will safeguard this valuable asset of built heritage. It will also enhance this dilapidated site.

It is unlikely that the proposal would have an adverse impact on the vitality or viability of the primary retail core within Magherafelt. The site is located within Magherafelt town centre and town centres are the preferred location for major comparison shopping and mixed retailing development.

However this proposal site is not within the primary retail core and as such I feel this mixed use would be acceptable and would not detract from the retail and commercial core of Magherafelt.

Design should provide a positive contribution to townscape and be sensitive to the character of the area. As mentioned above NIEA Historic buildings have no objection to the proposal within the setting of the listed building and its curtilage. The redevelopment of this site would provide a positive contribution to the area. I do consider this proposal to be acceptable in terms of its design, scale and use of materials. The proposal will not have a negative impact on any neighbouring properties, nor will the proposed development disrupt the scale or rhythm of the townscape.

The proposal is not trying to replicate the existing development but rather provide a new and inviting design to the town.

Transportni have concerns with the proposal stating that they feel the parking provided is insufficient and that 61 spaces should be provided. However it should be noted that under the previous approval which has commenced and ultimately could be implemented there were no parking spaces supplied at all, despite Transportni stating 117 were required. However under this application 61 spaces are required and 15 have been provided, so this is a positive increase from the previous approval. Within the submitted TAF it has been stated that this proposal will have less demand for car parking than the previously permitted/implemented development on the application site, and therefore granting consent to the application should not be detrimental to parking in the area. The development proposals link to public car parks, both of which have available occupancy. The location of the site is one of the biggest factors in terms of influencing travel. With the town centre location there is a good access on foot to local amenities and from other existing businesses. The bus station is 200m walk from the site, adjacent to the Union Street car park to the rear of the site. This location is highly accessible by non-car modes. This current proposal also retains the proposal for a pelican crossing over Rainey Street to link the Rainey Street car park and surrounding commercial premises. In this instance due to the proposal bringing into beneficial use of listed buildings then flexibility in the parking provision

would be appropriate. Within PPS 5 it is recognised that it will be neither possible nor desirable to meet the predicted demand for parking in larger urban centres and as such I would suggest to the planning committee that taking into consideration the previous approval that has been commenced which has less parking should be given weight and that this proposal which provides 15 spaces is acceptable on the site.

Recommendation: Approval

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval recommended

**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. A window schedule for replacement windows to the existing listed buildings, shall be submitted to an approved in writing by, the Local Planning Authority in consultation with HED: HB, prior to manufacture. The window schedule shall be informed by historical research on the market yard, to clarify the original fenestration treatment.

Reason: To retain the essential character and setting of the listed building.

3. The new roof over the existing two storey listed building (block 2) shall be natural welsh slates.

Reason: To retain the essential character and setting of the listed building.

4. A landscaping plan showing hard and soft landscaping proposals shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with HED: HB prior to works commencing onsite. Proposals shall retain the integrity of the former market yard by maintaining the large open market yard space, with appropriate material and specification and landscape design.

Reason: To retain the essential character and setting of the listed building.

5. A phasing plan shall be submitted to and approved in writing by, the Local Planning Authority in consultation with HED: HB, prior to work commencing onsite.

Reason: To safeguard the protection and reuse of the listed buildings.

6. New build apartments shall not be occupied until proposed works have been completed to the listed buildings.

Reason: To safeguard the protection and reuse of the listed buildings.

7. In the event that previously unknown contamination is discovered, development on the site shall cease pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of Planning Department in consultation with the Environmental Health Department of Mid Ulster District Council.

Reason: To prevent any possible contamination impact.

#### 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. Your attention is directed to BS 7913:2013 Guide to the conservation of historic buildings.

4. In the event that previously unknown contamination is discovered, development on the site shall cease pending submission of a written

5. Building control approval is required to confirm, that given the ground conditions, they are satisfied that all necessary precautions have been taken to protect the occupants and properties from contamination risks.

6. Care should be exercised in the removal of contaminated sources from the site, during site development, to ensure that any existing contamination load within soil and ground water is not increased. All hazardous waste removed from the site should be removed to a waste facility licensed to receive hazardous waste.

7. Whilst the District Council Environmental Health Department has assessed the information provided in the current state of knowledge it ultimately is the responsibility of the developer, to ensure the development is safe and suitable for the purpose for which it is intended and that any unacceptable risks from contamination will be successfully addressed through remediation. He/she should recognise the importance of ensuring thorough and competent professional assistance supported by professional indemnity insurance.

8. Noise from construction activities should -

a) not exceed 75dB LAeq, 1hr between 07.00 hours and 19.00 hours on Mondays to Fridays, or 75dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any facade of any residential accommodation, and

b) not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any facade of any residential accommodation, and

c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22.00 hours on Saturdays, or at any time on Sundays, at the boundary of any

residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1dB(A). This will not allow substantial noise producing construction activities but other 'quiet' activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.

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

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

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

All services within the development should be laid underground.

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

None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	13th January 2017
<b>Date First Advertised</b>	2nd February 2017
<b>Date Last Advertised</b>	31st August 2017
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Garden Street Mews Town Parks Of Magherafelt Magherafelt John Keatley 11 Desertmartin Road, Magherafelt,BT45 5HD J.D Keatley 19 Tobermore Road, Magherafelt,BT45 5HB The Owner/Occupier, 2/3 Garden Street Mews Town Parks Of Magherafelt The Owner/Occupier, 4-5 Garden Street Mews Town Parks Of Magherafelt The Owner/Occupier, 41 Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 41A Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 41C Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 41D Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 41E Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 46 Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 46A Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 46B Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 48 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5AH The Owner/Occupier, 50 Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 50 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5AH The Owner/Occupier, 50A Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 50B Rainey Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 52 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5AH The Owner/Occupier, 54 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5AH	

The Owner/Occupier,  
 56 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5AH  
 The Owner/Occupier,  
 58 Rainey Street Town Parks Of Magherafelt Magherafelt  
 The Owner/Occupier,  
 5A Garden Street Mews Town Parks Of Magherafelt Magherafelt  
 The Owner/Occupier,  
 6 Garden Street Mews Town Parks Of Magherafelt Magherafelt  
 The Owner/Occupier,  
 60 Rainey Street Town Parks Of Magherafelt Magherafelt  
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 62 Rainey Street Town Parks Of Magherafelt Magherafelt  
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 66 Rainey Street Town Parks Of Magherafelt Magherafelt  
 The Owner/Occupier,  
 68 Rainey Street Town Parks Of Magherafelt Magherafelt  
 The Owner/Occupier,  
 6A Garden Street Mews Town Parks Of Magherafelt Magherafelt  
 The Owner/Occupier,  
 7 Garden Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5DD  
 R. Kennedy  
 Bridge House, 14 Bridge Street, Castledawson, BT45 8AD  
 Magherafelt Chamber of Commerce  
 C/o 8 Broad Street, Magherafelt, Londonderry, Northern Ireland, BT45 6EA

**Date of Last Neighbour Notification**

14th August 2017

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

Yes

**Planning History**

Ref ID: LA09/2017/0057/F

Proposal: 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

Address: Lands at and to the rear of 43-49 Rainey Street, Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2017/0058/LBC

Proposal: 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

Address: Lands at and to the rear of 43-49 Rainey St, Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2016/1457/F

Proposal: Change of use from office accommodation to meeting rooms for worship

Address: 46 Rainey Street, Magherafelt,

Decision: PG

Decision Date: 24.01.2017

Ref ID: H/1997/0577

Proposal: ENVIRONMENTAL IMPROVEMENT SCHEME INCLUDING RE-ALIGNED  
AND IMPROVED PAVEMENTS, LANDSCAPING AND STREET  
FURNITURE

Address: RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0664/LB

Proposal: Careful taking down of dangerous stone wall and rebuilding with part  
stonework and part metal railings

Address: 45 Rainey Street, Magherafelt

Decision:

Decision Date: 21.10.2005

Ref ID: H/2005/0668/F

Proposal: Replacement Wall & Metal Railings

Address: 45 Rainey Street, Magherafelt

Decision:

Decision Date: 21.10.2005

Ref ID: H/1981/0302

Proposal: ALTERATIONS AND ADDITIONS TO SHOP INCLUDING NEW SHOP  
FRONT

Address: 48-56 RAINEY STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1999/0026

Proposal: CHANGE OF USE FROM FIRST AND SECOND FLOOR RESIDENTIAL  
TO HOSTEL ACCOMMODATION

Address: ABOVE NO 48 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:



Ref ID: H/1992/0456  
Proposal: SIGN  
Address: 43 RAINEY ST MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1988/0198  
Proposal: CONVERSION OF VACANT SHOP AND GRAIN STORE TO NEW SHOP/  
OFFICE/MEETING ROOM/GAMES ROOM  
Address: 43 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1996/6041  
Proposal: SIGN 41 RAINEY STREET MAGHERAFELT  
Address: 41 RAINEY STREET  
Decision:  
Decision Date:

Ref ID: H/1993/0548  
Proposal: EXTENSION TO COMMERCIAL PROPERTY AND NEW FLAT  
Address: 41 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1992/6100  
Proposal: ALTS TO DENTAL SURGERY 41 RAINEY STREET MAGHERAFELT  
Address: 41 RAINEY STREET  
Decision:  
Decision Date:

Ref ID: H/1990/6051  
Proposal: REFURBISHMENT OF EXISTING DERELICT WAREHOUSE TO PROVIDE A  
CRAFT CENTRE 39/41 RAINEY STREET MAGHERAFELT  
Address: 39/41 RAINEY STREET  
Decision:  
Decision Date:

Ref ID: H/1993/0071  
Proposal: CONVERSION OF WAREHOUSE TO CRAFT UNITS,6 NO FLATS,SHOPS,  
DOCTORS AND OPTICIANS SURGERIES  
Address: 39-41 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1996/0565  
Proposal: SIGN  
Address: 41 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1995/0368  
Proposal: SIGN  
Address: 41 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/2009/0687/F  
Proposal: Change of use from existing retail unit to Restaurant/hot food take away bar at ground floor level  
Address: 39 Rainey Street, Magherafelt  
Decision:  
Decision Date: 12.02.2010

Ref ID: H/1991/0343  
Proposal: CONVERSION OF WAREHOUSE TO LICENSED WINE BAR AND RESTAURANT  
Address: REAR OF 41 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1988/0404  
Proposal: EXTENSION TO PUBLIC HOUSE  
Address: 58 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1990/0219  
Proposal: EXTENSION TO PUBLIC HOUSE  
Address: 58 RAINEY STREET, MAGHERAFELT.  
Decision:  
Decision Date:

Ref ID: H/1998/0331  
Proposal: DEMOLITION & RE-BUILD OF PROPERTY  
Address: 46 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1996/0470  
Proposal: SHOP PREMISES, OFFICE AND FLAT  
Address: 46 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1991/0596  
Proposal: CAR SALES YARD AND PORTACABIN OFFICE  
Address: YARD AT REAR OF 50-56 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1996/6015  
Proposal: RETAIL OUTLET REAR OF RAINEY STREET MAGHERAFELT  
Address: REAR OF RAINEY STREET  
Decision:  
Decision Date:

Ref ID: H/1984/0493  
Proposal: EXTENSION TO FURNITURE SHOW ROOM  
Address: 50-56 RAINEY STREET, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/2001/0749/O  
Proposal: Erection of Hotel to incorporate alterations and restoration of listed buildings and perimeter wall  
Address: Market Yard, Rainey Street, Magherafelt  
Decision:  
Decision Date: 05.11.2002

Ref ID: H/2007/0165/F  
Proposal: Redevelopment of market yard site, including refurbishment of existing building (providing retail units and office space) and 3no. new retail units  
Address: The Market Yard, 45-49 Rainey Street, Magherafelt  
Decision:  
Decision Date: 14.08.2009

Ref ID: H/2007/0162/LB  
Proposal: Redevelopment of market yard site, including refurbishment of existing building (providing retail units and office space) and 3 No. new retail units.  
Address: The Market Yard, 45-49 Rainey Street, Magherafelt  
Decision:

Decision Date: 02.09.2009

Ref ID: H/2010/0231/F

Proposal: Redevelopment of existing market yard - conversion of existing listed building to 5 retail and offices, erection of 2 storey building for 6 retail units & restaurant.

Provision of central courtyard and demolition and rebuild of boundary walls and provision of pelican crossing in front of Nos. 46 and 48-50 Rainey Street.

Address: Market Yard, 43-49 Rainey Street, Magherafelt

Decision:

Decision Date: 04.08.2011

Ref ID: H/2010/0225/LB

Proposal: Redevelopment of existing market yard - conversion of existing listed building to 5 retail and offices, erection of 2 storey building for 6 retail units & restaurant.

Provision of central courtyard and demolition and rebuild of boundary walls and provision of pelican crossing in front of Nos. 46 and 48-50 Rainey Street.

Address: Market Yard, 43-49 Rainey Street, Magherafelt

Decision:

Decision Date: 04.08.2011

Ref ID: H/1999/0274

Proposal: Site of Hotel

Address: Market Yard, Rainey Street, Magherafelt

Decision:

Decision Date: 28.08.2001

Ref ID: H/1979/0120

Proposal: CONVERSION OF FIRST AND SECOND FLOOR ACCOMMODATION INTO TWO FLATS

Address: 50-56 RAINEY STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1978/0331

Proposal: CHANGE OF USE FROM 1ST FLOOR STORES TO TWO FLATS

Address: 50-56 RAINEY STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/0142

Proposal: NEW TIMBER SHOPFRONT

Address: 50-56 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: LA09/2015/1178/A

Proposal: Retrospective planning application for 2 No projecting banner type signs & 2 No flags and poles & signage above front door.

Address: 58-60 Rainey Street, Magherafelt, BT45 5AH,

Decision: CG

Decision Date: 18.01.2016

Ref ID: LA09/2015/0536/F

Proposal: Proposed mixed use scheme comprising 11 apartments, 4 retail units (inc.retention with minor alterations to 39 Rainey Street façade and extension/alteration of existing rear return) amenity space, pedestrian link/pend and ancillary site works at lands at 39-41 Rainey Street ,Magherafelt

Address: 39-41 Rainey Street, Magherafelt,

Decision: PG

Decision Date: 12.01.2017

Ref ID: H/2014/0051/F

Proposal: Widening existing vehicular access onto Rainey Street, create new pedestrian opening onto Rainey Street, block up existing vehicular access onto Corn Lane and reduction in height to existing boundary walls

Address: Market Yard, 43-49 Rainey Street, Magherafelt, BT45 5AE,

Decision: PG

Decision Date: 15.06.2015

Ref ID: H/2014/0052/F

Proposal: Temporary non-compliance with conditions 3, 4 & 5 of extant planning permission H/2010/0231/F (provision of improvements to the public carriageway, puffin type pedestrian crossing on Rainey Street; and 2m footway along Garden Street) to allow the phasing of development. \_Phase 1 - the conversion of existing listed building to 5 retail & office units to become operational without compliance with conditions 3, 4 & 5 of H/2010/0231/F; and \_Phase 2 - the erection of a 2 storey building for 6 retail units and restaurant which shall not become operational until conditions 3, 4 & 5 of H/2010/0231/F have been fully complied with (amended description).

Address: Market Yard, 43-49 Rainey Street, Magherafelt,

Decision: PG

Decision Date: 16.06.2015

Ref ID: H/2014/0049/LBC

Proposal: Widening existing vehicular access onto Rainey Street, create new pedestrian opening onto Rainey Street, block up existing vehicular access onto Corn Lane and reduction in height to exiting boundary walls.

Address: Market Yard, 43-49 Rainey Street, Magherafelt,

Decision: CG

Decision Date: 15.06.2015

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>

Drawing No. 12  
Type: Existing Elevations  
Status: Submitted

Drawing No. 11  
Type: Existing Plans  
Status: Submitted

Drawing No. 10  
Type: Existing Plans  
Status: Submitted

Drawing No. 09  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 08  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 07  
Type: Proposed Floor Plans  
Status: Submitted

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

Drawing No. 05  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 06  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 04  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 03  
Type: Proposed Elevations  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0058/LBC	<b>Target Date:</b>
<b>Proposal:</b> 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	<b>Location:</b> Lands at and to the rear of 43-49 Rainey St Magherafelt
<b>Referral Route:</b> One objection received	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Market Yard (NI) Ltd Unit 2 Kilcronagh Business Park Kilcronagh Road Cookstown BT80 9HG	<b>Agent Name and Address:</b> Clyde Shanks 5 Oxford Street Belfast BT1 3LA
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

One objection received

### Characteristics of the Site and Area

This is a historic site on the edge of the town centre, although still within the town centre limits. The site consists of mid and late Victorian basalt built 2 and 3 storey buildings surrounded by a high basalt wall, all of which are listed as of historic and architectural significance. Previous use of the proposal site was as a livestock market however more recently the site has remained vacant. Previous approvals on site have been for retail and office units and a restaurant on site.

## Description of Proposal

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.

## Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan

Planning Policy Statement 1 - General Principles

Planning Policy Statement 6 - Planning, Archaeology \_ the Built heritage.

Site History - The site was previously approved for a hotel development under H/2001/0749/O with a subsequent approval for the replacement of the walls under H/2005/0668/F. However neither of these approvals were implemented.

H/2010/0231/F & H/2010/0225/LB - 'Redevelopment of existing market yard, conversion of existing listed building to 5 retail and offices, erection of 2 storey building for 6 retail unit & restaurant. Provision of central courtyard and demolition and rebuild of boundary walls and provision of pelican crossing in front of Nos. 46 and 48-50 Rainey Street - approval granted 03.08.2011.

H/2014/0052/F - this would be the most recent approval on site, this proposal was 'Temporary non-compliance with conditions 3, 4 & 5 of extant planning permission H/2010/0231/F (provision of improvements to the public carriageway, puffin type pedestrian crossing on Rainey Street; and 2m footway along Garden Street) to allow the phasing of development. \_Phase 1 - the conversion of existing listed building to 5 retail & office units to become operational without compliance with conditions 3, 4 & 5 of H/2010/0231/F; and \_Phase 2 - the erection of a 2 storey building for 6 retail units and restaurant which shall not become operational until conditions 3, 4 & 5 of H/2010/0231/F have been fully complied with.' Within the submitted documentation for this application it was stated that the previous approval of H/2010/0231/F had been implemented and development commenced. This was granted full approval on 16.06.2015.

This proposal was advertised in the local press during February 2017 and again in August 2017 when the scheme was amended.

Consultees: - HED - first response 28.2.2017 following amended plans several more consultations took place, eventually on 11.10.2017 HED responded confirming they have no objections to the latest submission.

Objection: -

1. Objection received from Ulster Architectural Heritage Society dated 15.03.2017

Main points raised - concerns the proposal does not conform with PPS6 especially BH7 - Change of use of a Listed Building \_ BH8 - Extension and Alteration of a Listed Building. The objectors feel the proposal significantly dominates the listed structures, the scale, massing design and materiality of the proposed development would be detrimental both to the curtilage and setting of the Market Yard and its contribution to the local scene.

The Regional Development Strategy 2035 (RDS) sets out regional guidance to 'Conserve, protect and where possible, enhance our built heritage and our natural environment'. It is my consideration that this proposal does in fact secure the protection, conservation and enhancement of the Market Yard and would deliver economic and community benefits but whilst safeguarding the historic and architectural integrity.

The proposed redevelopment will ensure the upkeep of the listed buildings which will safeguard this valuable asset of built heritage. It will also enhance this dilapidated site.

Design should provide a positive contribution to townscape and be sensitive to the character of the area. As mentioned above HED Historic buildings have no objection to the proposal within the setting of the listed building and its curtilage. The redevelopment of this site would provide a positive contribution to the area.

The proposal is not trying to replicate the existing development but rather provide a new and inviting design to the town.

Recommendation: Approval

#### Neighbour Notification Checked

Yes

#### Summary of Recommendation:

Approval recommended

#### Conditions:

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

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

2. A window schedule for replacement windows to the existing listed buildings, shall be submitted to an approved in writing by, the Local Planning Authority in consultation with HED: HB, prior to manufacture. The window schedule shall be informed by historical research on the market yard, to clarify the original fenestration treatment.

Reason: To retain the essential character and setting of the listed building.

3. The new roof over the existing two storey listed building (block 2) shall be natural welsh slates.

Reason: To retain the essential character and setting of the listed building.

4. A landscaping plan showing hard and soft landscaping proposals shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with HED: HB prior to works commencing onsite. Proposals shall retain the integrity of the former market yard by maintaining the large open market yard space, with appropriate material and specification and landscape design.

Reason: To retain the essential character and setting of the listed building.

5. A phasing plan shall be submitted to and approved in writing by, the Local Planning Authority in consultation with HED: HB, prior to work commencing onsite.

Reason: To safeguard the protection and reuse of the listed buildings.

6.New build apartments shall not be occupied until proposed works have been completed to the listed buildings.

Reason: To safeguard the protection and reuse of the listed buildings.

7.In the event that previously unknown contamination is discovered, development on the site shall cease pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of Planning Department in consultation with the Environmental Health Department of Mid Ulster District Council.

Reason: To prevent any possible contamination impact.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	13th January 2017
<b>Date First Advertised</b>	2nd February 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Philippa Martin Ulster Architectural Heritage Society, The Old Museum Building, 7 College Square North, Belfast, BT1 6AR	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0057/F Proposal: 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 Address: Lands at and to the rear of 43-49 Rainey Street, Magherafelt, Decision: Decision Date:  Ref ID: LA09/2017/0058/LBC Proposal: 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 Address: Lands at and to the rear of 43-49 Rainey St, Magherafelt, Decision: Decision Date:  Ref ID: LA09/2016/1457/F Proposal: Change of use from office accommodation to meeting rooms for worship Address: 46 Rainey Street, Magherafelt, Decision: PG Decision Date: 24.01.2017	

Ref ID: H/1997/0577

Proposal: ENVIRONMENTAL IMPROVEMENT SCHEME INCLUDING RE-ALIGNED AND IMPROVED PAVEMENTS, LANDSCAPING AND STREET FURNITURE

Address: RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0664/LB

Proposal: Careful taking down of dangerous stone wall and rebuilding with part stonework and part metal railings

Address: 45 Rainey Street, Magherafelt

Decision:

Decision Date: 21.10.2005

Ref ID: H/2005/0668/F

Proposal: Replacement Wall & Metal Railings

Address: 45 Rainey Street, Magherafelt

Decision:

Decision Date: 21.10.2005

Ref ID: H/1981/0302

Proposal: ALTERATIONS AND ADDITIONS TO SHOP INCLUDING NEW SHOP FRONT

Address: 48-56 RAINEY STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1999/0026

Proposal: CHANGE OF USE FROM FIRST AND SECOND FLOOR RESIDENTIAL TO HOSTEL ACCOMMODATION

Address: ABOVE NO 48 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/0456

Proposal: SIGN

Address: 43 RAINEY ST MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0198

Proposal: CONVERSION OF VACANT SHOP AND GRAIN STORE TO NEW SHOP/ OFFICE/MEETING ROOM/GAMES ROOM

Address: 43 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1996/6041

Proposal: SIGN 41 RAINEY STREET MAGHERAFELT

Address: 41 RAINEY STREET

Decision:

Decision Date:

Ref ID: H/1993/0548

Proposal: EXTENSION TO COMMERCIAL PROPERTY AND NEW FLAT

Address: 41 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/6100

Proposal: ALTS TO DENTAL SURGERY 41 RAINEY STREET MAGHERAFELT

Address: 41 RAINEY STREET

Decision:

Decision Date:

Ref ID: H/1990/6051

Proposal: REFURBISHMENT OF EXISTING DERELICT WAREHOUSE TO PROVIDE A CRAFT CENTRE 39/41 RAINEY STREET MAGHERAFELT

Address: 39/41 RAINEY STREET

Decision:

Decision Date:

Ref ID: H/1993/0071

Proposal: CONVERSION OF WAREHOUSE TO CRAFT UNITS,6 NO FLATS,SHOPS, DOCTORS AND OPTICIANS SURGERIES

Address: 39-41 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1996/0565

Proposal: SIGN

Address: 41 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1995/0368

Proposal: SIGN



Address: 41 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2009/0687/F

Proposal: Change of use from existing retail unit to Restaurant/hot food take away bar at ground floor level

Address: 39 Rainey Street, Magherafelt

Decision:

Decision Date: 12.02.2010

Ref ID: H/1998/0331

Proposal: DEMOLITION & RE-BUILD OF PROPERTY

Address: 46 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1996/0470

Proposal: SHOP PREMISES, OFFICE AND FLAT

Address: 46 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1996/6015

Proposal: RETAIL OUTLET REAR OF RAINEY STREET MAGHERAFELT

Address: REAR OF RAINEY STREET

Decision:

Decision Date:

Ref ID: H/1984/0493

Proposal: EXTENSION TO FURNITURE SHOW ROOM

Address: 50-56 RAINEY STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2001/0749/O

Proposal: Erection of Hotel to incorporate alterations and restoration of listed buildings and perimeter wall

Address: Market Yard, Rainey Street, Magherafelt

Decision:

Decision Date: 05.11.2002

Ref ID: H/2007/0165/F

Proposal: Redevelopment of market yard site, including refurbishment of existing building (providing retail units and office space) and 3no. new retail units  
Address: The Market Yard, 45-49 Rainey Street, Magherafelt  
Decision:  
Decision Date: 14.08.2009

Ref ID: H/2007/0162/LB

Proposal: Redevelopment of market yard site, including refurbishment of existing building (providing retail units and office space) and 3 No. new retail units.  
Address: The Market Yard, 45-49 Rainey Street, Magherafelt  
Decision:  
Decision Date: 02.09.2009

Ref ID: H/2010/0231/F

Proposal: Redevelopment of existing market yard - conversion of existing listed building to 5 retail and offices, erection of 2 storey building for 6 retail units & restaurant. Provision of central courtyard and demolition and rebuild of boundary walls and provision of pelican crossing in front of Nos. 46 and 48-50 Rainey Street.  
Address: Market Yard, 43-49 Rainey Street, Magherafelt  
Decision:  
Decision Date: 04.08.2011

Ref ID: H/2010/0225/LB

Proposal: Redevelopment of existing market yard - conversion of existing listed building to 5 retail and offices, erection of 2 storey building for 6 retail units & restaurant. Provision of central courtyard and demolition and rebuild of boundary walls and provision of pelican crossing in front of Nos. 46 and 48-50 Rainey Street.  
Address: Market Yard, 43-49 Rainey Street, Magherafelt  
Decision:  
Decision Date: 04.08.2011

Ref ID: H/1999/0274

Proposal: Site of Hotel  
Address: Market Yard, Rainey Street, Magherafelt  
Decision:  
Decision Date: 28.08.2001

Ref ID: H/1979/0120

Proposal: CONVERSION OF FIRST AND SECOND FLOOR ACCOMMODATION INTO TWO FLATS  
Address: 50-56 RAINEY STREET, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1978/0331

Proposal: CHANGE OF USE FROM 1ST FLOOR STORES TO TWO FLATS  
Address: 50-56 RAINEY STREET, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1992/0142  
Proposal: NEW TIMBER SHOPFRONT  
Address: 50-56 RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: LA09/2015/1178/A  
Proposal: Retrospective planning application for 2 No projecting banner type signs & 2 No flags and poles & signage above front door.  
Address: 58-60 Rainey Street, Magherafelt, BT45 5AH,  
Decision: CG  
Decision Date: 18.01.2016

Ref ID: LA09/2015/0536/F  
Proposal: Proposed mixed use scheme comprising 11 apartments, 4 retail units (inc.retention with minor alterations to 39 Rainey Street façade and extension/alteration of existing rear return) amenity space, pedestrian link/pend and ancillary site works at lands at 39-41 Rainey Street ,Magherafelt  
Address: 39-41 Rainey Street, Magherafelt,  
Decision: PG  
Decision Date: 12.01.2017

Ref ID: H/2014/0051/F  
Proposal: Widening existing vehicular access onto Rainey Street, create new pedestrian opening onto Rainey Street, block up existing vehicular access onto Corn Lane and reduction in height to existing boundary walls  
Address: Market Yard, 43-49 Rainey Street, Magherafelt, BT45 5AE,  
Decision: PG  
Decision Date: 15.06.2015

Ref ID: H/2014/0052/F  
Proposal: Temporary non-compliance with conditions 3, 4 & 5 of extant planning permission H/2010/0231/F (provision of improvements to the public carriageway, puffin type pedestrian crossing on Rainey Street; and 2m footway along Garden Street) to allow the phasing of development. \_Phase 1 - the conversion of existing listed building to 5 retail & office units to become operational without compliance with conditions 3, 4 & 5 of H/2010/0231/F; and \_Phase 2 - the erection of a 2 storey building for 6 retail units and restaurant which shall not become operational until conditions 3, 4 & 5 of H/2010/0231/F have been fully complied with (amended description).  
Address: Market Yard, 43-49 Rainey Street, Magherafelt,  
Decision: PG

Decision Date: 16.06.2015

Ref ID: H/2014/0049/LBC

Proposal: Widening existing vehicular access onto Rainey Street, create new pedestrian opening onto Rainey Street, block up existing vehicular access onto Corn Lane and reduction in height to exiting boundary walls.

Address: Market Yard, 43-49 Rainey Street, Magherafelt,

Decision: CG

Decision Date: 15.06.2015

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 10  
Type: Existing Plans  
Status: Submitted

Drawing No. 09  
Type: Proposed Floor Plans  
Status: Submitted

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

Drawing No. 07  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 06  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 05  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 04  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 03  
Type: Proposed Elevations  
Status: Submitted

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

Drawing No. 11  
Type: Existing Plans  
Status: Submitted

Drawing No. 12  
Type: Existing Elevations  
Status: Submitted

Drawing No. 08  
Type: Proposed Floor Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0405/F	<b>Target Date:</b> 04/07/2017
<b>Proposal:</b> Proposed side extension with toilets and kitchen to cater for outstanding need of additional community facilities	<b>Location:</b> Washingbay Centre 92 Ballybeg Road Aughamullan Dungannon
<b>Referral Route:</b> Objection from Transport NI	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Jackie Corr Washingbay Centre 92 Ballybeg Road Dungannon BT71 5DX	<b>Agent Name and Address:</b> Custom Interiors 61C Anneeter Road Cookstown BT80 0HZ
<b>Executive Summary:</b>  Proposed development is deemed acceptable and complies with all relevant planning policies	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

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

### Characteristics of the Site and Area



The site is located at Washingbay Centre 92 Ballybeg Road, Stewartstown County Tyrone in the rural remainder adjacent to the Lough Neagh Shores as defined in the Dungannon and West Tyrone Area Plan 2010. At present on site exists a community centre and a wind turbine located within the grounds. The community centre is accessed of a laneway approx. 120m off the public road.

The application site is adjacent to Lough Neagh Area of Special Scientific Interest (ASSI), Lough Neagh and Lough Beg Special Protection Area (SPA) and within Lough Neagh and Lough Beg RAMSAR site, hereafter referred to as designated sites, which are of international and national importance.

The surrounding landform is one of undulating countryside and the land falls slightly towards Lough Neagh. The surrounding area characteristics are open countryside with farmland defined by post and wire fence with individual dwellings dotted throughout some, which are roadside frontage.

### **Description of Proposal**

The applicant is seeking full planning approval for proposed side extension with toilets and kitchen to cater for outstanding need of additional community facilities. The extension is single storey and is subordinate in terms of design and character to the main building.

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

#### **Policy Context**

#### **Policy References:**

1. Regional Development Strategy 2035
2. Dungannon & South Tyrone Area Plan 2010
3. Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)
4. Strategic Planning Policy Statement (SPPS).
5. Dungannon & South Tyrone Area Plan 2010.
6. Planning Policy Statement (PPS) 3 - Access, Movement and Parking.
7. A Planning Strategy for Rural Northern Ireland (PSRNI).

#### **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.

The following neighbouring property was consulted on 30 March 2017, 225 Washingbay Road, Aughamullan, Coalisland, Tyrone, BT71 5DS

#### **Assessment**

I consider the principal determining aspects of this application to be:

- The Principle of Development
- Impact on Residential Amenity
- Design and Integration
- Access and Parking
- Historic Environment

## **Principle of Development**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The principle of this community facility on the site is therefore already established and accepted.

## **Impact on Residential Amenity**

The proposed development is located to the side and rear of the existing community building. The predominant land use in the surrounding area is agricultural residential and the closest third party dwellings to the proposal is located approx. 125m to the south given the separation distances no impact on residential amenity.

The proposed development is single storey and materials used will represent high quality with external finishes to match existing building.

## **Design and Integration**

The design and integration of the development are to be assessed against the policy provisions in A Planning Strategy for Rural Northern Ireland (PSRNI) and the Strategic Planning Policy Statement (SPPS).

The provision of A Planning Strategy for Rural Northern Ireland will remain in force for those topics not covered by a PPS or other policy publication. Where applicable, its contents are material to individual planning applications and appeals.

Policy PSU 1 of the PSRNI outlines an intention to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities. In addition it places emphasis on making the best possible use of existing sites. Given the existing use on this site has been established, I consider that the site is an appropriate location for an application of this type.

In terms of sewage disposal and drainage the applicant has highlighted that they intend to use the existing drainage and sewage provision on the site. DAERA Planning Response Team were consulted on this application as the competent authority in assessing drainage and water issues. DAERA have been consulted and have responded with no concerns.

The SPPS – Planning for Sustainable Development is a material consideration and supersedes Planning Policy Statement 1 (PPS 1) – General Principles. The strategic policy statement is the context by which planning applications will be assessed and determined. Para 4.26 states that design is an important material consideration and that particular weight should be given to the impact on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value.

Para 4.27 states where the design of the proposed development is consistent with relevant LDP policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances. Planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including

schemes that are clearly out of scale, or incompatible with their surroundings or not in accordance with the LDP or local design guidance.

The proposal relates to a single storey side and rear development which in terms of overall scale, mass, and form is considered to integrate with the existing community facility. The proposed development is not on or will not impact upon existing buildings, listed buildings, and monuments.

### **Statutory Consultees**

HED Historic Monuments Section has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

NIEA Natural Environment Division (NED) has only carried out a preliminary ecological Assessment. There may be natural heritage issues associated with this proposal.

The application site is adjacent to Lough Neagh Area of Special Scientific Interest (ASSI), Lough Neagh and Lough Beg Special Protection Area (SPA) and within Lough Neagh and Lough Beg RAMSAR site, hereafter referred to as designated sites, which are of international and national importance and protected by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended). The site is also adjacent to Washing Bay Local Nature Reserve. NED considers that the proposed development is unlikely to have a significant impact on designated sites and nature reserve

Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal raised no concerns

Water Management Unit notes the P1 form accompanying the application states that sewage will be disposed of to a Northern Ireland Water Sewer.

The information on Northern Ireland Water's (NIW) CARTomap system shows no foul sewers or combined sewers in close proximity to the proposal.

Discharge consent issued under the Water (Northern Ireland) Order 1999, will therefore be required for the discharge of sewage from this proposal. Water Management Unit notes it has issued a discharge consent for foul sewage for this address TC99/06. The applicant must refer and adhere to the relevant precepts contained in Standing Advice Note No. 23 – Commercial and Industrial Developments paying particular regard to all the circumstances that mean the review of any existing discharge consent is required.

Water Management Unit recommends the applicant contact the local consenting officer at their earliest convenience to discuss the review of this consent (028 9262 3157).

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

### **Access and Parking**

The applicant has outlined that the proposed extension will result in a material intensification of the site in that the expected increase in vehicles visiting the site daily is expected to be 10 representing an increase of 6 vehicles per day. This does equate to a 5% intensification of the site and in accordance with the interpretation of intensification within DCAN 15.

Transport NI were consulted and have responded asking for visibility splays of 4.5m x 90m in the northerly direction 4.5m x 33m in the southerly direction will be required giving the intensified use of the existing access.

However, the applicant does not have control any third party lands that would be necessary for to satisfy TNI's visibility requirements.

I have reviewed the extensive planning history relating to this site and noted that two previous planning applications M/2004/0430/F on 15th June 2004 for the 'community facility' at Site '220n north east of 5 Ferry Road and Planning permission M/2007/0679/F was subsequently granted for an extension to the community building on 11th September 2007, in both applications there were no conditions relating to access/visibility splays.

On the basis of what I observed during my initial site visit and subsequent visit with my colleague Planning Officer Paul McClean we looked at the alignment and adjacent vegetation and felt they had no significant impact that would restrict forward visibility along this part of the road.

TNI were approached for data regarding traffic accidents relating to Ballybeg Road no data was found.

Representations made by Councillor Malachy Quinn in support of the application. A letter was from the Chairperson of the Washing Bay Centre received on 20 October 2017, which set out a holistic over view of the centre and how it provides much need community facilities for the local community.

In essence the current proposal is to provide a single storey extension to provide appropriate meeting space for a mother and toddlers group and an older persons meeting. These are both existing groups who meet on a weekly basis and whose number would not increase traffic flows over and beyond existing use. The proposed development is designed to create a soft ambience alternative to existing hard tile and wooden flooring in order to accommodate for the very young and older age groups who are existing centre beneficiaries.

The letter confirmed that Mid Ulster District Council have a freehold ownership, legal and other responsibilities for the park, which includes visibility displays.

Although careful consideration has been had to the comments of TNI, it is my assessment the proposed development would not give rise to any significant impact to what is already provided for onsite.

My assessment also took into account the development's acceptance in terms of siting and design and given the representations made is a material consideration and provides a good enough justification in this case to recommend approval to Planning Committee.

#### **Neighbour Notification Checked**

**Yes**

225 Washingbay Road, Aughamullan, Coalisland, Tyrone, BT71 5DS

#### **Summary of Recommendation:**

I conclude that the principle of development has been established on this site. The proposed works are subordinate to the existing building and the size, scale, mass and form of the proposal allows it to integrate into the existing community facility. With regard to residential amenity I

consider the distance afforded to residential properties as well as the size and nature of the proposed works to be sufficient in terms of ensuring there will be no negative impact in this regard.

#### **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 extension hereby permitted, shall match those of the existing building.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the existing dwelling /building.

#### **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. The applicant's attention is drawn to the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and the Code of Practice for Access for the Disabled to buildings.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

**Signature(s)**

**Date:**

**Signature(s)**

**Date**

ANNEX	
<b>Date Valid</b>	21st March 2017
<b>Date First Advertised</b>	6th April 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 225 Washingbay Road Aughamullan Coalisland	
<b>Date of Last Neighbour Notification</b>	30th March 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0405/F Proposal: Proposed side extension with toilets and kitchen to cater for outstanding need of additional community facilities Address: Washingbay Centre 92 Ballybeg Road, Aughamullan Dungannon, Decision: Decision Date:  Ref ID: LA09/2016/1653/F Proposal: Erection of a ball wall Address: 90 Ballybeg Road, Washingbay, Coalisland, Decision: PG Decision Date: 20.02.2017  Ref ID: M/2006/2015/F Proposal: Addition to Wetlands Park site to include the construction of a boardwalk and canoe access at Washingbay. Address: Washingbay Wetlands Park, Ballybeg Rd, Aughamullan, Coalisland, Dungannon, Co. Tyrone Decision: Decision Date: 24.11.2007  Ref ID: M/2000/0145/F Proposal: Proposed extension and regrading of existing District Council playing pitch, erection of spectator stand, flood lighting, boundary fence, 4No catch nets, and alteration to access road. Address: Derrylaughan Gaelic Football Club, 3 Ballybeg Road, Washingbay Coalisland Decision:	

Decision Date: 18.10.2000

Ref ID: M/1974/0388

Proposal: PUBLIC RECREATION AND AMENITY AREA.

Address: WASHING BAY, AUGHAMULLAN AND DERRYLAUGHAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/1990/0174

Proposal: Extension to existing Amenity Area to provide access to Lough Shore

Address: AUGHAMULLAN, WASHINGBAY, COALISLAND

Decision:

Decision Date:

Ref ID: M/1975/0270

Proposal: ERECTION OF HOTEL

Address: AUGHAMULLAN, COUNTY TYRONE

Decision:

Decision Date:

Ref ID: M/1980/0102

Proposal: ACCESS ROADS AND CAR PARKS

Address: WASHING BAY, PHASE 1, COALISLAND

Decision:

Decision Date:

Ref ID: M/1974/0082

Proposal: ERECTION OF HOTEL

Address: WASHINGBAY CORNER, AUGHAMULLAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/2006/1797/F

Proposal: Construction of Reed Bed to Complete Satisfactory Discharge from a Septic Tank - See Outline Design Criteria from Northern Ireland Reed Bed Company

Address: Washingbay (Aghamullan) Coalisland, Co. Tyrone

Decision:

Decision Date: 01.03.2007

Ref ID: M/2007/0679/F

Proposal: Existing community building to be enlarged.- Existing kitchen increased in size and existing storage area increased in size.

Address: 200m East of 255 Washingbay Road, Coalisland, Dungannon. Washingbay (Aughamullan-townland) Coalisland, Dungannon

Decision:

Decision Date: 13.09.2007

Ref ID: M/2002/0036/O

Proposal: Small Community building to include small hall, display area, tea room and toilets.

Address: 200m East of 255 Washingbay Road, Coalisland, Dungannon

Decision:

Decision Date: 07.06.2002

Ref ID: M/2004/0430/F

Proposal: Community facility

Address: Site at 220m north east of 5 Ferry Road, Washing Bay, Coalisland

Decision:

Decision Date: 15.06.2004

Ref ID: M/2006/1452/F

Proposal: Alterations to community hall to include wind turbine and installation of 12 No solar panels on south facing roof

Address: Washingbay (Aughamullan- Townland) 200m east of 255 Washingbay Road, Coalisland, Dungannon, Co. Tyrone

Decision:

Decision Date: 18.12.2006

Ref ID: M/2012/0219/F

Proposal: The development relates to the installation of a solar array on the rear south facing roof of the building

Address: 92 Ballybeg Road, Coalisland (on the South facing roof of building),

Decision:

Decision Date: 08.06.2012

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**



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

Drawing No. 02A  
Type: Proposed Plans  
Status: Submitted

Drawing No. 03A  
Type: Proposed Plans  
Status: Submitted

Drawing No. 04  
Type: Existing Plans  
Status: Submitted

Drawing No. 05  
Type: Block 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

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0572/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed extension to existing Kindercraft Buisness to provide storage for raw materials, packaging and finished products	<b>Location:</b> 23 Ballymacombs Road Portglenone
<b>Referral Route:</b> Exception to PPS21	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Kindercraft Unit 3 23 Ballymacombs Road Portglenone	<b>Agent Name and Address:</b> CMI Planners Ltd Unit5C The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Transport NI - Enniskillen Office	Advice
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
<b>Summary of Issues</b>	
<b>Characteristics of the Site and Area</b> The site is set to the western side of an existing storage and distribution centre which has a number of large units all fronting onto the Ballymacombs Road and enclosed by security fencing. At present there are approx. 11 units which are all adjacent to each other and all are accessed via an existing access which is to remain unchanged. The proposed extension is to be sited within the western corner of the site with the site curtilage extended into the agricultural land. The previously approved site extension has not yet been carried out nor the conditioned buffer planting.	
<b>Description of Proposal</b> Proposed extension to existing Kindercraft Business to provide storage for raw materials, packaging and finalised products.	
<b>Planning Assessment of Policy and Other Material Considerations</b> I have assessed this proposal under the following: SPSS Magherafelt Area Plan 2015 Planning Policy Statement 4 - Planning & Economic development. Planning Policy Statement 21 - Sustainable development in the countryside Planning Policy Statement 3 - Access, Movement and Parking Site History - H/2003/0038/F - 3 No. Industrial Units (retrospective) - approved 28.09.2003; H/2006/0458/F - Proposed extension to existing industrial yard to provide 2No industrial units with associated car parking and turning - Appeal upheld 28.07.2010; H/2008/0494/F - Retention of hardcore area used for turning area, parking and storage area to existing industrial units - approved 26.05.2009; and H/2010/0426/F - Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area - appeal dismissed 05.01.2012. H/2012/0168/F - One additional unit for storage purposes, extension to existing car parking and new landscaped boundary treatments - Approved 22.10.2012 Consultees: - Transportni were asked to comment and responded on 21.08.2017 with no objections to the proposal subject to conditions. Environmental Health were asked to comment and responded on 12.05.2017 with no objections to the proposal subject to advice. NI Water were asked to comment and responded on 17.05.2017 with no objections to the proposal. Owners/Occupiers of Nos. 23A _ 25 Ballymacombs Road were notified of this proposal on 10.05.2017, no representations have been received to date. In line with legislation this proposal was advertised in the local press during May 2017, no representations have been received to date.	

The proposed shed has a floor space of approx. 613.6m<sup>2</sup>, the ridge height is to match that of the neighbouring shed and the finishes are to match those of the neighbouring sheds also.

According to PPS 4 - Ped 3 'Expansion of an established economic development use in the countryside' 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. 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 and will integrate into the overall development'.

According to supporting information submitted by the agent dated 25.07.79, the existing buildings on site are fully utilised with no available area or capacity within for the required additional storage of materials, that it is a thriving economic business in the local area which provides essential employment to approximately 100 employees locally, the proposed development will assist in the growth and expansion of the local commercial business. The statement goes on to say that the proposed extension is essential to provide sufficient and crucial storage of raw materials, packaging and finished products, which is needed for the smooth operation of this established business.

In addition according to the supporting statement the agent has claimed that the proposed siting to the west of the yard is the only available and viable area for which this business can be expanded for the following reasons:

- a small watercourse to the rear of the business restricts extension of the land to the rear.
- the area to the east/north east (opposite end of the yard) is used for the parking, storage and manoeuvring of a large amount of heavy duty commercial vehicles with the business having goods vehicle operator's licence for up to 30 lorries and trailers. The North East section of the site is therefore essential for the safe manoeuvring and accessing for these vehicles and not available for extension in terms of new built development. The proposed location for the new shed is the most viable and safe options for the business.

Finally the agent does state that the proposed extension would be in proportion with the existing buildings on site and would integrate as part of the overall development without causing any detrimental impact.

Having considered this information it is my determination that as no existing buildings can be utilised the proposal as submitted is the most suitable alternative and the proposed building is in proportion to the existing buildings and would integrate into the overall development; as such the proposal complies with PPS4, PED 3.

In addition the proposal needs to comply with PED 9 of PPS4. Under this policy the proposal will be required to meet all of the following criteria:

- it is compatible with surrounding land uses; - taking into consideration the historical approvals on this proposal site I feel this current application is compatible with the surrounding land uses.
- it does not harm the amenities of nearby residents; - Nos 23A \_ 25 Ballymacombs road were neighbour notified of this proposal on 10.05.2017, no objections have been received.
- it does not adversely affect features of the natural or built heritage; - there are no recognised natural or built heritage sites within close proximity to the proposal site.
- it is not located in an area at flood risk and will not cause or exacerbate flooding; - the site is not within a recognised flood zone.
- it does not create a noise nuisance; - the proposed building is to be used for storage and as such the noise nuisance will be minimal.
- it is capable of dealing satisfactorily with any emission or effluent; - Environmental Health were notified of this proposal and raised no concerns.
- 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 04.09.2017 with no objections subject to conditions.
- adequate access arrangements, parking and manoeuvring areas are provided; - as previously mentioned Transportni commented on 04.09.2017 with no objections to the proposal.
- 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; - non applicable for this particular proposal.
- the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; - the proposal is in keeping with the existing development on site and the previous approvals within the site.
- appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; - buffer planting strip has been shown on the drawings as previously approved.
- is designed to deter crime and promote personal safety; and - the site is surrounded by secure fencing and gated.
- in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. - as mentioned above the existing planting around the site is to be retained and the previously conditioned buffer strip along the western boundary is to be implemented.

In addition to compliance with PPS4 this proposal needs to comply with the requirements of PPS21 - CTY 13 - Integration and Design of Buildings in the Countryside whereby it states that planning permission will only 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:

- it is a prominent feature in the landscape; - this proposal would not be considered a prominent feature in the landscape given the adjacent land uses.
- 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 existing vegetation on site has been indicated to be retained and the previously approval of LA09/2015/0549/F conditioned that a newly planted buffer strip should be planted along the western boundary which has also been shown on this current proposals drawings.
- it relies primarily on the use of new landscaping for integration; - the existing vegetation on site has been indicated to be retained and the previously approval of LA09/2015/0549/F conditioned that a newly planted buffer strip should be planted along the western boundary which has also been shown on this current proposals drawings.
- ancillary works do not integrate with their surroundings; - existing access is to be used for this proposal.
- the design of the building is inappropriate for the site and its locality; - the design of the building is similar to those already on site.
- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; - given the previous history of approvals and established use on site I do not feel this current proposal would greatly impact upon the existing landform, existing trees, buildings etc. and so should be considered acceptable.
- 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 criteria is non applicable for this proposal.

Finally the proposal should be considered against the criteria of CTY 14 - Rural Character of PPS21 whereby it states that planning permission will be granted for a building in the countryside where it does not cause change to, or further erode the rural character of an area. A new building will be unacceptable where:

- it is unduly prominent in the landscape - given the pre-existing buildings on the site and approved and recognised use within the yard I do not feel this proposal building would be unduly prominent in the landscape.

- it results in a suburban style build-up of development when viewed with existing and approved buildings - while it is recognised that this type of development is not generally acceptable in this rural location, however considering the previous approvals on site and that due to the landform on the western side of the site there appears to be a natural point to which any potential development can increase and development stop.
- it does not respect the traditional pattern of settlement exhibited in that area; - the proposal would integrate into the existing site and with the existing development.
- it creates or adds to a ribbon of development - considering the previous approvals on site and that due to the landform on the western side of the site there appears to be a natural point to which any potential development can increase and development stop.
- the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.- the proposal is to make use of the existing access to the public road and so complies with this criteria.

Having considered all the points above I feel that given the previous approvals on site and in particular the planning committees previous approval of LA09/2015/0549/F then an approval should be recommended.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

Exception to policy however weight should be given to previous approval granted by Mid Ulster 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 vehicular access, including visibility splays of 2.4m x 90m in both directions, shall be in place, in accordance with Drawing No. 02/1 bearing the date stamp 28th July 2017, prior to the commencement of any other works or other development hereby permitted.

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

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

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

4.If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

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

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

6.The building hereby permitted shall be used only for Storage purposes, Class B4 of Planning (Use Classes) Order (Northern Ireland) 2004.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order.

7.During the first available planting season following the date of this decision, a 5m wide buffer planting strip shall be planted along the south western boundary of the site as indicated on the stamped approved drawing No. 02/1 date stamped 28th July 2017 and shall contain a mix of species as annotated in the landscape schedule on that drawing.

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

#### Informatives

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

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

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

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



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

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

7. It is the responsibility of the developer to ensure that:

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

8. The developer should comply with the requirements of the Health and Safety at Work (NI) Order 1978 and regulations made thereunder.

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

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

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

All services within the development should be laid underground.

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

None of the approved development shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	25th April 2017
<b>Date First Advertised</b>	11th May 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 23A Ballymacombs Road Glenone Bellaghy The Owner/Occupier, 25 Ballymacombs Road Glenone Bellaghy	
<b>Date of Last Neighbour Notification</b>	10th May 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2015/0549/F Proposal: Proposed shed extension to supersede previously approved unit ref H/2012/0168/F Address: 23 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 20.04.2017  Ref ID: H/2015/0033/LDP Proposal: Erection of farm shed utilising existing access. Address: 23 Ballymacombs Road Portglenone, Decision: PR Decision Date:  Ref ID: LA09/2016/1755/F Proposal: Replacement of toilet / changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone Address: 23 Ballymacombs Road, Portglenone, Decision: Decision Date:  Ref ID: LA09/2017/0572/F Proposal: Proposed extension to existing Kindercraft Buisness to provide storage for raw materials, packaging and finished products	

Address: 23 Ballymacombs Road, Portglenone,  
Decision:  
Decision Date:

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

Ref ID: H/2008/0494/F  
Proposal: Retention of hardcore area used for turning area, parking and storage area to existing industrial units  
Address: 23 Ballymacombs Road, Portglenone  
Decision:  
Decision Date: 28.05.2009

Ref ID: H/2010/0426/F  
Proposal: Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area  
Address: 23 Ballymacombs Road, Portglenone  
Decision:  
Decision Date: 15.03.2011

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

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

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

Ref ID: H/1987/0218

Proposal: AGRICULTURAL SHED  
Address: 23 BALLYMACOMBS ROAD PORTGLENONE  
Decision:  
Decision Date:

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

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

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

Ref ID: H/1983/0181  
Proposal: BUNGALOW AND GARAGE  
Address: BALLYMACOMBS ROAD, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1982/0234  
Proposal: SITE OF BUNGALOW  
Address: BALLYMACOMBS ROAD, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1987/0024  
Proposal: ALTS AND ADDS TO HOUSE  
Address: 10 BOYNE ROW CASTLEDAWSON  
Decision:  
Decision Date:

Ref ID: H/2013/0149/F  
Proposal: Amendment to planting scheme approved under previous application  
H/2012/0168/F

Address: 23 Ballymacombs Road, Portglenone,  
 Decision: PG  
 Decision Date: 15.04.2014

Ref ID: H/2012/0318/F  
 Proposal: 11KV Overhead Powerline  
 Address: 180m NNE of 23A Ballymacombs Road, Portglenone,  
 Decision: PG  
 Decision Date: 16.10.2012

Ref ID: H/2013/0272/F  
 Proposal: Construction of a carpark in connection with an established business  
 Address: 60m South West of 23 Ballymacombs Road, Portglenone,  
 Decision: PR  
 Decision Date: 15.05.2014

Ref ID: H/2012/0168/F  
 Proposal: One additional unit for storage purposes, extension to existing car parking and new landscaped boundary treatments  
 Address: 23 Ballymacombs Road, Portglenone,  
 Decision: PG  
 Decision Date: 22.10.2012

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

Date of Notification to Department:  
 Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 07/11/2017	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0587/F	<b>Target Date:</b> 15/08/2017
<b>Proposal:</b> Proposed infill for two dwellings	<b>Location:</b> Land between 60 and 66 Kilnacart Road Dungannon
<b>Referral Route:</b>  One objection received.	
<b>Recommendation:</b>	Approve.
<b>Applicant Name and Address:</b> Paul McCann 10 Terryglassog Road Dungannon	<b>Agent Name and Address:</b> Sam Smyth Architecture Unit 45d Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

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

### Representations:

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

### Summary of Issues

Transport NI, Historic Environment Division (HED), and NI Water were consulted and responded to this application. 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 Kilnacart Road, Dungannon, Co. Tyrone. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010.

The application site is located on land between 60 and 66 Kilnacart Road, Dungannon, Co. Tyrone. This site is currently in use as agricultural pasture. It makes up part of an open field which fronts onto the Kilnacart Road. The site is located towards the south of the field and is bound on its eastern side by a 2m high hedge which makes up its boundary with No. 66 Kilnacart Road. On its western side of the site the boundary is also made up of a 2m high mature hedgerow where it meets a local access lane serving No. 62 Kilnacart Road. No. 60 Kilnacart Road is located on the opposite side of the access lane and it is located directly beside No. 60a Kilnacart Road, to its west. The application site sits between No's 60a and 60 to the west and No. 66 to the east. There are no properties directly opposite or facing onto the site, however No. 59, 61 and 65 are located nearby on the opposite side of the road.

In terms of elevation the site is higher on its southern side where it meets the Kilnacart Road and the overall topography of the site gradually decreases in elevation towards the north. The wider area surrounding the site exhibits an undulating character.

### Description of Proposal

The application seeks full planning consent for 2 no. proposed dwellings. The proposed site is at lands between 60 and 66 Kilnacart Road and the applicant has highlighted that they wish to apply for the dwellings as part of an application for infill development.

Details of design, size & scale, landscaping and access have been provided with the application. The proposed dwellings are storey and a half sized dormer bungalow type developments with side projection which incorporates a sun lounge and side covered patio. The proposal also incorporates a detached single garage to the rear of each dwelling. The landscaping proposed includes the provision of a new hedge along each of the northern, southern and eastern boundaries. The proposed access to the site is via Kilnacart Road which runs along the south of the application site. It is proposed to utilise a new joint access which serves both proposed dwellings.

The materials to be used in the construction of the dwellings and garages have been annotated on Drawing No. 03 (02/05/2017) and 05 (12/10/2017), and include slap dashed walls, pvc double glazed windows, hardwood front door, black concrete tiles to roof, and pvc fascia, soffits and rainwater goods collection. The application dwelling to the east of the application site includes natural stone detailing to its porch and side projection.

### 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. PPS 21 – Sustainable Development in the Countryside.
4. PPS 6 – Planning, Archaeology and the Built Heritage.
5. PPS 3 – Access, Movement and Parking.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS.



Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One such development is a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

### **Planning History**

There is no applicable planning history on the site relevant to the determination of this application.

### **Representations**

Neighbour Notification and Press advertisement has been carried out in line with the Council's statutory duty.

One third party objection has been received.

### **Assessment**

#### Principle of Development

Policy CTY 8 highlights 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.

The policy highlights that a small gap site may be acceptable providing that it does not create or add to a ribbon of development. Ribbon development continues to be discouraged in the countryside.

The proposal is sited between two residential dwellings in No. 60 Kilnacart Road to the west and 66 Kilnacart Road to the east. In addition to that No. 60a Kilnacart Road is situated directly beside 60 and further along the Kilnacart Road to the east. Having assessed the proposal I am content that the proposed infill for two dwellings is of an appropriate size and scale, which represents the existing development pattern in this area. Evidence has been submitted by the applicant which confirms this. I am also satisfied that the proposal represents an infill of development in that it is sited between one dwelling to the west and two dwellings to the east, it does not add to or create a ribbon of development. Furthermore I consider that the dwellings on either side present a continuous and built up frontage along the Kilnacart Road. In consideration of that above I am content that the proposal can be considered as infill development. With this in mind I consider that the proposal is consistent with policy provision contained within CTY 8 of PPS 21.

#### CTY 13 and 14

Further to the policy highlighted within CTY 8 buildings in the countryside are also expected to conform to the policy provision contained within policies CTY 13, and 14 of PPS 21.

Policy CTY 13 stipulates 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 noted that the proposed site is located between a series of existing dwellings along this part of the Kilnacart Road. It is important from an integration perspective that the proposal does not appear intrusive in the context of the landscape and the surrounding built environment. The proposal put forward is of a simple rural design and a modest size, scale and height. This aids the integration of the proposal into this area of the countryside and prevents an unacceptable level of impact in terms of integration. The simple traditional design used on the dwellings also restricts the overall level of impact.

I consider that the proposal respects the nature of the surrounding environment and is of an appropriate size and scale to successfully integrate into the context of this rural landscape.

In terms of Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environment is suitable for absorbing two dwellings at this location and for the reasons documented above the proposal will not have a negative influence on the existing rural character of the area.

#### Access

In terms of site access it has been proposed to use a new joint access from the Kilnacart Road. In consideration of this proposal I have consulted with Transport NI as the competent authority in assessing the application from this perspective. Transport NI responded to the application on 22/06/2017 and highlighted that they were content with the proposal, subject to condition. I am satisfied that a satisfactory means of access to the development has been proposed and that the proposal accords with the policy provision of PPS 3 – Access, Movement and Parking.

#### Historic Environment

The proposed development is sited some 105m to the north of a scheduled monument in the form of a protected rath (ref: TYR061:023). In consideration of the application I have consulted with the Department of Communities Historic Environment Division (HED) as the competent authority in assessing the application from this perspective. HED responded to the application on 23/05/2017 highlighting that they were content with the proposal. On the basis of the comment from HED as well as the distance the protected monument and the proposed development, I am satisfied that the proposal is satisfactory to the policy provision of PPS 6 – Planning, Archaeology and the Built Heritage.

#### Representation

One letter of objection was received on this application. The objection letter date stamped 14/07/2017 is from the occupier of No.60 Kilnacart Road, to the west of the application site. The objector has raised issues concerning the character of the area, amenity concerns from future occupants, and road traffic intensification. As discussed above the proposal conforms to the applicable planning policy in terms of integration and character. The proposal is not considered to give rise to an unacceptable level of intrusion or prominence in the context of the local landscape.

With regard to amenity I have consulted with the Council's Environmental Health Department (EHD) who have made comment by return. EHD have advised that any nuisance action cannot be used to subsequently address the prevailing amenity conditions surrounding the site and that only future increases or intensification of adverse impacts may be considered in the determination of nuisance. EHD have no objection to the proposed development. In consideration of amenity of the surrounding dwellings I consider that there is a sufficient distance between the proposed dwellings and the existing dwellings so as to ensure there is no significant detriment to residential amenity.

As discussed above, Transport NI have been consulted on this application and have responded highlighting that they have no objection to the proposal subject to conditions. The suggested conditions relate to the provision of visibility splays and access gradient. I consider the suggested conditions to be both necessary and appropriate in terms of ensuring there is a satisfactory means of access to the site, in the interests of road safety and the convenience of road users.

#### **Conclusion**

Members are advised that the proposal is sited in an area which can accommodate an infill proposal of the size, scale and nature of that proposed, and for the reasons documented above the scheme is deemed to be acceptable.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>	
Recommendation to approve, subject to the conditions outlined below.	
<b>Conditions/Reasons for Refusal:</b>	
<p>Conditions</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. All proposed planting comprised in the approved details of drawing No 02 Rev B bearing the date stamp 12/10/2017, shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</li> <li>3. The vehicular access, including visibility splays of 2.4m x 70m and any forward sight distance shall be provided in accordance with drawing no. 02 Rev B bearing the date stamp 12/10/2017, 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.</li> <li>4. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</li> </ol> <p>Informatives</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	

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.
4. The applicant's attention is drawn to the comments made by The Council's Environmental Health Department, dated 20/09/2017.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	2nd May 2017
<b>Date First Advertised</b>	18th May 2017
<b>Date Last Advertised</b>	24th August 2017
<b>Details of Neighbour Notification</b> (all addresses) Gordon Moore 60, Kilnacart Road, Dungannon, Tyrone, Northern Ireland, BT70 1PD The Owner/Occupier, 60B Kilnacart Road Dunamony Dungannon The Owner/Occupier, 61 Kilnacart Road,Dunamony,Dungannon,Tyrone,BT70 1PD, The Owner/Occupier, 62 Kilnacart Road,Dunamony,Dungannon,Tyrone,BT70 1PD, The Owner/Occupier, 65 Kilnacart Road,Dunamony,Dungannon,Tyrone,BT70 1PD, The Owner/Occupier, 66 Kilnacart Road Dunamony Dungannon	
<b>Date of Last Neighbour Notification</b>	14th August 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b> N/A	
<b>Summary of Consultee Responses</b> Transport NI – Advice HED – Content NI Water – No Objection Environmental Health Department – No Objection	

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



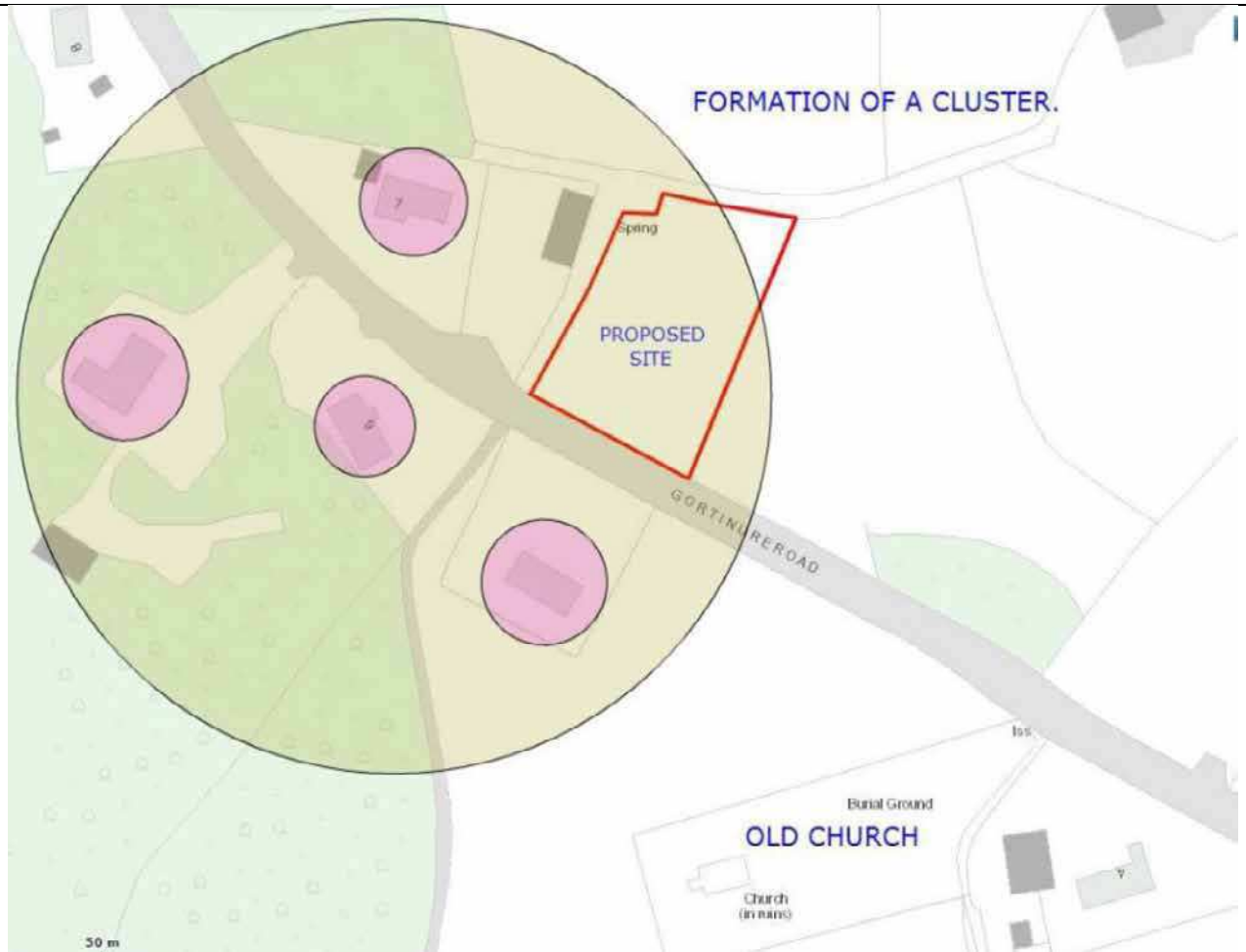
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0624/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and garage under policy CTY2a	<b>Location:</b> 70m South East of 7 Gortinure Road Maghera
<b>Referral Route:</b> Contrary to CTY 1, 2a, 8 & 14 of PPS 21	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Kirsty and Michael McEldowney 1 Hawthorn Drive Maghera	<b>Agent Name and Address:</b> CMI Planners 38 Airfield Road Toomebridge
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

**Summary of Issues** No issues



**Characteristics of the Site and Area**

The site is located approx. 2.5 miles north of Maghera in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 70m South East of 7 Gortinure Road, Maghera. The proposed site is a cut out portion of a large agricultural roadside field which slopes in a south easterly direction. The south-western, north-western and north-eastern boundaries are defined by mature vegetation, the remaining south-eastern boundary is undefined. A builder's yard abuts the site along the north-western albeit with a laneway located in between and on the opposite side of the road there is a single storey dwelling, No 6a.

**Description of Proposal**

The application seeks outline planning permission for a new dwelling under CTY 2A.

**Planning Assessment of Policy and Other Material Considerations****Relevant Site History:**

No relevant history.

**Representations:**

4 neighbour's notification letter were sent to Nos 6, 6a, 7 & 8 Gortinure Road, Maghera. No letter of representation have been received

**Development Plan and Key Policy Consideration:**

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

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

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. PPS 21 allows for an individual dwelling house in the countryside if it meets with one of a number of cases listed under CTY1. The applicant indicates that the proposal should be considered under Policy CTY 2a - New Dwellings in Existing Clusters. In accordance with policy CTY 2a, planning permission will be granted for a dwelling at an existing cluster of development provided a list of 6 criteria are met.

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross roads;
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

It appears that this cluster of development lies outside of a farm and consists of more than 4 buildings of which 6 are dwellings, Nos 4a, 6, 6a, 6b, 6c, 7, and 8. The cluster is read together and appears as a visual entity in the local landscape. The first and second criteria of CTY 2a have been met.

The third criterion of CTY 2a requires the cluster to be associated with a focal point such as a social/community building/facility, or is located at a cross roads. The applicant indicates that the cluster is associated with a Historic Church and Burial Ground located approximately 90m south-east of the site. The church is largely derelict and overgrown making access to the grounds difficult. As a result the degree of separation coupled with mature screening results in a lack of any meaningful visual linkage or association between the derelict church and the proposed site. Also, the use of a largely derelict and unused church calls into question its suitability as a social/community facility. Social/community facilities are commonly taken to include church/orange halls, rural pubs/shops churches, rural football clubs which are used on a regular basis by the community and act as a hub for local communities to come together. A derelict church which is not in use and is not easily accessible is not considered to be such a facility, consequently there is no focal point and third criterion of CTY 2a has not been met.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The proposed site is currently well screened from any public viewpoints and consists of mature vegetation along the north-eastern, south-western and north-western. Transport NI indicate that hedge removal is required to achieve visibility splays, however I am satisfied that this will not be significant and that the site will still be able to provide a suitable degree of enclosure. The site is bound by development along the north-western (builder's yard) and along the south-western boundary (the property at No 6a).

The fifth criterion requires that the development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside. A new dwelling would be visually linked with No 7 and the shed at the builder's yard and would create a linear form of development. For this reason, the proposal would not round off or consolidate development and would visually intrude into the open countryside. The fifth criterion of CTY 2a has not been met.

I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this can be further considered at RM stage if approval is forthcoming. The sixth criterion of CTY 2a has been met.

The third and fifth criteria of Policy CTY 2a have not been met. CTY 2a states that all criteria must be met, therefore the proposal is contrary to CTY 2a.

### **Policy CTY 8**

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The proposed site would share a common frontage and visually connect with the dwelling at No 7 Gortunire Road and the shed at the builder's yard and create a ribbon of development along the Gortunire Road. The proposal is contrary to CTY 8.

### **Integration**

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate

design. I am satisfied a dwelling with a ridge of 5.5m can visually integrated into the surrounding landscape and that the mature vegetation along the north-eastern boundary of the site would provide a backdrop. The mature vegetation along the south-eastern and north-western boundaries would help to screen the site when travelling in north westerly direction and when travelling in the opposite direction the existing development would result in only fleeting views of the site.

#### **Impact on Character and Appearance of the Area**

Policy CTY14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The policy identifies five criteria where a new building would be unacceptable. It has already been determined that the proposal is contrary to CTY 8 and is therefore contrary to criterion (d) of Policy CTY14. The proposal would result in a suburban style build-up of development when viewed with the existing buildings and is therefore also contrary to criterion (b).

#### **Other Material Consideration.**

I am also satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

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

**Summary of Recommendation:** I recommend refusal on the bases of non-compliance with Policies CTY1, 2a, 8 & 14 of PPS 21.

#### **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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and/or is not located at a cross-roads and the dwelling would if permitted visually intrude into the open countryside.
3. 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 Gortinure Road.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a new dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th May 2017
<b>Date First Advertised</b>	18th May 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 6 Gortinure Road Glebe Maghera The Owner/Occupier, 6A Gortinure Road Glebe Maghera The Owner/Occupier, 7 Gortinure Road Glebe Maghera The Owner/Occupier, 8 Gortinure Road Glebe Maghera	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0624/O Proposal: Dwelling and garage under policy CTY2a Address: 70m South East of 7 Gortinure Road, Maghera, Decision: Decision Date:  Ref ID: H/2005/0356/O Proposal: Site of dwelling Address: 50m North of No. 7 Gortinure Rd, Maghera (site 2) Decision: Decision Date:  Ref ID: H/2005/0357/O Proposal: Site of Dwelling Address: North of & Adjacent 7 Gortinure Road, Maghera (Site 1) Decision: Decision Date:  Ref ID: H/1979/0105 Proposal: SITE OF BUNGALOW Address: MONEYSHARVIN, MAGHERA Decision: Decision Date:	

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0629/O	<b>Target Date:</b>
<b>Proposal:</b> Off site replacement for a dwelling currently at 120m West of no.39 Bellshill Road, Castledawson to be relocated on lands 70m West of no. 47 Bellsill Road, Castledawson	<b>Location:</b> 70m West of no.47 Bellshill Road Castledawson Magherafelt
<b>Referral Route:</b> Refusal recommended – Contrary to CTY 13 & CTY 14 of PPS21	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> George McMillin 11 Bellshill Road Castledawson	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge Toome BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b> 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	Advice
Statutory	Historic Environment Division (HED)	Content
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
<b>Summary of Issues</b>	
<p><b>Characteristics of the Site and Area</b></p> <p>The proposal site is located within the corner of a large agricultural field. The existing dwelling is a single storey detached traditional design building, the building still displays all the original characteristics of a dwelling with all external walls being substantially intact. The current location of the dwelling is affected by the new road development to the north and the land has been vested for gravel extraction thus the applicant has applied for an off-site replacement. The proposed new location is currently an agricultural field and the dwelling is proposed to be sited in the corner of this. The site is elevated above the level of the existing site and in a prominent location on the sky line. There are a scattering of single storey properties within proximity but not adjacent to the proposal site. The site is unbounded on the northern and NE boundaries and only minimally on the SW and eastern boundaries by a very modest agricultural hedge. The new road layout is underway and the existing dwelling has already been demolished, the new site proposed would site immediately south of the new road layout. The proposal site is surrounded by agricultural land which drops in levels below the proposed site.</p>	
<p><b>Description of Proposal</b></p> <p>Outline application for 'off site replacement for a dwelling currently at 120m West of no.39 Bellshill Road, Castledawson to be relocated on lands 70m West of no. 47 Bellshill Road, Castledawson'.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>I have assessed this proposal under the following:</p> <p>SPSS  Magherafelt Area Plan 2015  Planning Policy Statement 1 - General Principles  Planning Policy Statement 21 - Sustainable development in the countryside.  Planning Policy Statement 3 - Access, Movement and Parking  Planning Policy Statement 6 - Planning, Archaeological and built heritage</p> <p>Consultees: - Transportni were asked to comment and responded on 08.06.2017 stating that they are 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 is subject to change.  Environmental Health were asked to comment and responded on 25.05.2017 with no objections.  NI Water were asked to comment and responded on 22.05.2017 with no objections.  HED were asked to comment and responded on 23.05.2017 with no objections.</p> <p>Neighbours: - Owners/Occupiers of Nos. 45, 47, 48a _ 49 Bellshill Road were notified of this proposal on 19.05.2017, no representations have been received to date.</p>	



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

In line with CTY 3 of PPS21 planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. In addition proposals for a replacement dwelling will only be permitted where all of the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; - The site of the current dwelling is sited within land that has been committed for gravel extraction for the new road development and as such the proposed replacement cannot be sited within the current site.
- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building; - this is an outline application and the size or design of the proposed replacement dwelling has not been stipulated, however the proposed off site location does not present any existing integration or natural boundaries providing a suitable degree of enclosure for a new building and so does not comply with this part of the criteria.
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness; - as previously mentioned no design has been suggested at this outline stage.
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and - services such as water and power could be provided to the proposal site.
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. - As per the Transportni consultation response dated 08.06.2017 the proposed new road shown on the proposal does not yet exist and the final line of this new road is subject to change as such no access is available for this proposal and thus it cannot comply with this criteria.

In addition to compliance with CTY 3 this proposal is required to be accessed against CTY 13 of PPS21 - Integration and Design of Buildings in the countryside. According to this policy 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:

- it is a prominent feature in the landscape; - a dwelling sited within the proposed off site location would be a prominent feature on a skyline site and so fails to comply with this criteria.
- 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; - it is my consideration that the proposed site is unable to provide a suitable degree of enclosure for the building proposed.
- it relies primarily on the use of new landscaping for integration - a dwelling sited within the proposal site would have to rely on new landscaping for integration and as such fails this criteria.
- ancillary works do not integrate with their surroundings; - road access could potentially be taken from the new road when completed.
- the design of the building is inappropriate for the site and its locality - no design has been proposed at this stage as this is an outline application.

- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; - the proposal site is at the highest point with no surrounding landform or vegetation to provide a backdrop and so fails to comply with this criteria.
- 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.

It is a requirement that the proposal site complies with CTY 14 - Rural Character of PPS21. Within this 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 professional consideration that a dwelling located in the proposal site would be unduly prominent in the landscape and as such fails this criteria.
- b) it results in a suburban style build-up of development when viewed with existing and approved buildings - the proposal site would not cause a build-up of development and as such complies with this criteria.
- c) it does not respect the traditional pattern of settlement exhibited in that area; - the pattern of development will not be negatively impacted by this proposal should the committee feel an approval should be granted.
- d) it creates or adds to a ribbon of development - due to the surrounding development pattern should the committee feel an approval should be recommended there would be no issues regarding the creation of ribbon development or adding to a ribbon of development.
- e) the impact of ancillary works (with the exception of necessary visibility splays) would damage the rural character.

It should be mentioned to the planning committee that the applicant has identified other land in blue under his ownership and it is felt that some of this land may present a more suitable off site replacement location without being an unduly prominent site.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

Refusal

#### **Reasons for Refusal:**

1. 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.

2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

3. The proposed development is within the landtake associated with the preferred route of the A6 as provided for within the Investment Delivery Plan (IDP) for Roads and would, if permitted, prejudice the implementation of this strategic transport project.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th May 2017
<b>Date First Advertised</b>	18th May 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 45 Bellshill Road Annaghmore Castledawson The Owner/Occupier, 47 Bellshill Road Annaghmore Castledawson The Owner/Occupier, 48A Bellshill Road Annaghmore Castledawson The Owner/Occupier, 49 Bellshill Road Annaghmore Castledawson	
<b>Date of Last Neighbour Notification</b>	19th May 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0629/O Proposal: Off site replacement for a dwelling currently at 120m West of no.39 Bellshill Road, Castledawson to be relocated on lands 70m West of no. 47 Bellsill Road, Castledawson Address: 70m West of no.47 Bellshill Road, Castledawson, Magherafelt, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0697/F	<b>Target Date:</b>
<b>Proposal:</b> Provision of 7 business units, use classes B1 and B2. Provision of in curtilage car parking and vehicle turning areas	<b>Location:</b> 237 Trewmount Road Moy
<b>Referral Route:</b> Objections received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Thomas Fanthorpe Armagh Industrial Bearing Supplies Ltd 237 Trewmount Road Moy BT71 7ED	<b>Agent Name and Address:</b> Colm Donaghy Chartered Architect 43 Dungannon Street Moy BT71 7SH
<b>Executive Summary:</b> Objections received in relation to proposed redevelopment of an existing industrial site. The proposed development for 7 units for office and light industrial purposes is in an area where there is a mixture of uses and is considered acceptable.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Approve with conditions
Non Statutory	Environmental Health Mid Ulster Council	Approve with condition
Statutory	Historic Environment Division (HED)	Content

### 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

Intensified use of site detrimental to residential development  
Additional traffic on Trewmount Road with resulting noise, fumes and emissions

Noise from the development unacceptable, suggested planting evergreen hedge will improve appearance and reduce noise  
Unable to determine heights of buildings  
Devalue property  
Loss of view  
Buildings too high

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

237 Trewmount Road is currently occupied by Armagh Industrial Bearing Supplies and is comprised of a hard standing area used for outside storage purposes and a large portal frame building set in the rear NW corner. The yard is enclosed by a black paladin type fence to the front, along Trewmount Road, a grey galvanised palisade fence to the south with Moy Demesne and concert bent arm post and chain link fence to the other boundaries.

To the south of the site is a recently constructed private housing development, which has a grassed area of open space along the boundary with the application site. Opposite, behind a high stone wall, is Concept Life Sciences laboratory. To the north is a terrace of chalet type cottages, of arts and crafts type design, with steep pitched roofs and dormer windows. To the rear of these are industrial type buildings.

### **Description of Proposal**

The proposal is for the erection of 7 business units for Class B1 Business Use and Class B2 Light Industrial Use, within 2 blocks located along the south side of the site. The block to the road side is proposed to have 5 units, with gross floor area (gfa) of 66sqm in each unit, in an L-shaped configuration. The building will have a stone clad elevation facing the road, stone clad gable facing into the yard and smooth render walls to all other elevations. The roof is proposed to have flat black concrete roof tiles. The other building will house 2 units, one with gfa of 133sqm and the other with gfa of 382sqm. This building will have a ridge height of 8.5m and be finished with grey panels to the roof and upper walls and fair faced block to the lower walls, 2 roller doors will open into the yard area. It is also proposed to widen the access, remove the existing fence and provide pedestrian crossing points at the entrance. It is proposed to provide 36 car parking spaces, 32 new spaces as 4 are being relocated, as well as parking and turning for an articulated vehicle within the site. A laurel hedge is proposed along the south boundary of the site.

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

The plan for the area is the Dungannon & South Tyrone Area Plan 2010 and this identifies the site as within the settlement limits for the village of Moy and approx. 300metres outside the Moy Conservation Area. Members are advised the relevant policies for this type of development are contained within the Dungannon & South Tyrone Area Plan 2010, the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 3 – Access, Movement & Parking, Planning Policy Statement 4 – Planning & Economic Development and Planning Policy Statement 6 - Planning Archaeology and the Built Environment. I consider that if the development meets with PED1 and PED 9 of PPS4, it will meet with the other policy requirements as these cut across each other.

Members should note that whilst PED1 is generally permissive for Industrial Development within settlements, inside villages it does seek to restrict the amount of Class B1 development (offices which are not for financial, professional or other services offices, call centres and research and development uses) to under 200sqm gross floor space. It does not seek to limit the floorspace for Class B2, Light Industrial Uses provided it is appropriate to the scale of the settlement and not incompatible with nearby residential uses. The proposed development contains 5 small units



at the front which, if all were used as small offices would create 330sqm of office floor space. It is clear this is to try to prevent large office development in small settlements that would undermine the existing village centres and larger town. In this instance I consider that due to the conservation area in Moy, it would be appropriate to accommodate this type of light industrial and small scale office development outside the village centre as it could be at odds with the conservation interests in the village centre. If the 5 units at the front were all to be used for offices, I do not consider this additional 130sqm of floorspace, above that allowed by the policy, would have a significant impact on the village centre. I consider a condition can be imposed to limit the use of the larger building to Class B2 and that it is appropriate to do so to protect the village centre.

The proposed Class B1 & B2 uses are similar to the existing use that exists on the site in Armagh Industrial Bearings, there is a storage yard and industrial buildings to the north and opposite is a laboratory. To the north and the south are residential developments which could be impacted by development due to their sensitivity to noise and other nuisances. Members should note that Class B1 & B2 of the Use Classes Order (NI) 2015 are uses that can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Environmental Health officers have advised the area has a high background noise level due to the amount of traffic using the road to access the M1 Motorway and while they have responded to request a condition that Class B4 use only, I have confirmed this is an error and should refer to Class B1 & B2. Due to the proposed uses on the site, which can be controlled by condition and the orientation of the buildings, that will screen Moy Demense from activities within the yard, I do not consider the proposed development will have a detrimental impact on the amenity of the adjacent residential properties and I therefore consider it is compatible with the surrounding land uses.

HED have been consulted and do not have any concerns about impacts on the built heritage. The site does not have any natural heritage features, is not within an area identified as being at flood risk and due to the existing yard area and hardstanding on the site, the proposed development will not result in a significant increase in hard surfaced areas that would contribute to causing flooding elsewhere. Waste from the site will be dealt with by NI Water and Mid Ulster District Council collections.

Roads engineers have not raised any concerns in relation to the improvements to the access and have asked that a condition is added to ensure the car parking areas are provided as shown before the development is occupied, which I consider is a reasonable request. The proposal provides parking and turning for an articulated vehicle as well as parking and turning for a commercial vehicle. The car parking for the proposed development is 1 space less than the total spaces required for 198sqm of B1 floor space and 912sqm of B2 floorspace. I do not consider this shortfall is so significant as to warrant refusing the development. I also note the proposal provides a linkage into the existing footway to the centre of Moy, which I consider allows the site to be accessed by other modes of transport and is not entirely reliant on vehicular means. Members are advised there are objections in relation to the amount of traffic this site will generate on the adjoining road, however I note this is a heavily trafficked route providing access to the M1, and this is backed up by the EHO noise measurements. I do not consider the proposed development will result in a significant increase in traffic on the road and as such is unlikely to significantly contribute to noise and pollution.

The proposed buildings are reflective of the finishes within the site and the locality and I consider the use of the stone on the front buildings, which mirrors the stone walls on the opposite side of the road is also appropriate to the location. The proposed development is set behind the building line and includes gates within the development to provide added security. Landscaping comprised of a laurel hedge has been proposed along the south boundary of the site, with Moy Demense, however I consider additional landscaping should be provided to the roadside, the north and within the site to soften the impact of the development, and I consider this can be

conditioned and that a scheme should be submitted and agreed before any development commences on the site.

The proposed development steps down the hill, with the building at the rear of a similar height to the existing building on the site. The plans clearly show this and therefore I do not consider the objection about being unable to determine the height of the buildings is a valid concern. The new building, which is the same height as the existing building on the site, will not in my opinion have any greater impact on the amenity of the dwellings in Moy Demesne due to the orientation and distances from them and the proposed buildings. Members will be aware that loss of value of property is not something that can be given significant weight in the determination of planning applications. I consider the site as it currently sits, is unsightly with open storage in the yard in plain sight of the existing dwellings. The proposed development will, in my view, improve the appearance of the site and the area and I consider the separation distance between the proposed buildings and the dwellings in Moy Demesne, with the area of open space and landscaping will not result in an unacceptable visual intrusion on the dwellings in Moy Demesne.

I do not consider the objections that have been received should outweigh the policy considerations for this redevelopment of an existing industrial site.

Taking all the factors into account it is my view that planning permission can be granted for this development subject to conditions about use, parking and access provision and landscaping agreement and provision.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve with conditions

**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 development hereby approved shall be used only for purposes as specified in Use Classes B1 and B2 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

REASON: To safeguard the living conditions of residents in adjoining and nearby properties.

3. Units 6 and 7, as defined on drawing No 3 Rev 2 bearing the stamp dated 1 AUG 2017, shall only be used for the purposes as specified within Class B2 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

REASON: To control the amount of office uses within the site.

4. None of the development hereby permitted shall be occupied until the vehicular access has been improved in accordance with the details as shown on drawing No 3 Rev 2 bearing the stamp dated 1 AUG 2017.

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

5. None of the buildings hereby approved shall be occupied until hard surfaced areas have been constructed and permanently marked out in accordance with the drawing No 03Rev2 bearing the stamp dated 01 AUG 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. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted along all boundaries of the site and within the site. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

Informatives

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	19th May 2017
<b>Date First Advertised</b>	1st June 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 11 Moy Demesne, Moy, BT71 7EA Anne Burke 11, Moy Demesne, Moy, Tyrone, Northern Ireland, BT71 7FJ The Owner/Occupier, 13 Moy Demesne, Moy, BT71 7EA Johnathan Jordan 15 Moy Demense Dungannon Moy, Dungannon The Owner/Occupier, 15 Moy Demesne, Moy, BT71 7EA The Owner/Occupier, 17 Moy Demesne, Moy, BT71 7EA Simon McBride 19 Moy Demesne Killyman Street Moy/Dungannon The Owner/Occupier, 19 Moy Demesne, Moy, BT71 7EA The Owner/Occupier, 21 Moy Demesne, Moy, BT71 7EA Paula Mulholland 21 Moy Demesne,Moy,BT71 7EA The Owner/Occupier, 23 Moy Demesne, Moy, BT71 7EA Gary O'Hare 23 Moy,Demesne,Moy,BT71 7EA The Owner/Occupier, 233 Trewmount Road,Moy,Tyrone,BT71 The Owner/Occupier, 235 Trewmount Road Moy Tyrone The Owner/Occupier, 33 Moy Demesne, Moy, BT71 7EA Barry McKenna 57 Moy Demesne Moy Tyrone The Owner/Occupier, 67 Trewmount Road Kinego Moy The Owner/Occupier, 69 KILLYMAN STREET MOY TYRONE BT71 7EA The Owner/Occupier, 69 Trewmount Road, Kinego, Moy, Tyrone, BT71 6RN The Owner/Occupier, 69A KILLYMAN STREET MOY TYRONE BT71 7EA	

The Owner/Occupier,  
Number 1 "Seven Houses" 235 Trewmount Road, Moy, Tyrone, BT71 7SJ,

**Date of Last Neighbour Notification**

23<sup>rd</sup> October 2017

**Date of EIA Determination**

N/A

**ES Requested**

N/A

**Planning History**

Ref ID: LA09/2017/0697/F

Proposal: Provision of 7 business units, use classes B1 and B2. Provision of in curtilage car parking and vehicle turning areas

Address: 237 Trewmount Road, Moy,

Decision:

Decision Date:

Ref ID: M/1994/6098

Proposal: Acquisition of land Killyman Street Moy

Address: Killyman Street Moy

Decision:

Decision Date:

Ref ID: M/2006/1380/F

Proposal: Housing development comprising 50 no units consisting of a mix of detached and semi-detached dwellings including associated siteworks and new road access.

Address: Lands to the south and west of 237 Killyman Street, Moy

Decision:

Decision Date: 12.11.2010

Ref ID: M/2004/0469/F

Proposal: housing development-24 detached, 98 semi-detached - 26 townhouses and 9 apartments

Address: Lands opposite and west of 63 Killyman Street, Moy

Decision:

Decision Date: 05.10.2004

Ref ID: M/2005/0764/Q

Proposal: Housing Development

Address: Site at Killyman Street, Moy

Decision:

Decision Date:

Ref ID: M/2003/1146/O

Proposal: Housing development - 53 dwellings

Address: 85 metres west of 63 Killyman Street, Moy

Decision:

Decision Date: 15.06.2004

Ref ID: M/2003/0302/F

Proposal: Erection of 9 No dwellings and associated site works (following demolition of existing buildings)

Address: Site at 237 Trewmount Road, Moy

Decision:

Decision Date: 07.01.2004

Ref ID: M/1992/6030

Proposal: Disposal of Surplus Land Trewmount Road Moy

Address: Trewmount Road Moy

Decision:

Decision Date:

Ref ID: M/1973/0010

Proposal: 11KV O/H LINE DIVERSION

Address: MOY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/1262/F

Proposal: Housing Development comprising of 16 No. duplex apartments and 4 No. semi detached dwellings with new access road.

Address: 237 Killyman Road, Moy

Decision:

Decision Date:

Ref ID: M/1974/0004

Proposal: ELECTRICITY SUBSTATION

Address: MOY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2015/0079/O

Proposal: Dwelling and garage

Address: 237 Trewmount Road, Moy, BT71 7ED,

Decision: PG

Decision Date: 18.09.2015

Ref ID: M/2012/0606/F

Proposal: Proposed warehouse for parts storage and distribution

Address: 237 Trewmount Road, Moy. BT71 7ED,

Decision: PG

Decision Date: 17.04.2013

Ref ID: M/2013/0558/F

Proposal: Removal of condition no 11 on Planning Approval M/2006/1380/F to allow development to proceed without the need for right turn lane.

Address: Lands to the south and west of 237 Killyman Street, Moy,

Decision: PG

Decision Date: 29.09.2014

### **Summary of Consultee Responses**

Roads Section of DfI have not raised any concerns with the development and have asked that a condition requiring the provision of the parking and turning areas prior to the occupation of the units is attached to any planning permission.

Environmental Health have advised there is a high level of noise from the road and that it would be appropriate to restrict the use class of the proposed development to protect amenity of adjoining residents.

Historic Environment Division of DfC is content that the development will not adversely impact on listed buildings or historic monuments.

### **Drawing Numbers and Title**

Drawing No. 03

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Proposed Elevations

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0727/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage/domestic store under policy CTY2a (cluster).	<b>Location:</b> 30m East South East of 22 Ford Road Clady Portglenone
<b>Referral Route:</b> Contrary to CTY 1, 2a, 13 & 14 of PPS 21	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Stefan Lynn 218 Mayogall Road Clady Portglenone	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## 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

### Representations:

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

### Summary of Issues: No Issues

### Characteristics of the Site and Area

The site is located approximately 0.5 mile south west of Inishrush in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 30m east/south east of No 22 Ford Road. The proposed site is a cut out portion of a large agricultural roadside field. The south western boundary of the site shares a common boundary with the property at No 22. The southern and western boundaries are defined by mature vegetation, whilst the remaining

boundaries are undefined. The Clady River is located 40m north-west of the site and a ford and pedestrian bridge provides access for road users and locals into and out of Inishrush.

#### **Description of Proposal**

The application seeks outline planning permission for a new dwelling under CTY 2A.

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

##### **Relevant Site History:**

No relevant history.

##### **Representations:**

5 neighbour's notification letter were sent to Nos 22, 25, 25a, 25b and 27 Ford Road, Clady. No letter of representation have been received

##### **Development Plan and Key Policy Consideration:**

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. PPS 21 allows for an individual dwelling house in the countryside if it meets with one of a number of cases listed under CTY1. The applicant indicates that the proposal should be considered under Policy CTY 2a - New Dwellings in Existing Clusters. In accordance with policy CTY 2a, planning permission will be granted for a dwelling at an existing cluster of development provided a list of 6 criteria are met;

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross roads;
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

It appears that this cluster of development lies outside of a farm and consists of more than 4 buildings of which 5 are dwellings, Nos 23, 25a, 25b, 27 and 22. The cluster is read together and

appears as a visual entity in the local landscape. The first and second criteria of CTY 2a have been met.

The third criterion of CTY 2a requires the cluster to be associated with a focal point such as a social/community building/facility, or is located at a cross-roads. The applicant indicates that the cluster is associated with a 'Ford' (a river crossing) located approximately 40m north-west of the site. As the proposal is clearly not located at a cross-roads, I will presume that the applicant considers the Ford to be a social/community facility. Social/community facilities are commonly taken to include churches, church/orange halls, rural pubs/shops which are used on a regular basis and acts as a hub or a gathering point in the community. A Ford is not considered to be such a facility, instead it is a river crossing used by road users, consequently there is no focal point and the third criterion of CTY 2a has not been met.

The proposed site is currently well screened from public viewpoints and consists of mature vegetation along the southern boundary and part of the roadside (western) boundary. However, Transport NI advise that hedge removal is required in order to achieve visibility splays. As a result the majority of the vegetation along the roadside boundary would need to be removed and views into the site would be accessible. The site would be unable to provide a suitable degree of enclosure. The fourth criteria of CTY 2a has not been met.

Criterion 5 requires the site to be bound by development on at least two sides. 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 intrudes into the open countryside. The fifth criteria of CTY 2a has not been met.

I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this can be further considered at RM stage if approval is forthcoming. The sixth criterion of CTY 2a has been met.

The third, fourth and fifth criteria of Policy CTY 2a have not been met. CTY 2a states that all criteria must be met, therefore the proposal is contrary to CTY 2a.

### **Integration**

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape I have already determined that the proposed site is contrary to criterion 4 of CTY 2a in that the site would lack a suitable degree of enclosure, accordingly the proposal would also be contrary to criteria (b) - the site is unable to provide a suitable degree of enclosure for a new dwelling to integrate into the landscape & (c) - it relies primarily on the use of new landscaping for integration.

### **Impact on Character and Appearance of the Area**

Policy CTY14 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 dwelling would result in a suburban style build-up of development when views with existing buildings in the locality.

### **Other Material Consideration.**

I am also satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

### **Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:** I recommend refusal on the bases of non-compliance with Policies CTY1, 2a, 13 & 14 of PPS 21.

**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and / or is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster; the proposed site does not provide a suitable degree of enclosure; and the proposed dwelling would if permitted visually intrude into the open countryside.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed dwelling relies primarily on the use of new landscaping for integration.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

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

ANNEX	
<b>Date Valid</b>	26th May 2017
<b>Date First Advertised</b>	8th June 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 22 Ford Road Moneystaghan-Ellis Portglenone The Owner/Occupier, 25 Ford Road Moneystaghan-Ellis Portglenone The Owner/Occupier, 25A Ford Road Inishrush Portglenone The Owner/Occupier, 25B Ford Road, Moneystaghan-Ellis, Portglenone, Londonderry, BT44 8LL, The Owner/Occupier, 27 Ford Road Moneystaghan-Ellis Portglenone	
<b>Date of Last Neighbour Notification</b>	5th June 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0727/O Proposal: Proposed dwelling and garage/domestic store under policy CTY2a (cluster) Address: 30m East , South East of 22 Ford Road, Clady, Portglenone, Decision: Decision Date:  Ref ID: H/1987/0322 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE Address: 22 FORD ROAD CLADY PORTGLENONE Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0793/F	<b>Target Date:</b> 21/09/2017
<b>Proposal:</b> Proposed dwelling and domestic garage	<b>Location:</b> Site adjacent to 2 Killycurragh Road Orritor Cookstown
<b>Referral Route:</b>  Letter of Objection	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Mr Thomas and Lynne Dripps 178 Lissan Road Cookstown	<b>Agent Name and Address:</b> Mark Nelson Architecture Garden Studio 2 Craigmount Orritor Cookstown BT80 9NG
<b>Executive Summary:</b> Approved recommendation taking into account Objector concerns and applying relevant policy	
<b>Signature(s):</b>	

## 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

### Representations:

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

### Summary of Issues

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

### Characteristics of the Site and Area

The proposed site is adjacent to No. 2 Killycurragh Road and is triangular in shape with a plot size of 0.145 hectares. The site is situated within the settlement of Orritor as defined within the Cookstown Area Plan 2010, (see on file Plan Map No 55 page 204) where residential development is acceptable in principle. The proposal is for a single storey dwelling with detached garage to be served by a new access point on to Killycurragh Road.

The site has well defined boundaries consisting of thick hedgerows with intermittent trees. The site's topography is relevantly flat throughout running in a gentle gradient away from the road. There is a large 2 storey house with detached garage located to the SE also to the south is No.235a.



## Description of Proposal

The applicant is seeking planning approval dwelling and domestic garage adjacent to No. 2 Killycurragh Road, Orritor.

## Planning Assessment of Policy and Other Material Considerations

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

## SSPS

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

## Policy References:

1. Regional Development Strategy 2035 (RDS),
2. Strategic Planning Policy Statement (SPPS) 2015
3. Cookstown Area Plan 2010,
4. Planning Policy Statement 3 – Access, Movement and Parking,
5. Planning Policy Statement 7 – Quality Residential Environs,

## Supplementary planning guidance is found in:-

- Creating Places – Achieving Quality in Residential Developments DOE/DRD
- Development Control Advice Note 8 (DCAN 8) Housing in Existing Urban Areas.

## Planning histories

Reference	Location	Proposal/Complaint	Status	Date
LA09/2017/0793/F	Site adjacent to 2 Killycurragh Road, O	Proposed dwelling and domestic garage	VALID APPLICATION RECEIVED	
I/1983/0215	ORRITOR, COOKSTOWN	ERECTION OF BUNGALOW	PERMISSION GRANTED	
I/1983/021501	ORRITOR, COOKSTOWN	DWELLING	PERMISSION GRANTED	
I/1987/0304	DILLYCURRAGH ROAD, ORRITOR, CO	DWELLING AND DOMESTIC GARAGE	PERMISSION GRANTED	
I/1986/0050	ORRITOR ROAD, COOKSTOWN	DWELLING	PERMISSION GRANTED	
I/2002/0780/RM	Adjacent to 235a Orritor Road, Cooksto	2 No. 2 storey dwellings and garages	PERMISSION GRANTED	16.01.2003
I/2001/0697/O	Adjacent to 235a Orritor Road, Cooksto	2 No. Two storey dwellings and garages	PERMISSION GRANTED	17.09.2002
I/1986/0108	NO 2 KILLYCURRAGH ROAD, ORRIT	BUNGALOW	PERMISSION GRANTED	

## Assessment

The headnote of SETT1 in the Cookstown Area Plan indicates that favourable consideration will be given to development proposals within settlement limits subject to specified criteria being met. The explanatory text states that the policy is applicable in respect of white land. It should be noted that there is not any physical or environmental constraints to development on the site.

In terms of the specified criteria, the erection of detached dwelling would not be out of keeping with the character of the surrounding area, which is defined by a mixture of housing types and associated garden areas.

The proposed application situated within the settlement of Orritor as defined within the Cookstown Area Plan 2010, (see on file Plan Map No 55 page 204) where residential development is acceptable in principle. The application also benefits from a fall-back position evolving from two previous planning approvals under I/2001/0697/O and I/2002/0780/RM for a 2 No 2 detached 2 storey dwellings and garages. I find no conflict with the criteria Policy SETT1. I consider SETT1 presume in favour of an approval of the proposal unless they are outweighed by other factors.

In accordance with the Strategic Planning Policy Statement the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The impact of the proposal on the amenity of local residential properties will be considered in detail under the policy considerations below.

The planning context is provided by Planning Policy Statement 7 - Quality Residential Environments (PPS7) and its Addendum "Safeguarding the character of established Residential Areas" with the guidance contained in Creating Places and Development Control Advice Note 8: Housing in Existing Urban Areas (DCAN8) applicable. The planning history of this site is also material to consideration of this proposal.

Whilst, there is a need to provide more development in existing urban areas, this must be balanced with sensitivity to the character and amenity of the existing and proposed properties. Policy QD1 of PPS7 requires that proposals in established residential areas should not result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

The predominant land use in the area is residential, with a variety of roadside single dwellings. Plots sizes are generally similar with an average ratio of building and site layout.

Criterion (a) of Policy QD 1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site.

It is noted that the proposed house type is single storey and design reflects the vernacular style of the area. There are also sufficient car parking spaces along the side and front of the dwelling house and as such it is considered acceptable at this location. The proposal is significantly

reduced from previous approval for 2 storey dwelling the current application is for a single dwelling with a detached garage.

Criterion (b) of Policy QD 1 of PPS 7 refers to features of archaeological, built heritage and landscaped features. In general the site does not have any archaeological, built heritage importance attached to it and as such it is considered acceptable at this location.

Criterion (c) of Policy QD 1 of PPS 7 refers to adequate provision for public and private open space and landscaped areas as an integral part of the development. Creating Places provides a figure that private amenity space for family sized homes should be around the 70sqm area.

The proposed site is situated in a spacious plot of land and is well over the recommended 70sqm private amenity space and as such it is considered acceptable at this location.

Criterion (d) of Policy QD 1 refers to adequate provision for community facilities. Given the location and size of this site I do not feel that this is necessary.

Criteria (e) of Policy QD 1 in terms of provision of footpaths I do not feel that this is necessary.

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision be made for parking.

The approved plans shows significant parking spaces within the site in-curtilage and as such it is considered acceptable at this location.

Criterion (h) of Policy QD 1 requires that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

#### **Letter of Objection 29/06/2017**

A letter objection was received on 03 July 2017 from the owner of No.2 Killycurragh Road- the objector raised several points of concern:

1. The objector alleges that Certificate A on the P1 form was incorrect in so far as the applicant's ownership of the site's red line;
2. The dwelling if permitted, would have an adverse impact on traffic flows especially at the lower end of Killycurragh Road;
3. The proposed development would be harmful to the local character of the area;
4. Concerns regarding the south elevation of the proposed development would result impinging on privacy, overlooking patio, and rear garden and sun room.

I am led to understand speaking with the agent the objector has since sold the property No.2 Killycurragh Road and no longer holds any interest in the property as of 30<sup>th</sup> June 2017.

I have been also advised by the agent that there is a legal agreement drawing up between the applicant and the new owners covering the reinstatement of land for provision of visibility splays.. (see a copy of agreement on file)

The agent's letter / email dated 17 July 2017, confirms the new owners have no objections to the application and have agreed to the proposal by assisting with any requirement necessary for the

applicant's requirements to satisfy TransportNI requirements relating to visibility splays. (See signed legal agreement held on file date 5 June 2017), which will be annexed to both property's folio certificates held by the Land Registry Office.

As the Case Officer I am obliged to address any objections raised as material consideration with the main issues for consideration is whether the site has an unacceptable impact on the residential / private amenity of 2 and whether it represents overdevelopment of the site and is out of character with the adjacent development. Relevant policy is found in Policy SETT 1 of the CAP 2010, SPPS, PPS3, PPPS7 and DCAN8

I comment in reply to the objector's concerns as follows:

1. In terms of land ownership this matter has been settled by way of a legal agreement between the applicant and new owners of No.2. The areas indicated within the red line and extends areas for visibility splays.
2. Concerns in relation to the traffic impact: TNI have responded with no objection subject to standard conditions.
3. The proposed design is in accordance with good design guide practice and is considered acceptable.
4. Concerns in relation to the proposed development being too ambitious. I note the site to which this application relates both the site and property at number 2 Killycurragh Road were part of a previous planning application (**I/2001/0697/O & I/2002/0780/RM**) for two new two-storey dwellings for which planning approval was previously granted. The site therefore has the benefit of full planning approval for a full two-storey dwelling, which remains alive as development had already commenced due to the construction of property No 2.

#### **Statutory and Non-Statutory Consultees.**

Transport NI, No objections subject to conditions

NI Water, No objections subject to Informatives

#### **Public Consultation:**

Third Party Representations: One letter of objection received from neighbouring property

#### **Other points of note**

The application was initially advertised in the local press on w/c 19 June 2017 (publication date 22 June 2017). Amended plans were received on 11 September 2017 the application was re-advertised in the local press on w/c on 18 September 2017, 4 neighbouring properties were notified on 19 June 2017, and re-consulted again on 12 September 2017, in accordance with the Development Management Practice Note 14 (April 2015)

#### **Summary of Recommendation:**

Approved

**Conditions**

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

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

2. During the first available planting season after occupation of the dwelling a hawthorn / natural species shall be planted in a double staggered row 200mm apart, at 450mm spacing, 500mm along site boundaries as indicated on the approved plan 02A bearing date stamp 11 September 2017.

Reason: To ensure the development integrates into the surrounding area.

3. The vehicular access, including visibility splays of (2.0m x 60m) in North West splay and (2.4m x 45m) in the South East splay, shall be in place, in accordance with Drawing No.02 bearing the date stamp 08th June 2017, prior to the commencement of any other works or other development hereby permitted.

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

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

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

5. The materials to be used in the construction of the external surfaces of the building hereby permitted, shall be as show on drawing Nos 03A and 04 bearing date stamp 08 June 2017.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with 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. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

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

Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

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

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

It is the responsibility of the developer to ensure that

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

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

6. 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.

7. The onus is on the developer to find out if there is existing water and sewer infrastructure within their property

-it is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near water mains, sewers, pipes and associated works owned or maintained by Northern Ireland Water unless with the prior consent by NI Water

- Developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service

-where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public water mains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.

With regards to proposed development not serviced by existing water and sewer infrastructure:

-it is the responsibility of the developer to find out about the nearest public water main, foul sewer and storm sewer/water course that has the capacity to service the proposed development. Copies of existing water and sewer records can be obtained from NI Water. There is a nominal charge for this service

-guidance can be given to developers about how the proposed development can be served by a public water main or sewers. To find out how proposed development can be serviced with water and sewer infrastructure, developers and house builders can submit a Pre-Development Enquiry

-if your proposed development is not near a public water main, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public water main or foul/storm sewer system to service your development

This can be done by requisitioning a water main under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending water mains and sewers

If you wish to find out more about what you can or cannot do, if there is existing water or sewer infrastructure in, over or under your property or you want to find out how your proposed development can be served contact NI Water staff on the Developers Service Business Line 08458770002 and ask for the Developers Services Co-Ordination Team.

Copies of our Application Forms can be obtained by contacting the Developers Service Business LINE 08458770002 or by downloading from our webpage [www.niwater.com/servicesfordevelopers.asap](http://www.niwater.com/servicesfordevelopers.asap) and Forms

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	8th June 2017
<b>Date First Advertised</b>	22nd June 2017
<b>Date Last Advertised</b>	18 September 2017
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 235A Orritor Road Orritor The Owner/Occupier, 2 Killycurragh Road Orritor Cookstown Nichola Dunlop 2, Killycurragh Road, Cookstown, Tyrone, Northern Ireland, BT80 9LB The Owner/Occupier, 3 Killycurragh Road Orritor Cookstown The Owner/Occupier, 4 Killycurragh Road Orritor Cookstown	
<b>Date of Last Neighbour Notification</b>	12th September 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0793/F Proposal: Proposed dwelling and domestic garage Address: Site adjacent to 2 Killycurragh Road, Orritor, Cookstown, Decision: Decision Date:  Ref ID: I/1983/0215 Proposal: ERECTION OF BUNGALOW Address: ORITOR, COOKSTOWN Decision: Decision Date:  Ref ID: I/1983/021501 Proposal: DWELLING Address: ORITOR, COOKSTOWN Decision: Decision Date:  Ref ID: I/1987/0304 Proposal: DWELLING AND DOMESTIC GARAGE Address: DILLYCURRAGH ROAD, ORITOR, COOKSTOWN Decision: Decision Date:	



Ref ID: I/1986/0050  
 Proposal: DWELLING  
 Address: ORITOR ROAD, COOKSTOWN  
 Decision:  
 Decision Date:

Ref ID: I/2002/0780/RM  
 Proposal: 2 No. 2 storey dwellings and garages  
 Address: Adjacent to 235a Oritor Road Cookstown  
 Decision:  
 Decision Date: 16.01.2003

Ref ID: I/2001/0697/O  
 Proposal: 2 No. Two storey dwellings and garages  
 Address: Adjacent to 235a Oritor Road, Cookstown  
 Decision:  
 Decision Date: 17.09.2002

Ref ID: I/1986/0108  
 Proposal: BUNGALOW  
 Address: NO 2 KILLYCURRAGH ROAD, ORRITOR, COOKSTOWN  
 Decision:  
 Decision Date:

#### **Summary of Consultee Responses**

Content subject to standard conditions

#### **Drawing Numbers and Title**

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

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

Drawing No. 03  
 Type: Proposed Plans  
 Status: Submitted

Drawing No. 04  
 Type: Proposed Garage  
 Status: Submitted

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

Date of Notification to Department:  
 Response of Department:





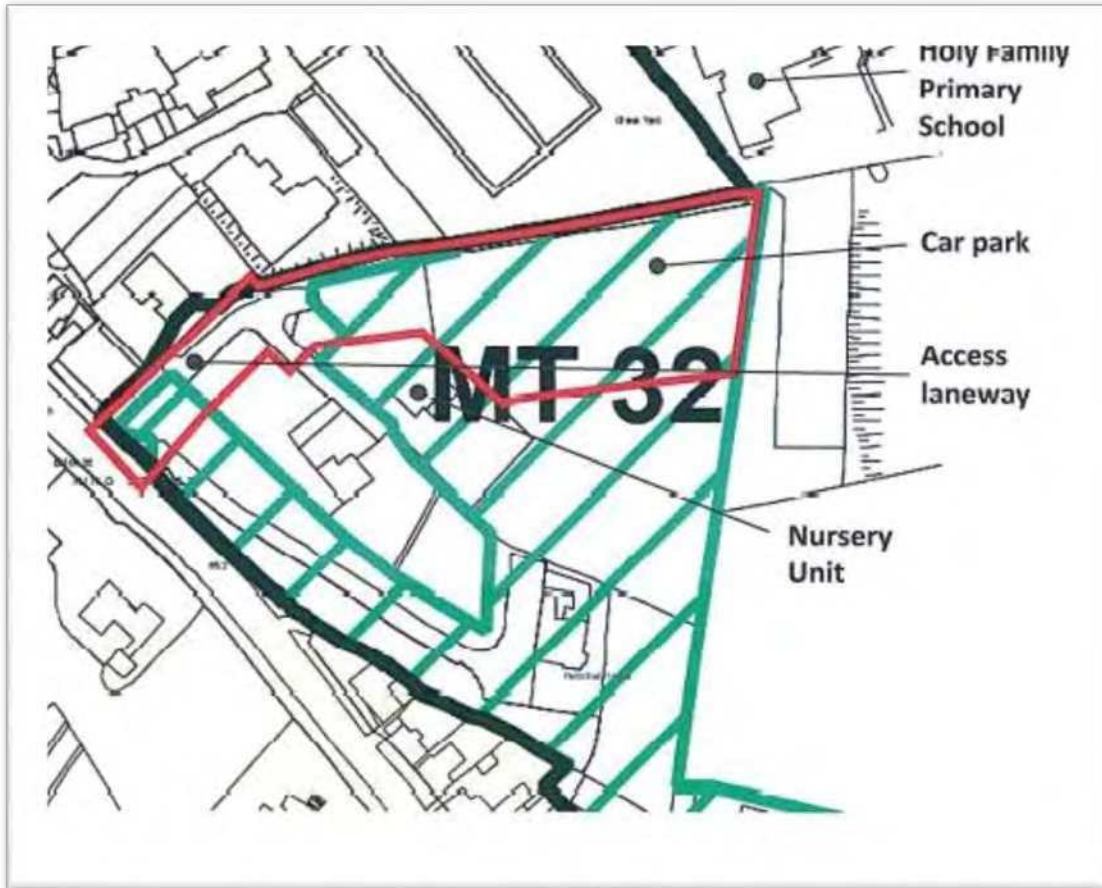
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0830/F	<b>Target Date:</b>
<b>Proposal:</b> Widening of existing access road to Holy Family Primary School car park and retention of extension to car park	<b>Location:</b> Access road immediately South East of Magherafelt Parish Centre and car park 100m North East of King Street Magherafelt
<b>Referral Route:</b> Conflict with Historic Environment Division (Historic Buildings) consultation.	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Very Reverend Father John Gates Parochial House 30 King Street Magherafelt	<b>Agent Name and Address:</b> MBA Planning 4 College House Citylink Business Park Belfast BT12 4HQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

**Characteristics of the Site and Area**

The site is located within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The proposal site forms part of the vehicular access and car park used by Holy Family Primary School.

The area is defined by a mix of uses including religious/community infrastructure, educational, residential, open space and retail.

**Description of Proposal**

The application seeks full permission for the widening of existing access road to Holy Family Primary School car park and retention of extension to car park.

**Planning Assessment of Policy and Other Material Considerations****Relevant History**

H/2000/0307/F - Nursery School and Access Road. Approved 18.12.2000

H/2004/1586/F - Replacement Primary School with 20 classrooms (amended description).

Approved 13.03.2007

LA09/2017/0855/F - Proposed single storey detached dwelling. Current Application.

**Representations:**

24 neighbour's notification letters were sent to the occupiers Nos 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 26a, 28, 28a, 30, 35, 37, 45 Kings Street, 1A Castledawson Road, Church Of The Assumption, 41 King Street, St. Swithins Church Hall, 47 Church Street, St. Swithins Church Hall, 47a Church Street, and St.Swithins Church Of Ireland, 51 Church Street, Magherafelt. No letter of representation have been received.

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

The site is located within the development limit of Magherafelt as defined by the Magherafelt Area Plan 2010. The site is also located with Designation - MT 32 Local Landscape Policy Area King Street. The proposal is unlikely to have a significant impact on the LLPA.

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

The key policy for determining alterations of an existing access onto the public road is AMP 2 of PPS 3 which states it must not prejudice road safety or significantly inconvenience the flow of traffic and must not conflict with AMP 3 Access onto the Protected Route. The proposal does not involve direct access onto a protected route. With regards to road safety Transport NI have raised no objection, therefore I am satisfied that the alterations of the existing access are acceptable.

The application also proposes the retention of the existing car park. The key policy for determining a car park is AMP 9 of PPS 3 which refers to 'design of car parking' and states that planning permission will only be granted for a proposal where it respects the character of the local landscape and it will not adversely affect visual amenity. The car park is setback approximately 70m from the public road and due to the intervening topography between the road and the car park public views are limited. The car park will not impact on the character of the local landscape and will not adversely affect visual amenity.

All in all I am satisfied that the proposal complies with AMP 2 and AMP 9 of PPS 3.

**Consultation**

HED Historic Building (HB) have been consulted in regards to the impact on the listed Church (Our Lady of the Assumption R C) located directly opposite the entrance of the site. HB have raised concerns regarding the widening of the access to provide disabled parking spaces along the south eastern elevation of the red brick Parish Centre and the removal of the existing stone wall and replacement with gabion basket. The gabion baskets have been replaced with a high back kerb with iron railing which I consider to a much more acceptable solution. With regards to the widening of the access way to provide 5 disabled parking spaces, I consider HB request to find an alternate position for the additional parking to be unreasonable because the car parking spaces are largely obscured by the parish centre and as a result the impact on the historic setting of the Church is minimal.

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

**Summary of Recommendation: That planning permission be approved subject to the following conditions.**

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

Reason: This is a retrospective application.

2. The vehicular access, including visibility splays of 2.4m x 70m in both directions, shall be retained, in accordance with drawing No. 03 Rev 1 which was received on 24th August 2017.

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

3. The area within the visibility splays and any forward sight line shall be kept clear at a level surface no higher than 250 mm above the level of the adjoining carriageway.

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

**Informatives**

1. The Mid Ulster District Council Tree Officer has pointed out that two provisionally protected trees, tagged 1 and 2 may be impacted by the proposal and that it may be in your interest to employ the services of an Arboriculturalist in order to establish the health and condition of the trees. All works should be carried out in accordance with BS 3998:2010.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	15th June 2017
<b>Date First Advertised</b>	29th June 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Castledawson Road Brennen Court The Owner/Occupier, 10 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 12 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 14 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 16 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 18 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 1A Castledawson Road,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6AX, The Owner/Occupier, 20 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 22 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 24 King Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6AR, The Owner/Occupier, 26 King Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6AR, The Owner/Occupier, 26A King Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6AR, The Owner/Occupier, 28 King Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6AS, The Owner/Occupier, 28A King Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6AS, The Owner/Occupier, 30 King Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6AS, The Owner/Occupier, 35 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 37 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 4 King Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 45 King Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6AS, The Owner/Occupier,	

6 King Street Town Parks Of Magherafelt Magherafelt  
 The Owner/Occupier,  
 8 King Street Town Parks Of Magherafelt Magherafelt  
 The Owner/Occupier,  
 Church Of The Assumption 41 King Street Town Parks Of Magherafelt  
 The Owner/Occupier,  
 St. Swithins Church Hall 47 Church Street Town Parks Of Magherafelt  
 The Owner/Occupier,  
 St. Swithins Church Hall 47a Church Street Town Parks Of Magherafelt  
 The Owner/Occupier,  
 St.Swithins Church Of Ireland,51 Church Street,Town Parks Of  
 Magherafelt,Magherafelt,Londonderry,BT45 6AP,

**Date of Last Neighbour Notification**

7th July 2017

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

No

**Planning History**

Ref ID: LA09/2017/0855/F

Proposal: Proposed single storey detached dwelling

Address: The lands are adjacent to the Parochial House 30 King Street Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2017/0830/F

Proposal: Widening of existing access road to Holy Family Primary School car park and retention of extension to car park

Address: Access road immediately South East of Magherafelt Parish Centre and car park 100m North East of King Street, Magherafelt,

Decision:

Decision Date:

Ref ID: H/2007/0856/F

Proposal: Demolition of existing St.Patrick's Club &amp; St.Josephs National School at site adjacent to No.22 King Street to facilitate the relocation of St.Johns Hall from No.49 King Street to provide new pastoral centre incorporating St.Patrick's Club.

Address: Adjacent to No.22 King Street, Magherafelt

Decision:

Decision Date: 12.08.2008

Ref ID: H/2009/0358/F

Proposal: Retrospective ground floor extension works and associated site works to new Magherafelt Parish Centre.

Address: No 26-28 King Street, Magherafelt

Decision:

Decision Date: 17.08.2009



Ref ID: H/2011/0391/F

Proposal: Hygiene room extension to existing primary school building to provide means of access for disabled persons to toilet, shower and changing facilities including provision of internal access corridor

Address: Holy Family Primary School, 1A Castledawson Road, Magherafelt, BT45 6AX,

Decision:

Decision Date: 08.11.2011

Ref ID: H/2004/1586/F

Proposal: Replacement Primary School with 20 classrooms (amended description)

Address: Holy Family PS, 1a Castledawson Road, Magherafelt

Decision:

Decision Date: 21.03.2007

Ref ID: H/1992/0244

Proposal: SIGN

Address: 26A KING STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2000/0307/F

Proposal: Nursery School And Access Road

Address: Holy Family Primary School, 1 Castledawson Road, Magherafelt

Decision:

Decision Date: 12.01.2001

Ref ID: H/2003/0573/Q

Proposal: New Primary School.

Address: Castledawson Road, Magherafelt.

Decision:

Decision Date: 18.01.2006

Ref ID: H/1991/6090

Proposal: CHANGE OF USE TO PLAYGROUP KING STREET PRIMARY SCHOOL  
MAGHERAFELT

Address: KING STREET PRIMARY SCHOOL

Decision:

Decision Date:

Ref ID: H/1992/0413

Proposal: DOUBLE MOBILE CLASSROOM

Address: CASTLEDAWSON RD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1998/0694

Proposal: ALTS AND ADDS TO PRIMARY SCHOOL

Address: HOLY FAMILY PRIMARY SCHOOL 1 CASTLEDAWSON ROAD  
MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0220  
Proposal: CAR PARKING AREA  
Address: 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: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0950/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and Garage	<b>Location:</b> Adjacent to 11 and 35m West of 7 Roughan Road Drumagullion Stewartstown
<b>Referral Route:</b>	Objection Received
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Declan Armour C/o. 9 The Square Stewartstown	<b>Agent Name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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



**Summary of Issues**

One letter of objection was received from the owner of number 7 Roughan Road.

Issues raised include

- Ribbon development
- Overshadowing and loss of privacy
- Road Safety issues
- Waste disposal

**Characteristics of the Site and Area**

The site is located adjacent to 11 Roughan Road and 35m West of 7 Roughan Road, Stewartstown. Currently the site is a rectangular parcel of flat land which is roughly half of a larger plot. The site fronts onto and is accessed directly from the Roughan Road. Along this stretch of the Roughan Road there is a row of dwellings starting with no11 Roughan Rd to the West with a gap of approx 70metres to no7 Roughan Road. To the Eastern end of the row of development is a newly built dwelling. The site in question is adjacent to no11 Roughan Road- the shared boundary with no11 (Western) is sparsely defined by vegetation and should be augmented with additional planting. The Northern and Southern boundaries of the site are well defined by mature trees and hedgerows approx 2-3m high whilst the Western boundary is currently undefined.

The surrounding area is rural in character, however there is a degree of development pressure along this stretch of road due to its location approx 1.5 mile SW of the settlement of Stewartstown. Existing development in the area is typified by single dwellings and farm groups with associated agricultural outbuildings.

**Description of Proposal**

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

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

Regional Development Strategy

Cookstown Area Plan 2010

SPPS

Building on tradition: A sustainable design guide for the Northern Ireland countryside

PPS 1: General Principles.

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside

In terms of CTY 8 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, providing it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning environmental requirements. Under CTY 8 a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The proposed site meets the criteria of CTY8 as there is a continuously built up frontage with a gap to accommodate 2no dwellings. The gap to allow for the two dwellings (previously approved under two applications I/2013/0327/O & I/2013/0328/O) is approx 70m wide at the frontage. The

three existing sites/dwellings along the road have fairly similar plot sizes. It is the councils opinion that the 2no proposed sites within this gap will respect the existing pattern in terms of plot size and building line. There will be ample space to accommodate a modestly sized dwelling with generous front and rear amenity areas.

In terms of integration the sites are well screened by the mature roadside vegetation. There are no prolonged views into the site- views will be restricted to when passing immediately to the front of the site. This roadside vegetation can be retained except where to provide access points.

A letter of objection has been received 08-AUG-2017

Issues raised include

-Ribbon development

Policy allows for development of an infill site but not an extension either end of a continuously built up frontage

-Overshadowing and loss of privacy

A dwelling located centrally on the proposed site would still have a separation distance of approx 10m-15m which would negate privacy and overshadowing issues. Conditions will also be applied which require additional planting along the Eastern boundary.

-Road Safety issues

Roads Service have been consulted and have no objection.

-Waste disposal

Environmental health have been consulted and have no objections.

Approval recommended

**Neighbour Notification Checked**

**Yes**

### Conditions

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

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

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

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

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

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

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

4. Notwithstanding the provisions of Article 3 and Schedule 1, Part 2, of the Planning (General Development) Order (NI) 1993, or any Order revoking and re-enacting that Order, no walls, gate pillars, fences or other means of enclosure shall be erected at the entrance to this site.

Reason: To preserve the amenity of the countryside.

5. A landscaping scheme shall be submitted to the Department at Reserved Matters stage indicating new planting and shall include a survey of all existing trees and hedgerows on the land, together with details of those to be retained and measures for their protection during the course of development. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. The work shall be carried out during the first available planting season after the occupation of the dwelling.

Reason: To ensure the provision of a high standard of landscape and ensure the development integrates into the countryside.

6. All existing mature trees and vegetation along the boundaries shall be permanently retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

#### **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.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	11th July 2017
<b>Date First Advertised</b>	27th July 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Roughan Road Mullaghmoyle Stewartstown The Owner/Occupier, 11 Roughan Road Drumagullion Stewartstown The Owner/Occupier, 12 Roughan Road Mullaghmoyle Stewartstown The Owner/Occupier, 14 Roughan Road Drumagullion Stewartstown The Owner/Occupier, 16 Tobermesson Road, Mullaghmoyle, Stewartstown, Dungannon, Tyrone, BT71 5PU, The Owner/Occupier, 7 Roughan Road Drumagullion Stewartstown Jacki Sleator 7 Roughan Road, Stewartstown, Tyrone, Northern Ireland, BT71 5PU	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0950/O Proposal: Dwelling and Garage Address: Adjacent to 11 and 35m West of 7 Roughan Road, Drumagullion, Stewartstown, Decision: Decision Date:  Ref ID: LA09/2017/0951/O Proposal: Dwelling and garage Address: Adjacent to 7 and 37m East of 11 Roughan Road, Drumagullion, Stewartstown, Decision: Decision Date:  Ref ID: I/2003/0922/F	



Proposal: Proposed Kitchen Extension to Dwelling  
 Address: 11 Roughan Road, Stewartstown  
 Decision:  
 Decision Date: 12.12.2003

Ref ID: I/2003/0818/A41  
 Proposal: Proposed kitchen extension  
 Address: 11 Roughan Road Stewartstown  
 Decision:  
 Decision Date:

Ref ID: I/1977/0116  
 Proposal: SITE FOR DWELLING  
 Address: DRUMAGULLION, STEWARTSTOWN  
 Decision:  
 Decision Date:

Ref ID: I/2013/0328/O  
 Proposal: Proposed Dwelling and Garage  
 Address: Adjacent to 11 and 35m West of 7 Roughan Road, Drumagullion,  
 Stewartstown, Co Tyrone, BT71 5PY,  
 Decision: PG  
 Decision Date: 16.04.2014

Ref ID: I/2013/0138/PREAPP  
 Proposal: 2 no. infill sites  
 Address: Lands at Roughan Road, Stewartstown,  
 Decision: ELA  
 Decision Date:

Ref ID: LA09/2015/0103/RM  
 Proposal: Proposed dwelling and domestic garage  
 Address: Adjacent to 11 and 35m West of 7 Roughan Road, Drumagullion,  
 Stewartstown, BT71 5PU,  
 Decision: PG  
 Decision Date: 30.06.2015

### Summary of Consultee Responses

Roads Service have been consulted and have no objection.  
 Environmental health have been consulted and have no objections.

### Drawing Numbers and Title

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



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0951/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> Adjacent to 7 and 37m East of 11 Roughan Road Drumagullion Stewartstown
<b>Referral Route:</b>	<b>Objection Received</b>
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Declan Armour C/o. 9 The Square Stewartstown	<b>Agent Name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

#### Representations:

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

#### Summary of Issues

A letter of objection on behalf of number 7 Roughan Road has been received 08-AUG-2017

Issues raised include

- Ribbon development
- Overshadowing and loss of privacy
- Road Safety issues
- Waste disposal



### Characteristics of the Site and Area

The site is located adjacent to 7 Roughan Road and 35m West of 11 Roughan Road, Stewartstown. Currently the site is a rectangular parcel of flat land which is roughly half of a larger plot. The site fronts onto and is accessed directly from the Roughan Road. Along this stretch of the Roughan Road there is a row of dwellings starting with no11 Roughan Rd to the West with a gap of approx 70metres to no7 Roughan Road. To the Eastern end of the row of development is a newly built dwelling. The site in question is adjacent to no7 Roughan Road- the shared boundary with no7 (Eastern) is sparsely defined by vegetation and should be augmented with additional planting. The Northern and Southern boundaries of the site are well defined by mature trees and hedgerows approx 2-3m high whilst the Western boundary is currently undefined.

The surrounding area is rural in character, however there is a degree of development pressure along this stretch of road due to its location approx 1.5 mile SW of the settlement of Stewartstown. Existing development in the area is typified by single dwellings and farm groups with associated agricultural outbuildings.

### Description of Proposal

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

### Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy

Cookstown Area Plan 2010

SPPS

Building on tradition: A sustainable design guide for the Northern Ireland countryside

PPS 1: General Principles.

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside

In terms of CTY 8 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, providing it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning environmental requirements. Under CTY 8 a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The proposed site meets the criteria of CTY8 as there is a continuously built up frontage with a gap to accommodate 2no dwellings. The gap to allow for the two dwellings (previously approved under two applications I/2013/0327/O & I/2013/0328/O) is approx 70m wide at the frontage. The three existing sites/dwellings along the road have fairly similar plot sizes. It is the councils opinion that the 2no proposed sites within this gap will respect the existing pattern in terms of plot size and building line. There will be ample space to accommodate a modestly sized dwelling with generous front and rear amenity areas.

In terms of integration the sites are well screened by the mature roadside vegetation. There are no prolonged views into the site- views will be restricted to when passing immediately to the front of the site. This roadside vegetation can be retained except where to provide access points.

A letter of objection has been received 08-AUG-2017

Issues raised include

-Ribbon development  
Policy allows for development of an infill site but not an extension either end of a continuously built up frontage

-Overshadowing and loss of privacy  
A dwelling located centrally on the proposed site would still have a separation distance of approx 10m-15m which would negate privacy and overshadowing issues. Conditions will also be applied which require additional planting along the Eastern boundary.

-Road Safety issues  
Roads Service have been consulted and have no objection.

-Waste disposal  
Environmental health have been consulted and have no objections.

Approval recommended

**Neighbour Notification Checked**

**Yes**

### Conditions

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

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

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

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

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

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

4. Notwithstanding the provisions of Article 3 and Schedule 1, Part 2, of the Planning (General Development) Order (NI) 1993, or any Order revoking and re-enacting that Order, no walls, gate pillars, fences or other means of enclosure shall be erected at the entrance to this site.

Reason: To preserve the amenity of the countryside.

5. A landscaping scheme shall be submitted to the Department at Reserved Matters stage indicating new planting and shall include a survey of all existing trees and hedgerows on the land, together with details of those to be retained and measures for their protection during the course of development. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the

appropriate British Standard or other recognised Codes of Practice. The work shall be carried out during the first available planting season after the occupation of the dwelling.

Reason: To ensure the provision of a high standard of landscape and ensure the development integrates into the countryside.

6. All existing mature trees and vegetation along the boundaries shall be permanently retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

#### **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.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	11th July 2017
<b>Date First Advertised</b>	27th July 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Roughan Road Mullaghmoyle Stewartstown The Owner/Occupier, 11 Roughan Road Drumagullion Stewartstown The Owner/Occupier, 12 Roughan Road Mullaghmoyle Stewartstown The Owner/Occupier, 14 Roughan Road Drumagullion Stewartstown The Owner/Occupier, 16 Tobermesson Road, Mullaghmoyle, Stewartstown, Dungannon, Tyrone, BT71 5PU, The Owner/Occupier, 7 Roughan Road Drumagullion Stewartstown Jacki Sleator 7 Roughan Road, Stewartstown, Tyrone, Northern Ireland, BT71 5PU	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0950/O Proposal: Dwelling and Garage Address: Adjacent to 11 and 35m West of 7 Roughan Road, Drumagullion, Stewartstown, Decision: Decision Date:  Ref ID: LA09/2017/0951/O Proposal: Dwelling and garage Address: Adjacent to 7 and 37m East of 11 Roughan Road, Drumagullion, Stewartstown, Decision: Decision Date:  Ref ID: I/1977/0116	



Proposal: SITE FOR DWELLING  
Address: DRUMAGULLION, STEWARTSTOWN  
Decision:  
Decision Date:

Ref ID: I/1977/0314  
Proposal: DWELLING  
Address: DRUMGULLION, STEWARTSTOWN  
Decision:  
Decision Date:

Ref ID: I/1977/031401  
Proposal: DWELLING (SUBSTATION SITE)  
Address: DRUMAGULLION, STEWARTSTOWN  
Decision:  
Decision Date:

Ref ID: I/2001/0204/F  
Proposal: Extension to dwelling  
Address: 7 Roughan Road Stewartstown  
Decision:  
Decision Date: 18.05.2001

Ref ID: I/2013/0328/O  
Proposal: Proposed Dwelling and Garage  
Address: Adjacent to 11 and 35m West of 7 Roughan Road, Drumagullion, Stewartstown, Co Tyrone, BT71 5PY,  
Decision: PG  
Decision Date: 16.04.2014

Ref ID: I/2013/0138/PREAPP  
Proposal: 2 no. infill sites  
Address: Lands at Roughan Road, Stewartstown,  
Decision: ELA  
Decision Date:

Ref ID: I/2013/0327/O  
Proposal: Proposed Dwelling and Garage  
Address: Adjacent to 7 and 37M East of 11 Roughan Road, Drumagullion, Stewartstown, Co Tyrone, BT71 5PY,  
Decision: PG  
Decision Date: 16.04.2014

### Summary of Consultee Responses

Roads Service have been consulted and have no objection.  
Environmental health have been consulted and have no objections.



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1057/F	<b>Target Date:</b>
<b>Proposal:</b> Replacement dwelling	<b>Location:</b> 37 Barrack Street Dungannon
<b>Referral Route:</b> Representation received	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Farasha Properties Ltd 34 Culrevog Road Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b> Proposals for erection of a replacment dwelling in the settlement limits for Dungannon. Adjoining church have made representations about the development.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
None		

#### 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 adjoining Church has no objection in principle but has requested conditions are attached to prevent demolition and construction works occurring on a Sunday or during services. It also requests other activities that impact on their activities are ceased.

#### Characteristics of the Site and Area

No 37 Barrack Street is a detached 2 storey dwelling with a slated pitched roof and render walls. It has a 2 storey pitched roof front projection with a plaque stating 'Dungannon Dispensary' on it and 2 storey and single storey flat roofed extensions to the rear. The dwelling occupies a very constrained site at the junction of Barrack Street and Mill Street, Victoria Road and Railway Road with a retaining wall supporting Barrack Street and the access between the car park and Baptist Church at the rear. The dwelling currently has a gable elevation facing towards Railway Road and there are 2 car parking spaces at the side of the property, off Railway Road and no private amenity space.

The dwelling is located on a prominent site with the Baptist Church to the rear, open space to the opposite side of the road with Washingford Day Care facility on a much lower elevation, Ideal Furniture further west in a warehouse type building, terraced dwellings to the upper side of Barrack Street and detached dwellings elevated above Victoria Road.

### **Description of Proposal**

The proposal is for a new 3 bedroom dwelling on the site, it will have a Georgian appearance with a natural slate roof and render walls. It will have a narrow width as its front elevation will face Railway Road with private amenity space to the side with Barrack Street.

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

The dwelling is within the settlement limits of Dungannon as defined by Policy SETT1 of the Dungannon & South Tyrone Area Plan and also within the Town Centre and accessed off the A45 Protected Route. SETT1 advocates favourable consideration of development within settlement limits provided it meets the specified criteria and other regional policy. Regional policy for new housing in towns is contained in PPS7 – Quality Residential Environments and the Addendum – Development in Established Residential Areas. The Strategic Planning Policy for Northern Ireland provides some guidance on general principles as it cancelled PPS1, though it does not provide clarification or a different policy direction to that contained in PPS7 or the Addendum.

The proposal is for a new 3 bedroom dwelling to replace the existing 4 bedroom dwelling on the same site, it does not propose to change the access or parking provision and as such I am satisfied that it will not result in the intensification of the use of the access. The proposed dwelling will not meet the private amenity standards required for a new dwelling in PPS7, however as it is utilising a constrained site that currently contains a 4 bedroom dwelling, I consider the private amenity provision is appropriate in this instance as it is more than is currently available. The dwelling will not have any detrimental impact on the amenity of any other residential properties nearby due to the separation distances and roadways and car parks between them and the site. I consider the size, scale, massing and appearance of this 2 storey dwelling will not be at odds with the appearance and character of the area as it is an eclectic mix of designs, finishes and uses. There are no features of historic or natural heritage interest identified on or near the site.

The Baptist Church have made a representation that seeks to protect their activities during the demolition and construction phase of the development. It would also appear to request any other noisy activities that impact on their use should not be allowed, which could be related to the use of the dwelling. I consider it is appropriate to condition that no works for the demolition or construction of the dwelling are carried out on a Sunday as this could conflict with the adjoining

<p>activity, however I do not consider it is reasonable for the Council to attach a condition control how the dwelling is constructed or its use going forward, considering there is no change in the land use.</p> <p>I consider the proposed development is acceptable and recommend it is approved with conditions.</p>	
<b>Neighbour Notification Checked</b>	<b>Yes</b>
<p><b>Summary of Recommendation:</b></p> <p>Approve with conditions</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. No operations for the demolition of the existing dwelling or the construction of the dwelling hereby approved shall be carried out on a Sunday.</p> <p>REASON: To protect the use of the adjoining church and hall.</p>	
<p><b>Signature(s)</b></p> <p><b>Date:</b></p>	

<b>ANNEX</b>	
<b>Date Valid</b>	4th August 2017
<b>Date First Advertised</b>	24th August 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Victoria Road Drumcoo Dungannon The Owner/Occupier, 13 Victoria Road Drumcoo Dungannon The Owner/Occupier, 13 Washingford Row Drumcoo Dungannon The Owner/Occupier, 33 Barrack Street Drumcoo Dungannon The Owner/Occupier, 9 Victoria Road Drumcoo Dungannon Leslie Holmes Church Secretary, Dungannon Baptist Church, Railway Road, Dungannon, BT71 7AR The Owner/Occupier, Dungannon Baptisit Church Hall Railway Road Drumcoo	
<b>Date of Last Neighbour Notification</b>	11th August 2017
<b>Date of EIA Determination</b>	<b>NA</b>
<b>ES Requested</b>	
<b>Planning History</b>  Ref ID: LA09/2017/1057/F Proposal: Replacement dwelling Address: 37 Barrack Street, Dungannon, Decision: Decision Date:  Ref ID: M/1978/0373 Proposal: CHURCH HALL AND CAR PARK Address: JUNCTION OF RAILWAY ROAD, BARRACK STREET, DUNGANNON Decision: Decision Date:	

Ref ID: M/2006/2157/F

Proposal: Alterations and extension to existing Baptist Church, Dungannon

Address: Dungannon Baptist Church, Railway Road, Dungannon

Decision:

Decision Date: 06.04.2007

Ref ID: M/1976/0622

Proposal: SITE FOR CHURCH HALL

Address: RAILWAY ROAD, DUNGANNON

Decision:

Decision Date:

### **Summary of Consultee Responses**

None

### **Drawing Numbers and Title**

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Existing Plans

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1085/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed change of use from non-food retail shop to restaurant and hot food takeaway	<b>Location:</b> 33 William Street Cookstown
<b>Referral Route:</b>  Letter of objection	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> REA DEVELOPMENTS LTD 57 Drum Road Cookstown BT80 8QS	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>  Approved recommendation taking into consideration Objector's concerns and applying relevant policy	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content

### Representations:

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

### Summary of Issues

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

### Characteristics of the Site and Area

The application site is located at no.33 William Street, Cookstown. The previous business traded as 'Select Interiors' (gift & home) shop currently no longer in use. The building's exterior consist of a pitched roof (slates) finished in smooth render finish. There are a series of windows (horizontal emphasis) at first floor level and second floor level and on the ground level there is an entrance door with display window, the front of the building has a roller shutter with a logo. To the right is an alleyway which leads to the rear of the building used for parking. The building is within a row of buildings- all retail units- the shop fronts directly onto a pavement and area of shared parking on the Western side of William Street.

### Characteristics of Area

The surrounding area is mainly commercial with a good mix of retail, businesses and services. The area is designated an Area of Townscape Character and Primary Retail Core identified in the Cookstown Area Plan 2010.

**Description of Proposal**

Proposed change of use from non-food retail shop to restaurant and hot food takeaway

The proposal will result in the change of use of the ground floor area to shop floor approx. 222m<sup>2</sup>. This will not have an effect on the external appearance of the building. The proposal will be situated within the Primary Retail Core as designed in the Cookstown Area Plan 2010 and is appropriate for this specific area (Cookstown Town Centre and Primary Retail Core).

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

Regional Development Strategy 2035

Development Limits of Cookstown as designated in the Cookstown Area Plan 2010.

-SPPS

The surrounding area is urban in character. The application site is within;

-Town Centre Boundary.

-Primary Retail Core

-Cookstown ATC

DCAN 4 Restaurants, Cafes and Fast Food Outlets

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

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

**Cookstown Area Plan 2010**

Plan Policy RSO 1 Cookstown Town Centre states that favourable consideration will be given to appropriate development proposals that are in accordance with prevailing regional planning policy, and policies, requirements and guidance contained in Part 3 of the Cookstown Area Plan 2010. This policy was adopted whilst PPS 5 Town Centres was in operation and it acted to control the inclusion of non-retail uses in the Primary Retail Core. However, SPPS which supersede PPS 5 guidance is silent on this issue. It is my view that whilst represents a non-retail use the Primary Retail Core in Cookstown offers a good retail mix in this case and therefore will not detract but complements the town centre

**Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. Paragraph 6.281 says planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

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

The application meets the requirements of SPPS PPS 5: Retailing and Town Centres (Cancelled by the Introduction of the SPPS)

### **Statutory consultees**

Transport NI were on 15 August 2017 and consulted and responded on 6 September 2017 no objections;

Environmental Health Department were consulted 15 August 2015 and responded on 15 September 2017 with no objections subject to standard conditions. In regards to ventilation and extraction scheme condition to be 1m above eaves this has now been withdrawn and is as shown on approved plans ( see EHD email on file);

Historic Environment Division (HED) were consulted on 25 August 2017 and responded on 6 September 2017 and made the following comments:-

The application for 'Proposed change of use from non-food retail shop to restaurant and hot food takeaway' (LA09/2017/1085/F) is in close proximity to 25 William Street (Grade B1) which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division: Historic Buildings (HED: HB) has considered the impacts of the proposal on the building and on the basis of the information provided, advise:

- HED: HB considers that the proposal has no greater demonstrable harm on the setting of the listed building under Policy BH11, PPS6 (Development affecting the Setting of a Listed Building) and relating chapters in the SPPS (Strategic Planning Policy Statement).

### **Objection**

1 letter of objection was received by email on 24 August 2017 to the proposed change of use from non-food retail shop to restaurant and hot food. The concerns raised in the letter are as follows:

- The objector feels strongly the application if approved would destroy other small local businesses resulting in closures and job losses;
- Concerns that MUDS is sending mix messages appearing on one hand to help business start-ups while on the other hand allowing multi-nationals into town centres;
- Other concerns opening hours, anti-social behaviour on the streets of Cookstown.

The objector has demonstrated strong views on how Council promotes town centre development in terms of planning Officers must access the proposed development against the relevant planning policy in this case LAP (CAP 2010) and SPPS which finds in favour town centre development. I would find it very difficult to sustain a refusal in this case.

I note that the objection letter has been considered by EHD in responding to this consultation. EHD points out that development of this nature can give rise to a number of complaints from nearby residents regarding the following issues:-

1. Odours from cooking.
2. Vermin problems caused by poor storage of waste produced by the premises.
3. Potential Health and safety problems caused by the poor fitting and storage of LPG gas.

This department has no objections to this proposal subject to the following conditions.

So having considered all the relevant planning policies and material considerations including letter of objection and the consideration of the issues raised it is my recommendation to approve this planning application subject to conditions.

The application was initially advertised in the local press on w/c 21 August 2017 (publication date 24 Aug 2017). Four (4) neighbouring properties were notified on 16 August 2017, in accordance with the Development Management Practice Note 14 (April 2015). These properties, listed further below, were checked on site as correct.

#### **Neighbour Notification Checked**

**Yes**

Owner / Occupier 31 William Street, Cookstown, Tyrone, BT80 8AX  
 Owner / Occupier 33 William Street, Cookstown, Tyrone, BT80 8AX  
 Owner / Occupier 37 William Street, Cookstown, Tyrone, BT80 8AX  
 Owner / Occupier Colmmcguone@hotmail.com

#### **Summary of Recommendation:**

Approve

#### **Conditions**

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

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

#### **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. 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 Infrastructure for which separate permissions and arrangements are required

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

Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

3. All construction plant and materials shall be stored within the curtilage of the site. It is the responsibility of the developer to ensure that

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

4. Adequate provision shall be made for the storage and collection of rubbish and litter from the premises. Suitable and sufficient pest proof receptacles should be provided for this purpose.

5. Any work carried out to a gas installation on the premises should be accompanied by a Gas safety Inspection Report confirming that all work has been carried out in accordance with the Gas Safety (Installation and use) Regulatory Industry Standards and Procedures.

6. The proposed upgrade shall fully comply with Regulation (EC) No. 852/2004 on the hygiene of foodstuffs.

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

8. 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:**

<b>ANNEX</b>	
<b>Date Valid</b>	10th August 2017
<b>Date First Advertised</b>	24th August 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 31 William Street Cookstown Tyrone The Owner/Occupier, 35-37 William Street Cookstown The Owner/Occupier, 37 William Street Cookstown Tyrone Colm McGuone Colmmcguone@hotmail.com	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1085/F Proposal: Proposed change of use from non-food retail shop to restaurant and hot food takeaway Address: 33 William Street, Cookstown, Decision: Decision Date:  Ref ID: LA09/2017/1072/A Proposal: 1 Fascia and 1 Projection Sign Address: 33 William Street, Cookstown, Decision: Decision Date:  Ref ID: I/1996/0398 Proposal: Environmental Improvement Scheme Address: OLDTOWN STREET, WILLIAM STREET, JAMES STREET, LOY STREET COOKSTOWN Decision: Decision Date: 15.11.1996	

Ref ID: I/2014/0251/F

Proposal: Public realm improvements comprising re-surfacing and new paving to pedestrian footpaths and public spaces, new street furniture, replacement street lighting, new tree planting, and formalisation of existing on-street parking arrangement

Address: Lands at 1-53 Milburn Street 1-69 Oldtown Street 1-64 William Street 1-73 James Street 1-22 Loy Street 1-73 Molesworth Street 1-74 Coagh Street 1-46 Orritor Street and 1-36 Fairhill Road Cookstown,

Decision: PG

Decision Date: 25.11.2014

Ref ID: I/1995/0406

Proposal: Demolition of rear extension and erection of new store for shop

Address: 35-37 WILLIAM STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1989/0080

Proposal: Extension to Shop and New Shop Front

Address: 35/37 WILLIAM STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1985/0255

Proposal: EXTENSION TO SHOP

Address: 33 WILLIAM STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1983/0213

Proposal: PROPOSED CHANGE OF USE FROM OFFICES TO RETAIL SHOP AND ALTERATIONS TO

Address: 33 WILLIAM STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1983/0166

Proposal: ALTERATIONS TO SHOP

Address: 33 WILLIAM STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1993/0222

Proposal: Extension to Shop

Address: 33 WILLIAM STREET COOKSTOWN

Decision:  
Decision Date:

Ref ID: I/1985/0226  
Proposal: EXTENSION TO EXISTING SHOP PREMISES  
Address: 35-37 WILLIAM STREET, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/2007/0135/A  
Proposal: Sign A&C Fascia, sign B panel, sign D projecting, sign E & F applied vinyl.  
Address: Pound stretcher Cookstown, 35-37 William Street, Cookstown.  
Decision:  
Decision Date: 16.05.2007

Ref ID: I/2012/0013/F  
Proposal: Proposed New Rear Entrance and Alterations to Shop  
Address: 31 William Street, Cookstown, BT80 8AX,  
Decision:  
Decision Date: 06.04.2012

Ref ID: I/2012/0067/F  
Proposal: Proposed change of use from first floor store to shop sales area  
Address: 31 William Street, Cookstown,  
Decision:  
Decision Date: 30.04.2012

Ref ID: I/2002/0008/A41  
Proposal: Provision of new fire escape staircase  
Address: 35/37/39 William Street, Cookstown  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**



Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Existing Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

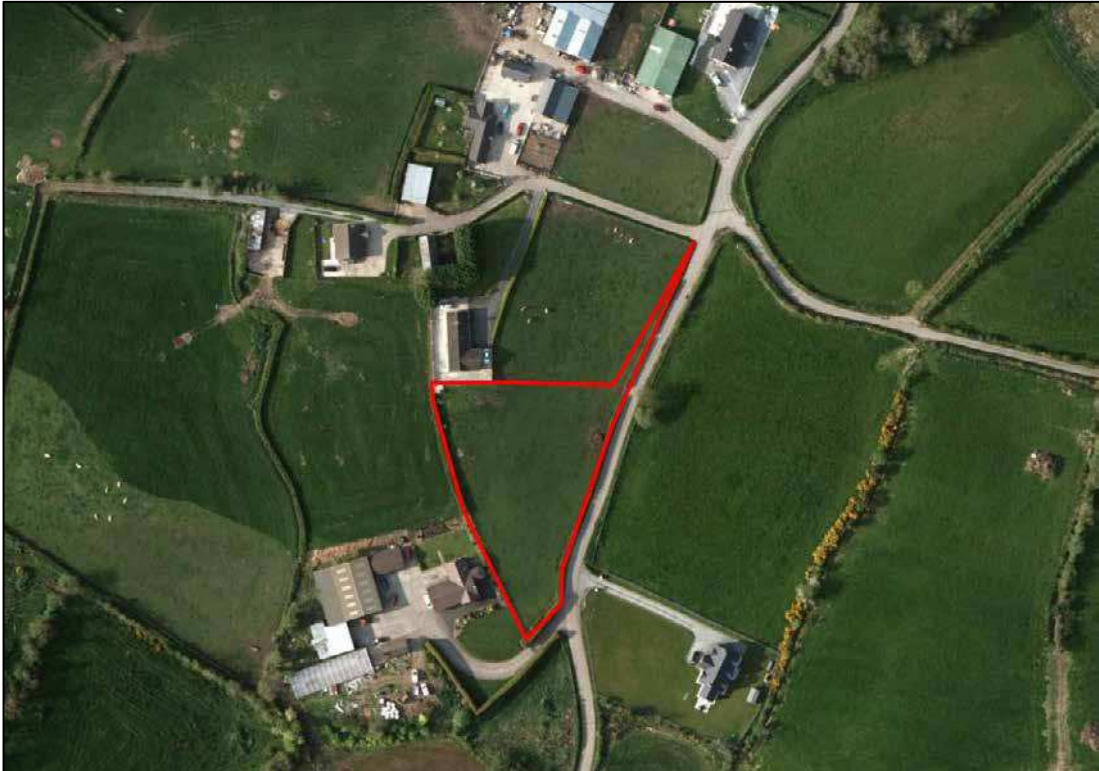


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 07.11.2017	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1103/O	<b>Target Date:</b> 29.11.2017
<b>Proposal:</b> Proposed dwelling complying with CTY 8 of PPS21 with max ridge height of 6.5m and detached domestic garage	<b>Location:</b> Between 57 and 63 Cadian Road Mullaghlonefield Dungannon
<b>Referral Route:</b>  Application recommended for Refusal.	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Seamus Rodgers 276 Whitebridge Road Carrickmore Omagh BT79 9HL	<b>Agent Name and Address:</b> Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Department for Communities Historic Environment Division (HED), Transport NI and NI Water were consulted and responded on this application. No third party objections have been received and all other material considerations have been addressed within the determination below.

### Characteristics of the Site and Area

The application site is located on Cadian Road, Dungannon, Co. Tyrone. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The application site is between 57 and 63 Cadian Road, Mullaghlonefield, Dungannon. This site is currently in use as agricultural pasture. It is an open field which fronts onto the Cadian Road. The site is bound on its southern, eastern (abutting the road), and western boundary with a mature hedgerow. Its northern boundary includes an approx. 1.5m high timber fence which surrounds the neighbouring property at 57 Cadian Road.

The application site sits between No. 57 to the north and No. 63 Cadian Road, to the south. There is a series of other dwellings in this area including No's 59 and 61 Cadian Road, also to the north of the application site. There is a number of farm sheds sited to the north surrounding No. 59 and to the south surrounding No. 63.

The area surrounding the site exhibits quite an enclosed nature with smaller scale fields bound by mature hedgerows and scattered vegetation. In terms of elevation the site rises from the road at the east to the west, with the highest part of the site at its western fringe. The wider area surrounding the site also exhibits an undulating character.

### Description of Proposal

The application seeks outline planning consent for a proposed dwelling. The proposed site is at lands between 57 and 63 Cadian Road, Mullaghlonefield, Dungannon. The applicant has outlined that the proposal is an infill site within an existing built up frontage and has annotated an existing building line on Drawing No. 01 date stamped 16.08.2017.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access onto the Cadian Road and therefore Transport NI were consulted in the processing of the application.

### 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. PPS 21 – Sustainable Development in the Countryside.
4. PPS 6 – Planning, Archaeology and the Built Heritage.
5. PPS 3 – Access, Movement and Parking.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One such development is a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 Policy CTY 8 remain applicable in terms of assessing the acceptability of the proposed dwelling.

### **Planning History**

There is no applicable planning history relevant to the determination of this application.

### **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**

#### Principle of Development

Policy CTY 8 highlights 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.

In consideration of the principle of development on the site I consider that the proposal does not represent a continuous and built up frontage. The neighbouring dwellings at 63 and 57 Cadian Road have an area of agricultural pasture between the dwelling and the road. With this in mind I consider that the proposed site is not within a continuous and built up frontage. The existing buildings (dwellings) on either side of the application site do not front onto the Cadian Road.

#### Additional Policy Consideration

The policy highlights that a small gap site may be acceptable providing that it does not create or add to a ribbon of development. Ribbon development continues to be discouraged in the countryside.

The policy stipulates that a small gap site will only be permitted for a maximum of two houses within an otherwise substantial and continuously built up frontage. As documented above, I consider that the proposal is contrary to policy in this regard.

CTY 8 also highlights that proposals sought under this part of PPS 21 must also meet with other planning and environmental requirements. With this in mind policies CTY 13 and CTY 14 of PPS 21 is also applicable.

Policy CTY 13 highlights the policy requirements for the integration and design of buildings in the countryside whereas Policy CTY 14 outlines the policy consideration in terms of the protection and preservation of rural character. The proposal is an application for outline planning consent and as such no design features or elements have been included, however it is clear that a dwelling at this location would be unsuitable to this area of the countryside. The elevated position of the site would make it difficult for a dwelling to successfully integrate into this area of the countryside and I consider that the proposal would be a prominent feature in the landscape. With regard to rural character the proposal does not respect the traditional pattern of settlement exhibited in the area and its prominence would unduly detract from the existing rural character.

#### Historic Environment

It is noted that the application site is located some 76m south east of a scheduled monument (TYR 061:032) which is noted as being a protected enclosure. The Department of Communities Historic Environment Division (HED) were consulted on this proposal as the competent authority in assessing the proposal from a Historic Environment perspective. HED responded on the application on 25/08/2017 highlighting that they were content with the proposal. In consideration of that above I am content that the proposal will not have a significant negative impact upon the

protected structure or its setting and that it is compliant with the policy provision contained within PPS 6 – Planning, Archaeology and the Built Environment.

#### Access

Access is a material consideration. The applicant has proposed to access the proposal via a proposed new access onto Cadian Road. Transport NI were consulted on this application and returned comment highlighting that the proposed access should comply with the accompanying RS1 form. I am content that an appropriate access provision could be provided to service the application site and that the proposal complies with the policy provision contained within PPS 3 – Access, Movement and Parking.

#### **Conclusion**

Members are advised that the proposed dwelling does not represent an infill opportunity. The proposal is not sited within a substantial and built up frontage and as such it does not sit within an existing ribbon of development. The proposal is contradictory to the policy provision contained within PPS 21 and policies CTY 8, 13, and 14 therein.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

Refuse, as per policy consideration above.

#### **Reasons for Refusal:**

1. The proposal is contrary to the policy provisions of Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it fails to meet with the provisions for an infill dwelling as the application site does not comprise a small gap within a substantial and continuously built up frontage.
2. The proposal is contrary to the Policy provisions of Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, be a prominent feature in the landscape.
3. The proposal is contrary to the Policy provisions of Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, be unduly prominent in the landscape and would fail to respect the traditional pattern of settlement exhibited in this rural area.

#### **Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	16th August 2017
<b>Date First Advertised</b>	31st August 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 57 Cadian Road Dungannon Tyrone The Owner/Occupier, 62 Cadian Road,Dungannon,Tyrone,BT70 1LY, The Owner/Occupier, 63 Cadian Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	24th August 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  No applicable history on the site.	
<b>Summary of Consultee Responses</b> Transport NI – Advice, NI Water – No Objection, and HED – Content.	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	







## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2015/0932/F	<b>Target Date:</b>
<b>Proposal:</b> Change of use of lands and office from window glazing business to car sales and car hire	<b>Location:</b> 155A Creagh Road, Castledawson, BT45 8EY
<b>Applicant Name and Address:</b> Ben McCormack 55 Creagh Road Castledawson	<b>Agent name and Address:</b> CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
<b>Summary of Issues:</b>  Application was previously presented before the Committee with a recommendation to refuse and the application was deferred for further consideration	
<b>Summary of Consultee Responses:</b>  Transport NI: Want further details noted on drawings but have also suggested conditions.	
<b>Characteristics of the Site and Area:</b>  The existing building is a small single storey detached building set at the junction of Creagh Road and Hillhead Road/Castledawson by-pass. The building has a corrugated iron clad roof with a small conservatory to the north east. The site previously contained a large area which was grass covered. The grass area has been excavated, infilled, ground levels raised and replaced by an area of hardstanding. This area of hardstanding now extends to the entire site curtilage and is used as the display area for the sale of vehicles.  The compound is secured by a 1.8m high chain link fence with entrance gates at the northern corner of the site. There is a second access at the south western corner but this is only a field gate type entrance. To the immediate west, there is a small paddock area.  The site is within a rural area which is characterised by single dwellings on road frontage sites and also set back off the road.	

**Description of Proposal**

The proposal is for the change of use of lands and storage unit from window glazing business to car sales and car hire. The application is retrospective as the car sales is already operating at the time of both the original site inspection and my further site inspection following the deferral of the application.

**Deferred Consideration:**

This application was presented previously to the Planning Committee on 6 September 2016 with a recommendation to refuse on the basis that the proposed car sales would fail to integrate into the rural landscape, there are no overriding reasons why it cannot be located within a settlement and the rural character and appearance of the area will be harmed as the proposal is for a retail use in the countryside.

This site is located at a T-junction on the Hillhead Road and is constrained from expanding further by the Hillhead Road itself which bounds it on three sides. To the immediate west is a small agricultural field beyond which is a dwelling house and garden. The block plan from the 1995 approval shows the existing building together with a curtilage extending to the boundary of the site which was used in association with the window glazing business for car parking and the parking and turning of lorries. The current application does not extend beyond those boundaries.

A window glazing business was approved on the application site in 1995. It is clear from condition 07 that retail sales were not permitted as part of that planning permission. This was also noted on a block plan submitted as part of the planning application. The agent has submitted a letter detailing what he asserts to be a history of retail use on the site from 1995 to the present day. Whilst I am not satisfied the agent has satisfactorily demonstrated retail activity on the site I am of the opinion that the previous commercial use on the application site must be borne in mind. Both the existing building on site and the current hardstanding area were included in the 1995 approval, though it is clear from historical maps the current area of hardstanding this was a grassed area in 2012 and thus a material change use of the lands has also taken place.

Car sales is classed as Sui Generis in The Planning (Use Classes) Order (NI) 2015. There are a number of appeal cases determined by the Planning Appeals Commission where the Commissioner has taken the stance that whilst the then prevailing Planning Policy Statement 5: Retailing and Town Centres made no specific reference to vehicle sales the Commissioners in each of the following appeals 2011/A0021, 2008/E022, 2007/A1352, 2006/A1614 accepted the primary use of the site for the sale of commercial vehicles is clearly a form of retail activity. PPS 5 has now been superseded by Town Centres and Retailing in the Strategic Planning Policy Statement.

The regional strategic objectives for town centres and retailing are to secure a town centre first approach for the location of future retailing and other main town centre uses. The SPPS also states at para 6.279 that the development of inappropriate retail facilities in the countryside must be resisted....however as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities. Such retail facilities should be required to be located within existing buildings.

Although car sales clearly involves a retail element by the very nature of selling cars it is not a use that is associated with a town centre use. The SPPS favours a town centre first approach and includes a list of retail uses that can be considered as an exception to the overall policy approach of town centre approach, however it is my opinion this list is not exhaustive.

In assessing the impact on rural character the site is located in the rural area as identified in the Magherafelt Area Plan 2015. However there are other commercial uses in this locality including the approved window glazing business on the application site, the Old Thatch Inn bar and restaurant and Fireglass Direct Ireland Ltd, all of which are located on this part of the old Hillhead Road. Given the number of cars displayed for sale which are clearly visible from the A6 Hillhead Road there is undoubtedly a greater impact on rural character than the previous window glazing business. However due to the physical restrictions on three sides of the site of the Hillhead Road there can be no further expansion to the north, south or east of the application site.

It is my opinion that when considering the commercial history on the application site, the physical restrictions to any further impact on rural character from the car sales business and the presence of other commercial businesses in the area an approval can be recommended on this application subject to the conditions listed.

**Conditions:**

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

Reason: This is a retrospective application.

2. The vehicular access, including visibility splays of 2.4m x 90m west and 2.4 x 33m east, shall be in place within 3 months of the date of this planning permission.

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

3. The access from the site to the A6 Castledawson By-Pass shall be permanently closed off and the roadside verge reinstated to the satisfaction of Transport NI within 3 months of the date of this planning permission.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

**Signature(s):**

**Date**





## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2016/1371/O	<b>Target Date:</b>
<b>Proposal:</b> Infill site to be considered under Policy PPS21 (CTY08)	<b>Location:</b> 50m North of 63 Deerpark Road, Leitrim, Castledawson, BT45 8BS
<b>Applicant Name and Address:</b> Mr Norman Leslie Oldtown Road Castledawson	<b>Agent name and Address:</b> T J Fullerton 12 Rainey Court Magherafelt BT45 5BX
<b>Summary of Issues:</b>  Lack of integration	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The proposal site is located on the roadside of Deerpark Road, Bellaghy. The site is one of two proposed out of a large agricultural field. Located on the southern boundary is a detached 2 storey dwelling and detached garage, while on the northern boundary is a detached 2 storey dwelling. The roadside boundary of the proposed site consists of mature hedging and trees which currently shields the proposal sites from view when travelling along the public road. To the rear of the site is further agricultural land.	
<b>Description of Proposal</b>  Outline application for infill site for dwelling and garage	

**Deferred Consideration:**

This application was presented before the Planning Committee in October with a recommendation to refuse as it was considered there would be a ribbon of development along the Deerpark Road, the site currently provides an important visual break and there will be a detrimental change to the rural character of the area.

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. The agent contends this application represents an infill opportunity in accordance with CTY 8 of PPS 21.

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site. Policy CTY 8 requires four specific elements to be met:

- The gap must be within an otherwise substantial and continuously built up frontage;
- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- Other planning and environmental requirements must be met.

Having visited the site it is clear that No 63 and the garage to the side both have a frontage to the Deerpark Road. The site itself together with the site to the north have a strongly vegetated boundary to the roadside which if removed will open up both application sites to view. Number 61 Deerpark Road is set back some 60 metres from the Deerpark Road. The roadside screening to No 61 is also strong and there is an awareness of the pillars at the roadside to No 61 and together with the curtilage of No 61 coming to the roadside it can be said this has a common frontage to the road.

I will consider the four specific elements in turn:

- Policy CTY 8 requires the frontage to be substantially and continuously built up. It is clear from visiting the site this field provides a strong visual break between the dwellings at Nos 61 and 63. However in the justification and amplification of CTY 8 it states that *"buildings...with gaps between them can still represent ribbon development, if they have a common frontage"*. Given this explanation it would be difficult to argue the buildings do not represent a ribbon given they all have a common frontage to the Deerpark Road.
- The second exception in Policy CTY 8 states that the gap site must be small and sufficient only to accommodate up to a maximum of 2 houses. When the existing pattern of development is considered on the ground the proposed 2 sites are reflective of the existing development pattern along the road frontage in terms of plot size. The existing development pattern along this stretch of the Deerpark Road is of large roadside dwellings on large plots and thus it is my opinion this element has been satisfied.
- The other planning and environmental requirements which address the ability of a new dwelling to integrate into the landscape in accordance with CTY 13 and the rural character in accordance with CTY 14. The site, as outlined in red, is located in a large roadside field and there is a wide roadside verge. The block plan indicates a paired access in a central position which should allow a significant level of trees and hedges to be retained. Behind the visibility splays are a significant number of mature trees which should be conditioned to be retained, save for the need for removal for visibility splays.

I recommend an approval of this application

**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. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To preserve the rural character of the locality.

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. The existing natural screenings of the site, as indicated in green, on approved drawing ref: 01 date stamped received 20 April 2017 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality.

6. 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	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2016/1556/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill Dwelling	<b>Location:</b> Site between 33 and 33b Tobermore Road Draperstown
<b>Applicant Name and Address:</b> Teresa McNally 33b Tobermore Road Draperstown BT45 7HG	<b>Agent name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Summary of Issues:</b> No representations were made in relation to this application.	
<b>Summary of Consultee Responses:</b> No objections	
<b>Characteristics of the Site and Area:</b>  The site is located between 33 and 33b Tobermore Road, Draperstown. The red line currently consists of a section of the garden belonging to 33b and extends to a portion of a field situated behind 33b and 33. The site is relatively flat with a slight rise towards the east. The site is located approx. 150m from the Draperstown Development Limit and is within a line of 6 existing dwellings. The site is bounded by existing hedgerows and post and wire fencing with further vegetation to the SW of the site. To the south of the site is Draperstown village and the rest of the surrounding area is large agricultural fields with detached dwellings	
<b>Description of Proposal</b>  Planning permission is being sought for a proposed infill site between 33 and 33b Tobermore Road, Draperstown.	
<b>Deferred Consideration:</b>  This application was presented before the Planning Committee in July with a recommendation to refuse as it was not considered to be a gap site in accordance with CTY 8 and it would result in back land development, the site was not a gap site and the traditional pattern of settlement in the locality not being respected and therefore a further erosion of rural character as a result of build-	

up. The application was deferred by the Committee for an office meeting with the Planning Manager which was held on 20 July 2017.

At the meeting there was some discussion with regards to the principle of an infill site within the red line as proposed. Dr Boomer stated the site as presented at that time was unacceptable and suggested that the agent reduce the size of the red line. The agent subsequently submitted a reduced red line on 18 September with a block plan submitted on 26 September. This block plan shows a gable ended linear dwelling proposed on the site in between numbers 33 and 33b Tobermore Road. However the proposed footprint of the proposed dwelling is not characteristic of the pattern of development with dwellings fronting on to the Tobermore Road. It is my opinion that this has not been demonstrated as an infill opportunity as it cannot satisfactorily accommodate a dwelling that will respect the development pattern of the area. Given the fact this is a narrow site it is not possible to site a dwelling other than that proposed which is to sit gable end onto the road.

I am recommending a refusal of this application for the reasons outlined below.

**Refusal reasons:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would not respect the traditional pattern of settlement in the locality and result in a further erosion of rural character as a result of build-up.

**Signature(s):**

**Date**





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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Melvin Bowman	
<b>Application ID:</b> LA09/2017/0380/O	
<b>Proposal:</b> Proposed site for dwelling in a gap site	<b>Location:</b> 80m South of 31 Gortnaskey Road Draperstown
<b>Applicant Name and Address:</b> Oonagh Barrett 25 Cloane Road Draperstown	<b>Agent name and Address:</b> APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
<b>Summary of Issues:</b> Size of gap for in-fill development.	
<b>Summary of Consultee Responses:</b> No objections.	
<b>Characteristics of the Site and Area:</b>  <p>The proposal site is within a roadside larger relatively flat agricultural field. The site is undefined on the northern and eastern boundaries, defined on ly on the roadside/western boundary by a post and wire fence and small grass verge and on the southern boundary by maturee trees and vegetation. Directly adjacent to the proposal site on the southern side is a roadside detached single storey dwelling with a detached garage to the rear of the property, while to the north beyond the larger agricultural field is a single storey detached dwelling also with a garage sited at the rear. A new dwelling has been approved to the eastern corner of the larger agricultural field that this current site is within, this has commenced by way of the access and foundations having been put in though no recent work appears to have been carried out.</p>	
<b>Description of Proposal</b>  <p>Outline application for dwelling in a gap site.</p>	



**Deferred Consideration:**

This application was deferred at the Sept 2017 Planning Committee to facilitate an office meeting. That office took place on the 14<sup>th</sup> Sept at which issues surrounding the size of the gap site and those buildings used to determine the line of 3 buildings along the road frontage were discussed. In addition the agent has submitted other examples felt to be similar which have been approved by the Council.



I visited the site on the 26<sup>th</sup> September and formed the following observations:

- The size of the gap site along with the curvature of this stretch of Gortnaskey Road lends itself significantly to this field being a good example of a visual break between existing buildings to the north and south. Such visual relief sites are recognised as being important as emphasized in Policy CTY8 of PPS21. It is my strongly held view that this is the case with the host field here.
- The applicant has previously gained a permission for a dwelling to the rear corner of the field and appears to have made a lawful start on this.
- That whilst relying on in-curtilage buildings (in this instance the garage associated with the bungalow to the south) that I accept this represents 2 buildings with the third building being represented by No 31 to the north.
- The site is extremely open and lacks any degree of adequate integration, in this instance for one dwelling.

The agent had referred to the following cases as being similar:

- LA09/2015/1163/O – this was a double in-fill site approved by the Council on Battery Road, Moortown. This was however determined as an infill opportunity given that the site relied on buildings within Moortown's settlement limits.
- LA09/2016/1243/O – this was a small single dwelling gap site which was allowed on the basis that the site could accommodate only one dwelling and was located within a line of 3 buildings
- LA09/2015/1123/O- a small single dwelling gap site on Ardtrea Road. The gap was located between a shed and a dwelling and its associated garage.
- I/2014/0321/O - an in-fill site on Ballymaguire Road. This was a gap regarded as being appropriate to develop for 2 dwellings using surrounding plot sizes and containing development between 2 dwellings and further third dwelling, albeit which had its frontage onto an adjoining road.

Having considered the above cases I do not regard as there to be similar circumstances between these and the subject site. In any cases each site must be considered on its individual merits and his underlines my point that the particular visual approach, size of gap, curvature of the frontage of this stretch of Gortnaskey Road does not lend itself to achieving a suitable infill opportunity for what will be 2 sites eventually should this application be approved. I have not been made aware of any impediment which will not allow the dwelling for the applicant to be completed under application H/2008/0220/RM.

It is my considered opinion that permission should be refused for the reasons set out below.

#### **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 the loss of an important visual break in development along Gortnaskey Road and relies on a gap which could accommodate more than 2 dwellings.
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.
3. The proposal is contrary to Policy CTY8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create

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

4. 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.

**Signature(s): M.Bowman**

**Date 13/10/2017**



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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2017/0538/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed 2 Storey Dwelling and domestic garage	<b>Location:</b> 65m south of 61 Deerpark Road, Leitrim, Castledawson, Magherafelt
<b>Applicant Name and Address:</b> Norman Leslie 100 Oldtown Road Castledawson Magherafelt	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> Infill opportunity and retention of vegetation	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The proposal site is located on the roadside of Deerpark Road, Bellaghy. The site is one of two proposed out of a large agricultural field. Located on the southern boundary is a detached 2 storey dwelling and detached garage, while on the northern boundary is a detached 2 storey dwelling. The roadside boundary of the proposed site consists of mature hedging and trees which currently shields the proposal sites from view when travelling along the public road. To the rear of the site is further agricultural land.	
<b>Description of Proposal</b>  Outline application for 'proposed 2 storey dwelling and domestic garage'.	



**Deferred Consideration:**

This application was presented before the Planning Committee in October with a recommendation to refuse as it was considered there would be a ribbon of development along the Deerpark Road, the site currently provides an important visual break and there will be a detrimental change to the rural character of the area.

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. The agent contends this application represents an infill opportunity in accordance with CTY 8 of PPS 21.

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site. Policy CTY 8 requires four specific elements to be met:

- The gap must be within an otherwise substantial and continuously built up frontage;
- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- Other planning and environmental requirements must be met.

Having visited the site it is clear that No 63 and the garage to the side both have a frontage to the Deerpark Road. The site itself together with the site to the south have a strongly vegetated boundary to the roadside which if removed will open up both application sites to view. Number 61 Deerpark Road is set back some 60 metres from the Deerpark Road. The roadside screening to No 61 is also strong and there is an awareness of the pillars at the roadside to No 61 and together with the curtilage of No 61 coming to the roadside it can be said this has a common frontage to the road.

I will consider the four specific elements in turn:

- Policy CTY 8 requires the frontage to be substantially and continuously built up. It is clear from visiting the site this field provides a strong visual break between the dwellings at Nos 61 and 63. However in the justification and amplification of CTY 8 it states that *"buildings...with gaps between them can still represent ribbon development, if they have a common frontage"*. Given this explanation it would be difficult to argue the buildings do not represent a ribbon given they all have a common frontage to the Deerpark Road.
- The second exception in Policy CTY 8 states that the gap site must be small and sufficient only to accommodate up to a maximum of 2 houses. When the existing pattern of development is considered on the ground the proposed 2 sites are reflective of the existing development pattern along the road frontage in terms of plot size. The existing development pattern along this stretch of the Deerpark Road is of large roadside dwellings on large plots and thus it is my opinion this element has been satisfied.
- The other planning and environmental requirements which address the ability of a new dwelling to integrate into the landscape in accordance with CTY 13 and the rural character in accordance with CTY 14. The site, as outlined in red, is located in a large roadside field and there is a wide roadside verge. The block plan indicates a paired access in a central position which should allow a significant level of trees and hedges to be retained. Behind the visibility splays are a significant number of mature trees which should be conditioned to be retained, save for the need for removal for visibility splays.

I recommend an approval of this application

**Refusal Reasons**

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. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To preserve the rural character of the locality.

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. The existing natural screenings of the site, as indicated in green, on approved drawing ref: 01 date stamped received 20 April 2017 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality.

6. 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	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2017/0598/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and domestic garage/ store based on policy CTY 10 dwelling on a farm	<b>Location:</b> Approx 175m West of 6 Tonaght Road, Draperstown
<b>Applicant Name and Address:</b> Mr Sean McGlade 22 Dromdallagan Straw Draperstown	<b>Agent name and Address:</b> CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 2SQ
<b>Summary of Issues:</b> Siting of a new dwelling on the farm	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 1.5km south west of the village of Draperstown within the open countryside as defined by the Magherafelt Area Plan 2015. The application is for a farm dwelling and domestic garage/store off an existing agricultural lane. The site is located within a large agricultural field that has as per identified on the plans as two existing agricultural buildings. However during the site visit these appeared as two metal shelters, there is a slight fall in slight down towards the two shelters. The site is bounded by large mature trees along the western boundary however as a result of the way in which the red line is drawn that the northern and southern boundaries are undefined. The eastern boundary along the roadside is defined by post and wire fencing with a scattering of hedging. The surrounding area is predominantly agricultural uses with a scattering of farm holdings and dwellings.	

**Description of Proposal**

This is an outline application for a site for a dwelling and domestic garage/store based on policy CTY10. The site is located approximately 175m west of No. 6 Tonaght Road, Draperstown, which appears to be the registered address of the farm business.

**Deferred Consideration:**

This application was presented before the Planning Committee in August with a recommendation to refuse as it wasn't considered the new dwelling would visually link or cluster with an established group of buildings on the farm and was contrary to CTY 10 and 13 of PPS 21. The application was deferred for an office meeting with the Planning Manager which took place on 12 October 2017.

Policy CTY 10 has 3 requirements namely the farm has to be active and established, no dwellings or development opportunities have been sold off and the new building is visually linked or sited to cluster with an established group of buildings on the farm. DARD has confirmed the farm business is active and established and there is no evidence of any sites or dwellings having been sold off the farm. CTY 10 merely refers to the need for a new building to be *"visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane"*. The 2 buildings on the application site are very small tin shed structures and it is questionable whether in themselves they represent a group of buildings on the farm. However in examining the land opposite it is clear that for topographical reasons there would be advantages in locating the dwelling next to these buildings other than the existing farm group particularly as it aids integration. The proposal also includes the use of an existing lane serving these buildings which is in accordance with CTY 10.

The site is well integrated with strong vegetation to the west and this will serve as a good backdrop to a new dwelling.

I am therefore recommending an approval of this application subject to the conditions listed below.

**Condition:**

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 8 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.

4. The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 2 May 2017.

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.

5. 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**



<b>Report on</b>	Revisions to the Protocol for the Operation of the Planning Committee
<b>Reporting Officer</b>	Chris Boomer
<b>Contact Officer</b>	Chris Boomer

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To agree amendments to the Protocol for the Operation of the Planning Committee in order to reduce the time spent at the Planning Committee.
<b>2.0</b>	<b>Background</b>
2.1	<p>As part of the Council's desire to continuously improve services, a workshop was held on 29<sup>th</sup> March 2017 to review the operation of the planning Committee. At that meeting members voiced concerns that meetings were running to late primarily as a result of repetition and over-rehearsal of the arguments of some matters .</p> <p>This was symptomatic of time spent on matters which were subsequently deferred, agents utilising the ability to speak to the committee prior and post deferral and the time allowed for non- planning committee members to speak. It was also recognised that members should be empowered to ask questions of applicants and other speakers as well as officers in order to assist in making sound decisions. Accordingly the Planning Manager was asked to examine how the Protocol could be amended to assist in speeding up the Committee.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	<p>In order to assist the Committee expedite its business in a more timely manner the Planning Manager advises that the Protocol be revised to :</p> <ul style="list-style-type: none"> <li>(i) Empower member to ask questions of speakers but also advise members not engage in open conversation with speakers.</li> <li>(ii) Encourage members to only normally only speak once on any application in order to ensure committee business is dealt with in a speedy manner and to empower the Chair to curtail members where points are being made repeatedly</li> </ul>

3.2	<ul style="list-style-type: none"> <li>(iii) Advise applicants seeking deferral of an application, to make such requests in writing prior to the Committee so the Planning Manager may review these and where appropriate ask the Committee to defer prior to further discussion.</li> <li>(iv) Limit speakers to one opportunity to speak to the Committee, and advise that they will not normally be given the opportunity to speak for a second time if the application is deferred and returned to Committee for final decision.</li> <li>(v) Reduce the time given to members to speak to 3 minutes in line with other speakers.</li> <li>(vi) Facilitate the Planning manager to ask for decision on applications to be deferred where it is brought to his attention that there are errors or omissions in the case officer's report or where there is a matter worthy of further consideration.</li> </ul> <p>The above alterations are detailed in red in the revised protocol (appendix one) and were discussed at a training session on the code of conduct and protocol on 9<sup>th</sup> October 2017 and no concerns were raised. However, members did suggest additional measures could be taken to prevent meetings running so late, for example, starting meetings earlier, having a second date in the month for spill over or more contentious items, use of pre determination hearings and special meetings. It was recognised at the meeting that in order to change the time it would be necessary to relook at the councils standing orders and more consideration would be needed as to the implications of additional changes.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial:</p> <p>Human:</p>



<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b>
<b>4.3</b>	<b><u>Risk Management Implications</u></b>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	<p>That the</p> <ul style="list-style-type: none"> <li>(i) Committee adopt the changes recommended as per the amended protocol (Appendix One</li> <li>(ii) Planning Manager examine practice in other council areas and identify options and their advantages and disadvantages in relation to changing the time of the planning committee and holding additional committee meetings.</li> </ul>
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Revised Protocol for the Operation for the Planning Committee

PROTOCOL FOR  
THE OPERATION  
OF  
MID ULSTER  
DISTRICT COUNCIL  
PLANNING  
COMMITTEE

**Last updated by Mid Ulster District Council in October 2017**

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## **PURPOSE OF THE PROTOCOL**

1. A protocol for the operation of Planning Committees was drafted by the Department of Environment in January 2015. Mid Ulster District Council (MUDC) has reviewed this document and has amended it to suit the needs of MUDC in the following way.
2. The purpose of the protocol for MUDC Planning Committee is to ensure that planning decisions are consistently taken, and are seen to be taken, in a fair and equitable manner. The protocol offers guidance for Councillors', applicants, agents and the general public
3. The protocol is not intended to change or alter the Standing Orders which apply to all Committee's or the Councillors' Code of Conduct.

## **REMIT OF THE PLANNING COMMITTEE**

### ***Development management***

4. One of the main functions of the planning committee is to consider applications made to the Council which are either major in scale, complex or controversial as set out in the adopted Scheme of Delegation, and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, the decisions of the planning committee are taken under full delegated authority and the decisions of the committee will therefore not normally go to the full council for ratification.

### ***Development Plan***

5. The local development plans for the Mid Ulster district currently comprise the Cookstown Area Plan, the Dungannon and South Tyrone Area Plan and the Magherafelt Area Plan. These will remain the statutory development plans until replaced by the Mid Ulster Local Development Plan (LPD). The Department of Environment planning policies will also be retained as set out in the Planning Policy Statements and Strategic Planning Policy Statement, until such times as new policies are brought forward and adopted in the LDP.
6. Section 8 of the Planning Act (NI) 2011 requires MUDC to prepare a LDP which will comprise a plan strategy and a local policies plan. The strategy will set out the

objectives of MUDC in relation to the development land in the district, and the strategic policies for the implementation of those objectives. After the plan strategy has been adopted, a local policies plan will be prepared. This will set out the policy agreed by MUDC in relation to what type and scale of development is appropriate and where it should be located.

7. The local development will form the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. Therefore, where land is zoned for a particular use, the MUDC Planning Committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
8. The MUDC Planning Committee will approve the local development plan before it is passed by resolution of the full council. The Planning Committee will also ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

#### **SIZE OF COMMITTEE**

9. The MUDC Planning Committee consists of 16 elected members.

The Planning Manager and/or the Head of Development Management or Head of Development Plan and Enforcement will attend planning committee meetings as appropriate.

#### **FREQUENCY OF MEETINGS**

10. The Planning Committee will meet at least once every calendar month. Additional

meetings will be at the discretion of the Chair of the Committee with the consent of the Committee members. Dates for Planning Committee meetings are published on the Council's website.

## **SCHEMES OF DELEGATION**

11. There are two Schemes of Delegation. One relating to planning applications which is prepared under Section 31 of the Planning Act (Northern Ireland) 2011. The other scheme deals with planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations and is prepared under Section 7 (4) (b) of the Local Government Act 2014. The purpose of the Schemes of Delegation is to set out those decisions which shall be made by the Planning Committee and those which are the responsibility of the Planning Manager. The Planning Manager is responsible for determining the vast majority of applications, however these tend to be applications that are smaller in scale, local in character and uncontroversial. Whereas the Planning Committee resolves those applications which are either major in scale, subject to dispute or could give rise to a conflict of interest. The MUDC Schemes of Delegation for the Planning function are available to view at [www.midulstercouncil.org](http://www.midulstercouncil.org) . The Scheme of Delegation will be reviewed on a regular basis, normally annually.

## **ENFORCEMENT**

12. The planning Committee will determine when an enforcement notice should be served and other enforcement decisions as laid down in the Scheme of Delegation. In addition to those cases presented to the Planning Committee for decision, a monthly report from officers on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained) will be provided to members.
13. Enforcement matters will be discussed in the closed section of the Planning Committee meeting (i.e. In Committee) to ensure MUDC complies with the provisions of the Data Protection Act and to ensure that future legal proceedings are not prejudiced.
14. An enforcement strategy, detailing how enforcement action will be dealt with, was

agreed by the Planning Committee on 19<sup>th</sup> January 2016. This is available on the Council website.

## **REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE**

15. The Scheme of Delegation agreed by MUDC includes the provision for members (including those not on the Planning Committee) to request, where they consider it appropriate, that an application which would normally fall within the Scheme of Delegation, to be referred to the Planning Committee for determination. In addition, the Planning Manager can also refer any matter which he considers suitable for determination by the Planning Committee. Members of the public cannot directly request that an application be referred to the Planning Committee. Any referral request **must** be made in writing.

## **FORMAT OF PLANNING COMMITTEE MEETINGS**

16. MUDC will operate its Planning Committee in line with its approved standing orders. In doing so, the following procedural arrangements will apply:
- the planning office will prepare a weekly list, which will be circulated to all members, of all valid applications that have been received;
  - all planning committee members will be sent the agenda at least 5 days in advance of the meeting with a report on each application to be decided;
  - if necessary, officers will prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
  - the Chair of the Planning Committee will hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.
  - all committee items will be bookmarked and reports presented with visual aids to show the site and the proposal.
17. The meeting will be presided over by the Chair of the Planning Committee.

Following the approval of the minutes of the previous meeting and apologies, Councillors' will be given the opportunity to declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. Where a member has declared an interest in an application they cannot vote on that item and must either leave the meeting or sit in the public gallery for that item. However, they may make representations as per the normal speaking rights applicable to all councilors.

### **Consideration of Planning Applications**

18. The planning officer's report, which makes a recommendation on whether the application should be approved, approved with conditions or refused will be considered. Plans and photographs may be shown as appropriate.
19. In considering the report, members also have the opportunity to listen to speakers, ask questions of the officer **and speakers**, discuss and debate the case before taking a vote on whether or not to agree with the officer's recommendation. **Members however should not engage in open conversation with speakers. They should normally only speak once on any application in order to ensure committee business is dealt with in a speedy manner. The Chair retains the discretion to curtail members where points are being made repeatedly.** The Chair has a casting vote. Where the majority of members vote against an opinion to approve and in the absence of any other proposals, such as the deferral of the application, the application will be deemed to have been refused. The Planning Manager, based on the Committee's decision, will furnish the detailed reasons for refusal.
20. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. As conditions can be tested at appeal and they should, therefore, be (i) necessary, (ii) relevant to planning and the development under consideration, (iii) enforceable, (iv) precise, and (v) reasonable in all other respects. Therefore, where alterations to conditions are proposed, the Committee will seek the advice of the Planning Manager. **Where new conditions are proposed by the Committee, the precise wording of the conditions can be left to the discretion of the Planning Manager.**



21. Members cannot take part in a debate or vote on an item unless they have been present for the entire item, including the officer's introduction and update.
22. Separate arrangement will be used to discuss special domestic or personal circumstances. Normally this will be held In Committee with members of the public and press excluded. An opportunity will be given for the applicant and objectors to present their case, but each separately. Once this has been done each party will be asked to leave in order for the Committee to discuss and determine the application.

### **PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS**

23. The following procedures will apply to MUDC Planning Committee meetings:
  - planning committee meetings will be open to the public;
  - Requests to speak must be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting. The request should state whether they wish to speak in support or in opposition to a planning application. Any written information that the speaker wishes to circulate to members of the committee **must** also be provided at this time. Any written information received after this time **will not** be circulated;
  - Where a speaker wishes to request that an application be deferred for consideration of additional information, then, at the time of the request they should set out their reasons for making such a request. The Planning Manager should review these requests prior to the meeting and, where the case warrants a deferral, the Planning Manager should ask the Committee to defer the item, noting any action to be taken.
  - Where a speaker has availed of the opportunity to speak to the Committee, they will not normally be given the opportunity to speak for a second time if the application is deferred and returned to Committee for final decision.
  - The order of speakers is a matter for the Chair, however, this will normally require objectors speaking before the applicant or their agent in order to allow the applicant the opportunity to respond to any issues raised. Thus, if members wish to speak, they should do so before the applicant/agent;

- All parties speaking at Planning Committee may be asked questions by members or the Planning Manager;
- The Planning Committee will be provided with copies of the information supplied by those who will be speaking at the Committee;
- other elected members may attend and speak about an application but only planning committee members can vote;
- **elected members and members of the public (including agents / representatives etc.) may speak for up to 3 minutes;**
- Where more than one person wishes to speak on behalf of or against a development, they will be encouraged to elect a spokesperson and, in any event, required to share the 3 minutes speaking time.
- documentation not received in advance of the meeting will not be permitted to be circulated to members by speakers;
- Planning officers can address any issues raised and the planning committee can question officers;
- Any exception to normal speaking rights and procedures will be a matter for the Chair.

## **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

24. The Planning Committee will reach its own decision on applications put before it. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its members. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. The Planning Committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

### **Overtaking recommendation to approve**

25. If a member does not agree with the officer recommendation to approve an application, they can propose reasons for refusal, which must be seconded by another member and then voted on. Any decision by the Planning Committee **must be based on proper planning reasons**. The Planning Manager (or their

deputy) will be given the opportunity to explain the implications of the Planning Committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation will be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

26. As the refusal of a planning application that officers have recommended for approval may be overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against MUDC, the Chair will seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers will summarise what are considered to be the main reasons for refusal referred to by members during the debate and advise on what would be reasonable and what would not be reasonable reasons for refusal. Where appropriate the Planning Manager may also comment on whether a refusal on the proposed grounds is defensible, particularly at planning appeal.

27. The Planning Manager, in liaison with the Council Solicitor, will present the Committee's decision at planning appeal or in the courts or in any other forum.

#### **Overtaking recommendation to refuse**

28. MUDC Planning Committee may decide to approve an application against the officer's recommendation to refuse, aware that while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. However, before making such a decision, the advice of the Planning Manager should be sought. Where an approval is granted contrary to officer advice, the Planning Manager and Council Solicitor will present the Council's decision is defended in the courts or any other forum.
29. The minutes should, in so far as is possible, accurately reflect the discussions and decisions taken during the meeting(s) as these could be used as evidence should any complaints be made about how decisions are taken. Members can take their own notes on controversial applications.

#### **DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN**

30. In general, planning decisions will be taken in accordance with the local development plan (in so far as it is material to the application) unless material

considerations indicate otherwise. If a Planning Committee member proposes, seconds or supports a decision contrary to the local development plan they will have to clearly identify and understand the planning reasons for doing so, and demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan will be formally recorded in the minutes and a copy placed on the planning application file / electronic record. Before making such decisions the advice of the Planning Manager shall be sought.

## **DEFERRALS**

31. The Planning Committee can decide to defer consideration of an application to the next meeting for further information, further negotiations, or for a site visit. Before deferring an application the advice of the Planning Manager shall be sought and the purpose of the deferral clearly set out. Deferrals will inevitably have an adverse effect on processing times and therefore will be restricted to one deferral only. **The Planning Manager may also ask the Committee to defer an application where it has been brought to his attention that there are errors or omissions in the case officer's report or where there is a matter worthy of further consideration.**
32. Where an office meeting is to be held all councillors' will normally be informed and may make representations on behalf of objectors or applicants. However, where a member of the planning committee chooses to make representations then they will be required to declare a conflict of interest and will not be able to vote on the application at the next planning committee meeting at which the application is to be determined.

## **SITE VISITS**

33. On occasions, members of the Planning Committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the application is particularly contentious). These visits will be undertaken on an exceptional basis as they are time-consuming and expensive. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by Planning Committee members, but these will only be permitted where the benefit is expected to be of considerable value.

34. The Planning Committee clerk will contact the applicant / agent to arrange access to the site. Invitations will then be sent to members of the Planning Committee. Site visits will not be used as an opportunity to lobby Councillors' or to seek to influence the outcome of a proposal prior to the Planning Committee meeting. Members will not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, or they may not have the information provided by the planning officer and, in some circumstances (e.g. where a Councillor is seen with applicant or objector) it might lead to allegations of bias. Only Planning Committee members, officers, and local Councillors' should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee will record the date of the visit, attendees and any other relevant information.
35. Planning officers will prepare a written report on the site visit which will then be considered at the next Planning Committee meeting at which the application is to be determined.

## **PRE-DETERMINATION HEARINGS**

36. Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department of Environment for call-in consideration, but that have been returned to a council for determination). In such cases MUDC Planning Committee will hold a hearing prior to the application being determined.

In addition, the Planning Committee may also hold pre-determination hearings, at its discretion, when considered necessary, to take on board local community views, as well as those in support of the development.

37. In the main MUDC will only hold pre-determination hearings where there is a mandatory requirement as the speaking rights at planning committee are adequate to deal with nearly all cases. An exception may be made for major developments

having taken into account:

- the relevance of the objections in planning terms;
- the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
- the number of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.

38. The hearing will take place after the expiry of the period for making representations on the application but before the council decides the application. The Planning Committee will decide whether to have a hearing on the same day as the related planning application is determined by the Planning Committee or to hold a separate hearing.

In holding a hearing the Planning Committee procedures will be the same as for the normal planning committee meetings (e.g. number of individuals to speak on either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the hearing is to be held on the same day as the application is to be determined, the report to members will also contain a recommendation.

## **TRAINING**

39. Councillors' sitting on planning committees are required to attend relevant training on planning matters before they can sit on the Planning Committee.

## **LEGAL ADVISER**

40. The MUDC Planning Committee has access to its own in-house legal advice on planning matters.







**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 3 October 2017 in Council Offices, Ballyronan Road, Magherafelt**

<b>Members Present</b>	Councillor Mallaghan, Chair	
	Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson	
<b>Officers in Attendance</b>	Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Mr Marrion, Senior Planning Officer Ms McKearney, Senior Planning Officer Ms Largey, Council Solicitor Miss Thompson, Committee Services Officer	
<b>Others in Attendance</b>	<b>Applicant Speakers</b>	
	LA09/2016/1371/O	Mr Cassidy
		Mr McMaw
	LA09/2017/0538/O	Mr Cassidy
		Mr McMaw
	LA09/2016/1815/F	Mr O'Donnell
		Mr Currie
	LA09/2017/0023/O	Mr Diamond
	LA09/2017/0673/O	Mr Cassidy
	LA09/2017/0810/F	Mr Bradley
	LA09/2017/0846/F	Mr Stephens
	LA09/2017/0923/F	Mr Cassidy
	LA09/2017/0422/O	Mr Diamond
		Councillor B McGuigan
	LA09/2016/0761/F	Mr Cassidy
	LA09/2016/1654/A	Mr Bradley
		Mr Fairfowl
	LA09/2017/0272/F	Mr Ross
	LA09/2017/0354/O	Ms Curtin
		Councillor B McGuigan

The meeting commenced at 7.01 pm

**P129/17      Apologies**

Councillor McAleer.

## **P130/17      Declarations of Interest**

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

*Councillor Glasgow declared an interest in planning application LA09/2017/0498/F.*

*Councillor McPeake declared an interest in planning applications LA09/2016/1371/O and LA09/2017/0538/O.*

*Councillor Robinson declared an interest in planning application I/2013/0246/F.*

*Councillor Kearney declared an interest in LA09/2016/1654/A.*

## **P131/17      Chair's Business**

As listed on addendum, the Planning Manager drew attention to two consultations received relating to Licences for Prospecting that have been received from the Department of the Economy –

1. Karelian Diamond Resources in the areas of Fivemiletown, Maguiresbridge, Rosslea, Tempo, Brooksborough and Donagh.
2. Flint Ridge Resources in the areas of Castlederg, Glenderg, Newtownstewart and Drumquin.

The Planning Manager advised that a report relating to the above consultations will be brought to the next Planning committee meeting.

The Planning Manager advised of planning statistics for the first quarter of 2017 –

- 330 applications were received by Mid Ulster Planning Department (3 of these were major, the rest were local applications) – This is 10% down on the same time last year. It was advised that statistics indicate the number of applications received across rural councils has reduced whereas Belfast City Council has seen an increase in applications received.
- Processing time for local applications are within target with Mid Ulster being one of the highest performers in Northern Ireland however there was still room for improvement in relation to processing of major applications.
- Mid Ulster has a 98% approval rate – the highest in Northern Ireland.
- 55 enforcement cases opened during the first quarter which is not as high as some Councils. During this time 44 cases were concluded with 70% being dealt with within 30 weeks.

The Planning Manager advised that overall he was happy with the performance of the planning department however he voiced some concern in relation to the staffing situation within the department and the effect this may have on future performance.

The Planning Manager advised on the following applications which were on the agenda for determination –

**I/2013/0246/F      Demolition of existing dwelling/outbuildings and construction of 24 new starter dwelling units (20 semi-detached and 4 apartments) at site opposite and adjacent to 9 Strifehill Road, Cookstown for Mr Adrian Miliken**

The Planning Manager advised that a further objection had been received in respect of this application and suggested that the application be withdrawn from this month's agenda to give time for officers to consider the objection received.

**LA09/2016/0775/F   Dwelling and garage to the rear of 48 and 50 Urbal Road, Coagh, Cookstown for Mr and Mrs G McMenemy**

The Planning Manager advised that there was an incorrect recommendation on the agenda to approve this application and that the recommendation for this application should be to refuse.

The Planning Manager suggested that as there were issues with sightlines for this application that the application be deferred for an officer site meeting with TransportNI.

**Resolved**      That planning applications I/2013/0246/F and LA09/2016/0775/F be withdrawn from this month's agenda.

The Planning Manager suggested that it would be useful for those making a request to speak to state the reasons why they are making the request as it would save time at the committee meeting. The Planning Manager advised that the current planning protocol does not state that reasons have to be provided when making a request however he felt this now needed to be amended and advised that planning protocol was currently under review.

## **Matters for Decision**

### **P132/17      Planning Applications for Determination**

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

**I/2013/0246/F      Demolition of existing dwelling/outbuildings and construction of 24 new starter dwelling units (20 semi-detached and 4 apartments) at site opposite and adjacent to 9 Strifehill Road, Cookstown for Mr Adrian Miliken**

Application withdrawn from this month's schedule.

**H/2013/0296/F**      **Reinstatement and extension of previously approved storage area, lorry and trailer park to facilitate re-organisation of precast products with no increase in existing site production area. Relocation of existing external block and brick production area (5200m<sup>2</sup>) to proposed new area (4320m<sup>2</sup>) with original being reused for product display, product finishing, product and plant storage, vehicle storage and recyclable material waste and storage. Retention of existing product display, product finishing, product and plant storage, vehicle storage and recyclable material waste storage. (Amended Noise report received) at Creagh Industrial Park, Blackpark Road, Toomebridge for Creagh Concrete Products Ltd**

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

Proposed by Councillor Reid  
Seconded by Councillor Bateson and

**Resolved**      That planning application H/2013/0296/F be approved subject to conditions as per the officer's report.

**LA09/2016/0692/F**      **New building for washing/drying of precast concrete products (retrospective); erection of new gantry crane; extension of existing production factory TF5 to facilitate production of larger precast units at Creagh Industrial Park, Blackpark Road, Toomebridge for Creagh Concrete Products Ltd**

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

Proposed by Councillor Reid  
Seconded by Councillor Kearney and

**Resolved**      That planning application LA09/2016/0692/F be approved subject to conditions as per the officer's report.

**LA09/2015/0855/F**      **Apartment development (2 No. 1 bed and 11 No. 2 bed) with new access and communal parking at lands at 20 Union Road, Magherafelt for Gerald O'Brien**

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

Proposed by Councillor McKinney  
Seconded by Councillor McPeake and

**Resolved**      That planning application LA09/2015/0855/F be approved subject to conditions as per the officer's report.

**LA09/2016/0775/F Dwelling and garage to the rear of 48 and 50 Urbal Road,  
Coagh, Cookstown for Mr and Mrs G McMenemy**

Application withdrawn from this month's schedule.

**LA09/2016/1371/O Infill site 50m N 63 Deerpark Road, Leitrim, Castledawson  
for Mr Norman Leslie**

**LA09/2017/0538/O 2 storey dwelling and garage 65m S of 61 Deerpark road,  
Leitrim, Castledawson for Norman Leslie**

Ms Doyle (SPO) presented a report on planning applications LA09/2016/1371/O and LA09/2017/0538/O advising that they were recommended for refusal.

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

Mr Cassidy advised that criteria had been met in that there are currently two houses and a detached garage (3 buildings) with common frontage to the road. In relation to there being no visual linkage, Mr Cassidy advised that policy does not require this if there is common frontage and referred to a PAC decision confirming this. Mr Cassidy requested that the applications be approved.

Mr McMaw added that he did not think it was fair that the applicant was being disadvantaged because of existing vegetation.

In response to Councillor Clarke's question Mr McMaw advised that the rear of the application site is defined by a hedgerow.

Councillor Bell stated that the house to the south of the application site did not appear to have any trees to the roadside and that he would tend to agree with the comments of the speakers.

Councillor McPeake stated he felt the comments in relation to vegetation were over the top and that visual linkage was not required as common frontage had been achieved. The Councillor stated he would be supportive of both applications.

Councillor Bateson felt that the existing vegetation would help to facilitate the maintenance of rural character.

In response to the Planning Manager's question Ms Doyle advised that the entrance point and gates of the dwelling to the north of the application site can be seen but not the house.

The Planning Manager felt it was difficult from looking at a photograph whether the applications would be infill and suggested the applications be deferred for an office meeting.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning applications LA09/2016/1371/O and LA09/2017/0538/O be deferred for an office meeting

**LA09/2016/1815/F 3 No. detached two storey houses opposite 2, 4 and 10  
Upper Parklands, Dungannon for Terence Corrigan**

Mr Marrion (SPO) presented a report on planning application LA09/2016/1815/F advising that it was recommended for approval.

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

Mr O'Donnell advised he was a concerned resident who lived at 11 Parklands and that the application would be to the southern curtilage of his home. Mr O'Donnell stated he would welcome an application for two houses as he felt this would be in keeping with the rest of the development and that there were already two dropped kerbs in place. Mr O'Donnell advised that the application would substantially increase the density on the land and would have a negative impact on light and amenity. Mr O'Donnell felt that the application was not in keeping with the existing development as there were no garages/car ports proposed and asked for a site meeting to further consider the application.

Mr Currie advised that the applicant had initially proposed six dwellings at the application site but that following officers comments and representations made at that time a revised scheme of three dwellings was then submitted. Mr Currie stated that the application satisfies all planning requirements and is a sustainable reuse of land. Mr Currie advised that there would be no issues in relation to overlooking, shadowing or loss of amenity and that the proposal offered much needed family homes to the area.

Councillor Gildernew stated he could not see a reason to refuse the application.

In response to Councillor Cuthbertson's question Mr Marrion advised that the initial application proposed six houses and that this was subsequently reduced to three.

Councillor McKinney proposed that planning application LA09/2016/1815/F be approved.

Councillor Reid asked if it was out of character in the area not to have a garage.

The Planning Manager advised that from the site plan it looked as if there would be room for garages.

Councillor Cuthbertson referred to two dropped kerbs mentioned by Mr O'Donnell and asked if this was part of the original permission for the development.

Mr Marrion advised that in 1993 application was made for site 40 and 41.

Councillor Gildernew seconded Councillor McKinney's proposal to approve the application.

**Resolved** That planning application LA09/2016/1815/F be approved subject to conditions as per the officer's report.

**LA09/2017/0023/O Off-site replacement dwelling and garage 20m E of 37 Loves Road, Magherafelt for Martin Diamond**

The Head of Development Management presented a report on planning application LA09/2017/0023/O advising that it was recommended for refusal.

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

Mr Diamond advised that the applicant was restricted and had nowhere else to go within the application site. Mr Diamond also confirmed that the owner of third party lands to the south west of the application site had been approached but that these lands were not available. Mr Diamond advised that the applicant was willing to consider options to the north of the current proposed site.

In response to the Planning Manager's question it was advised that the lands to the north of the application site had been appraised but potentially offered even less integration.

The Planning Manager suggested that the application be deferred for an office meeting.

Proposed by Councillor McPeake  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2017/0023/O be deferred for an office meeting.

**LA09/2017/0064/O 2 no. detached dwellings and garages at approx. 60m NE of 9 Glenwood Crescent and to the rear of 1 -3 Glenwood Crescent, Cookstown for Mr Paul McGonnell**

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

Proposed by Councillor Glasgow  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2017/0064/O be approved subject to conditions as per the officer's report.

**LA09/2017/0244/F Repositioning of dust extraction unit at 16 Mullaghbane Road, Dungannon for Woodmarque Joinery**

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

Proposed by Councillor Gildernew  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2017/0244/F be approved subject to conditions as per the officer's report.

**LA09/2017/0307/F Agricultural shed with slurry tank approx. 230m NW of 40 Mullyneil Road, Dyan, Caledon for Fiontan Sherry**

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

Proposed by Councillor Gildernew  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2017/0307/F be approved subject to conditions as per the officer's report.

**LA09/2017/0450/O Off-site replacement dwelling and garage 120m NW of 47 Bancran Road, Draperstown for Paul and Katrina Heron**

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 LA09/2017/0450/O be approved subject to conditions as per the officer's report.

**LA09/2017/0475/O Dwelling and garage to the rear of 48 Carnaman Road and 2 & 3 Curraghbrock Lane, Knockloughrim, for H Millar Esq**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0475/O advising that it was recommended for refusal.

Proposed by Councillor Mallaghan  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2017/0475/O be refused on the grounds stated in the officer's report.

**LA09/2017/0498/F Extension to existing garage to provide commercial machinery store 100m NE of 29 Fegarran Road, Cookstown for Granville Carson**

Application withdrawn from this month's schedule.



**LA09/2017/0564/O Replacement dwelling and garage 110m SW of 43  
Lisnastane Road, Coalisland for Charles Devlin**

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

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2017/0564/O be approved subject to conditions as per the officer's report.

**LA09/2017/0673/O Dwelling and garage at site 5m S of 38 Craigmore, Maghera  
for Patrick McWilliams**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0673/O advising that it was recommended for refusal.

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

Mr Cassidy advised that the application site has a good degree of cover and that the ridge height of the dwelling will integrate into the surrounding area and will not have an adverse effect on amenity. Mr Cassidy advised that the applicant has two sons and the purpose of his application is to try to build up the holding for the future. Mr Cassidy advised that the applicant had investigated siting a dwelling on a shared laneway but was advised he would be unable to obtain a mortgage for same hence the application being made for this site.

The Planning Manager advised he would like more information in relation to this application and suggested an office meeting be held.

Proposed by Councillor Reid  
Seconded by Councillor McPeake and

**Resolved** That planning application LA09/2017/0673/O be deferred for an office meeting.

**LA09/2017/0810/F Dwelling at Coltrim Road, Moneymore (approx. 220m from  
junction with Cookstown Road) for Mr Mark Hamilton**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0810/F advising that it was recommended for refusal.

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

Mr Bradley stated he disagreed with the officer interpretation of CTY7 as the main reason for refusal in relation to site specific need. Mr Bradley also advised that policy does not say a business has to be owned by the applicant. Mr Bradley stated that the application withstands policy CTY13 and CTY14 and that the scale, design and

location of the application are more acceptable than the last application which was approved. Mr Bradley sought deferral of the application for an office meeting.

The Planning Manager advised that time could have been saved if the case for the application had been set out at the time of making a request to speak. The Planning Manager stated that the main issue relating to this application is that it does not meet CTY7 and stated he did not understand why the applicant needed to move a distance of 300m closer to the coach business from his current address. The Planning Manager advised that no case of need had been put forward by the coach business.

Proposed by Councillor Reid  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2017/0810/F be deferred for an office meeting.

**LA09/2017/0846/F Cattle welfare unit including storage for hay and meal; yard storage for round bales, farm plant and machinery at 175m SE of 66A Kilnacart Road, Dungannon for Niall McCann**

Mr Marrion (SPO) presented a report on planning application LA09/2017/0846/F advising that it was recommended for refusal.

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

Mr Stephens advised that it has been accepted that the application is for an active and established farm business but that the issue relates to the proposal site being away from the main farm group, however Mr Stephens advised that exceptions can apply under CTY12. Mr Stephens felt that the proposal would integrate and that views will be limited. Mr Stephens advised that the application will make the farm business more efficient.

The Planning Manager referred to the concerns in relation to vehicle movements.

Mr Stephens advised that a turning circle for HGVs was asked for by TransportNI but that this was not on the original application. Mr Stephens confirmed that the application is for an agricultural building and that the applicant would be happy for conditions to be attached to an approval.

The Chair, Councillor Mallaghan advised that almost all farm deliveries are made by an articulated lorry and that these vehicles need sufficient space to turn.

Councillor McKinney proposed that the application be deferred for an office meeting.

The Planning Manager stated that if storage was needed for lorries then an application should be made on that basis.

Councillor Gildernew stated that the application before Members was for an agricultural shed and he had no difficulty with the proposal to defer the application.

Councillor Bateson seconded Councillor McKinney's proposal.

Councillor Glasgow stated that the application needed to be taken on merit and that if the application is found to be being used for unapproved use at a later date then it would be an enforcement matter.

The Planning Manager advised that policy cannot be easily set aside or interpreted on what Members would wish it to say. If there is an exception to policy to be applied, this needs to be clearly defined and stated.

Mr Stephens advised of possible planning application being made which will seek to overcome concerns in relation to hard core yard.

**Resolved** That planning application LA09/2017/0846/F be deferred for an office meeting.

**LA09/2017/0874/F Rear ground floor extension at 8 Willow Close, Dungannon for Damien Cahalane**

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

Proposed by Councillor Gildernew  
Seconded by Councillor Mullen and

**Resolved** That planning application LA09/2017/0874/F be approved subject to conditions as per the officer's report.

**LA09/2017/0876/F Extension to existing school at 23 Rocktown Road, Knockloughrim for Hydepark Educational Trust**

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

Proposed by Councillor McKinney  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2017/0876/F be approved subject to conditions as per the officer's report.

**LA09/2017/0884/NMC Change of external house design and finishes at units 16, 17, 18, 19 and 20, Earls Court, Carland Road, Dungannon for Sandale Developments**

The Planning Manager advised that it was unusual for this type of application to be put to the committee however as there had been a lot of press attention related to this application it was felt important for Members to be aware of the proposed changes.

Mr Marrion (SPO) presented a report on planning application LA09/2017/0884/NMC advising that it was recommended for approval.

Proposed by Councillor Bateson  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2017/0884/NMC be approved subject to conditions as per the officer's report.

**LA09/2017/0923/F Dwelling and garage 45m NW of 177 Glen Road, Maghera for Jenna Duffy**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0923/F advising that it was recommended for refusal. Ms Doyle also referred to addendum circulated which included copy of officer report referred to by agent and copy of a similar appeal decision.

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

In response to the Planning Manager's questions Mr Cassidy advised that the application site was in the ownership of the applicant and that solicitors letters could be provided to prove this. Mr Cassidy advised that the field was registered and that the applicant had no other holdings.

The Planning Manager suggested the application be deferred for an office meeting.

Councillor McKinney asked for the size of the application site and the total size of the field.

Ms Doyle advised that the application site was 0.93ha and the field size was under 2ha.

Councillor McKinney advised that a farm is not considered active if it is under 3ha.

Councillor Clarke advised that the applicant did not have to own the land.

The Planning Manager read from Policy CTY10 and advised that the policy is vague in relation to the definition of agricultural activity.

Proposed by Councillor McPeake  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2017/0923/F be deferred for an office meeting.

**LA09/2017/0938/O Replacement dwelling and garage 28m N of 89 Innishrush Road, Clady for Mr M Clarke**

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

Proposed by Councillor Bell  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2017/0938/O be approved subject to conditions as per the officer's report.

**LA09/2017/0422/O Site for dwelling and domestic garage at 150m NW of 107 Bancran Road, Draperstown for Stephen Donnelly**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0422/O advising that it was recommended for refusal.

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

Mr Diamond advised that a previous approval closer to the farm cluster had expired and that the current application site was 190m off the road with the only visual of the site being at the end of the laneway. Mr Diamond advised that the applicant was being forced into the application location because of difficulties in obtaining mortgage.

Councillor Glasgow stated that he understood the applicant's difficulties but issues in relation to obtaining a mortgage were beyond the control of the planning committee. Councillor Glasgow felt that the distance from the application site to the farm group was too great.

The Planning Manager suggested that the application be deferred for an office meeting to give consideration to moving the proposal further up the lane but not as far as the farm grouping.

In response to Councillor Clarke's question the Planning Manager advised that photos do not indicate lands as being steep.

Councillor B McGuigan advised that he knew the area well and that the land is steep in this area with laneway access to the farm being difficult for vehicles. The Councillor expressed the need to look closely at the landscape.

Proposed by Councillor Robinson  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2017/0422/O be deferred for an office meeting.

**M/2015/0113/O Dwelling and garage at site adjacent to 38 Moghan Road, Castlecaulfield for Dr Patrick McKenna**

It was advised that this item would be considered later in the meeting under confidential business due to the special circumstances associated with the application.

**LA09/2016/0761/F Extension to existing portacabin to provide storage and office accommodation 40m NW of 35 Moss Road, Ballymaguigan for Christopher Cassidy**

The Head of Development Management presented a report on planning application LA09/2016/0761/F advising that it was recommended for refusal.

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

Mr Cassidy advised that he had been doing his job a long time and had never seen a refusal like this one – in that the proposal would fail to provide adequate access to public transport. Mr Cassidy also felt that it was incorrect that hedging had to come out.

Mr Cassidy stated that the application site was critical to his business which provides an architectural service in NI, ROI and UK and which employs 12 full time staff. Mr Cassidy advised that his business had submitted planning applications to Mid Ulster District Council to the value of £20,000 this week alone and that he was also to sign a contract in Manchester with a value of over 1 million.

Mr Cassidy referred to recent Council awards ceremony which recognised major local businesses of which he stated had all started out in rural locations. Mr Cassidy also referred to Council's grant aid programme and stated that sometimes the support needed from Council is not always monetary.

Mr Cassidy advised that the existing building had planning permission and that this application was for an extension to this building.

Councillor Bateson advised he knew the application site as he lived closeby and referred to the numerous businesses/dwellings etc along the Moss Road who are all contributing to the community. The Councillor did not feel the application would be such an outrageous imposition and that the application should be approved as there was an existing clud for the portacabin, the application site was just metres outside the development limit. Councillor Bateson also referred to the application which has been made by and for a planning consultant and that this application had been made the subject of greater forensic investigations.

Councillor McPeake advised he had attended the site meeting in relation to this application and felt that visibility splays were in place and that this had been agreed at the site meeting. Councillor McPeake felt that the refusal reason regarding access to public transport was ludicrous and that there would be no material difference in granting permission for storage.

The Planning Manager stated he realised that there were some policies Members did not agree with however he advised that Members could be surcharged for failing to implement policy for the sole reason that they did not agree with policy. The

Planning Manager advised that if there was an intention to approve the application that the reasons for setting aside or making an exception to the policy needed to be set out in clear planning terms.

The Planning Manager also advised the Committee that having discussed the matter of frontage vegetation loss with the Head of Development Management that this aspect of the refusal reason, in so far as it related to refusal reason number three could be removed.

Councillor Cuthbertson advised he had not attended the site meeting but felt he knew the application site as it had been discussed in so much detail. Councillor Cuthbertson proposed the officer recommendation to refuse the application.

Councillor Reid queried whether a brick finish would be more visually pleasing.

Councillor Bell felt the application would aid rural character.

Councillor Bateson stated there would be a storage facility at the application site in any event and questioned the issue with extending this storage.

The Planning Manager advised it was hard to assist Members as he had not heard planning arguments to support approval of the application in light of the Planning Appeal decision for a similar proposal for the erection of a new office building on this site. The Planning Manager suggested that Members come back to this application after meeting recess.

Councillor Gildernew asked what the legal view was in relation to this application.

Councillor Bateson referred to Scott's office in Toome which is a stand alone office in open countryside.

Councillor McKinney seconded Councillor Cuthbertson's proposal and stated he was concerned at Councillor Bateson's comments in relation to officers giving this application greater forensic investigation. Councillor McKinney advised that Scott's office is located just on the periphery of Toome, not in open countryside.

The Planning Manager advised that all applications are given the same degree of consideration.

The Council Solicitor advised that she agreed with the advice of the Planning Manager and stated she understood Member's difficulty with some planning policy. However she reminded Members that whilst they may not agree with planning policy it was their job to apply it. She also reminded them that the Committee had previously refused an application which was substantially the same as the one currently before them and that that decision was upheld by PAC. She also advised that there had been no change in policy since that decision. The Council Solicitor advised Members that in those circumstances they would have to ensure they could justify approving the application.

Councillor Glasgow felt it would be hypocritical of Members to now change their mind in relation to this application.

The Chair, Councillor Mallaghan stated that Committee would return to this item after meeting recess.

**LA09/2016/1654/A Sign, consisting of flat screen fixed to gable wall, at Walshes Hotel, 53 Main Street, Maghera (sign to be on Coleraine Road side) for Mr Kieran Bradley**

Ms Doyle (SPO) presented a report on planning application LA09/2016/1654/A advising that it was recommended for refusal.

The Chair advised the committee that request to speak on the application had been received and invited Mr Bradley to address the committee in the first instance.

Mr Bradley asked that the application be deferred in order to present further information.

Mr Fairfowl stated that led signage was the future of signage and that over 400 roadside businesses were already using such signage. Mr Fairfowl stated that led signage seemed to be causing a stir in the Mid Ulster area and advised that in terms of amenity the signage was fully supported within Maghera. Mr Fairfowl referred to similar signage in Shaftesbury Square, Belfast, Leicester Square and Piccadilly Circus in London and that this signage satisfies amenity in all these areas and questioned why not in Mid Ulster.

In terms of road safety Mr Fairfowl advised that the response from Transport NI was not consistent with how they responded in other council areas, he stated that millions had been spent on investigating the safety of led signage with the end result of it being found safe. Mr Fairfowl again referred to signage in Shaftesbury Square in Belfast which was deemed safe and asked for equality in decisions being taken on led signage. Mr Fairfowl asked that the application be deferred.

The Planning Manager advised that he had met with town centre forums in relation to led signage in towns during the deferral of this application and that there was a feeling expressed that everything had its place. The Planning Manager advised that the notion that Mid Ulster is at war with led signage was wrong, he explained that there had been instances in which led signage applications had been dealt with with conditions, he further advised that there were lots of examples of led signage being refused across Northern Ireland and at planning appeal stage. He referred to the views given by planning officers and Transport NI in relation to this application.

Councillor Kearney advised that his office was just across the road from this signage and that he had encouraged a meeting between the applicant and officers but that this meeting had not happened. The Councillor still felt that an office meeting would be useful. Councillor Kearney referred to the led signage workshop for Members which had been beneficial, he also raised the issue of precedent.

*Councillor Kearney withdrew to the public gallery.*



The Planning Manager asked Members to make a decision on the application.

Councillor Cuthbertson advised he had been in attendance at the meeting when the Planning Manager had met with businesses in Dungannon and stated that there had been no desire in Dungannon to go down the line of led signage. Councillor Cuthbertson proposed the officer recommendation to refuse the application.

Councillor Reid stated that road safety is an important issue and seconded Councillor Cuthbertson's proposal.

Councillor Bateson stated that the issue of road safety cannot be ignored.

Councillor McPeake proposed an office meeting take place if there was new information available.

The Planning Manager stated the signage was already in place and asked if there was any proposal to reduce the size of the signage.

Mr Bradley advised the size of the signage could be reconsidered.

The Planning Manager advised that on this basis he would be agreeable to an office meeting being held.

Councillor Clarke seconded Councillor McPeake's proposal.

Mr Fairfowl referred to a similar application which was recently approved in Lisburn and Castlereagh Council.

The Planning Manager advised that each application is judged on its own merits.

Councillor Cuthbertson advised that if the application is refused the applicant can then go to planning appeal.

In response to the Planning Manager's question it was advised that the current signage does show advertisements for premises other than the hotel. In response to this the Planning Manager advised that the signage would be making money for the applicant.

Members voted on Councillor Cuthbertson's proposal to refuse the application –

For – 5

Against – 8

Members voted on Councillor McPeake's proposal to defer the application for an office meeting –

For – 8

Against - 5

**Resolved** That planning application LA09/2016/1654/A be deferred for an office meeting.

*Councillor Kearney rejoined the meeting.*

**LA09/2017/0272/F A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F) for Graham Bell**

The Head of Development Management presented a report on planning application LA09/2017/0272/F advising that it was recommended for approval.

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

Mr Ross advised that this was the third time the application had come before the committee with a recommendation to approve. Mr Ross stated that there was no policy reason to refuse this application and that in the interests of administrative fairness it should be approved.

The Chair, Councillor Mallaghan stated that the application location was within the central Sperrins which was an AONB. Councillor Mallaghan advised that when visiting the application site and looking towards Lough Neagh a proliferation of wind turbines can be seen and referred to change to policy since last permission granted.

Councillor Robinson advised he had attended the site meeting and had no difficulty in proposing the approval of the application. The Councillor stated there were already wind turbines in the area.

Councillor Clarke also spoke in relation to change in policy since last approval. The Councillor also referred to Dark Skies designation to the North East of the application site since the last approval was granted. Councillor Clarke spoke in relation to the Sperrins conference held last week which discussed the future potential of the Sperrins. Councillor Clarke stated that the turbine will reach above the highest point of Beltonanean Mountain and will be viewable from Davagh. Councillor Clarke also advised that, if approved and erected the turbine would be in full view of Cookstown. The Councillor did not feel the application site was suitable for the proposal.

The Head of Development Management advised of agreement of MOD for an infra red light to be erected on the turbine.

Councillor Clarke stated it was not just the light on the turbine that concerned him but that the turbine would appear clearly above the mountain and may be rotating causing a visual disturbance in the night sky.

Councillor Reid seconded Councillor Robinson's proposal.

The Planning Manager stated he was not convinced that if this was a new application it would be approved. The Planning Manager advised there was an argument that the emphasis in relation to wind turbines in AONB's had changed since the last application was submitted.

The Council Solicitor advised that the previous approval did not commence and that the committee was not compounded to stick with the previous determination. The Council Solicitor referred to change in policy since the last approval.

Councillor Clarke proposed that the application be refused.

Councillor Glasgow stated he did not have an issue with supporting the proposal to approve and felt that if the application is refused the Council could be seen as making a bad decision which could be to its cost.

The Planning Manager asked if the applicant wanted a decision to be made tonight or if he wished to consider revising the application to a smaller turbine.

The meeting was advised that no alternative proposal would be made.

Councillor Cuthbertson asked if the applicant could take a case in relation to the delay in making a decision on this application.

Councillor Reid asked if costs could be awarded in going to appeal.

The Planning Manager advised that planning appeals do not offer compensation however costs can be awarded to cover the professional cost incurred by the applicant in presenting a case to an appeal.

The Council Solicitor advised that the application was received in 2017 and that compensation could only be offered on the mal administration of an application.

Councillor Bateson stated he was in no doubt the impact the turbine would have on the area and felt that the Committee would be safe to refuse the application and that the applicant can then go to planning appeal. Councillor Bateson seconded Councillor Clarke's proposal.

Councillor McKinney stated that the application site was in a valley and that he did not think the turbine would go above the top of the mountain.

Councillor Reid asked for a recorded vote in relation to the proposals put forward.

The Planning Manager advised that the application could be refused on the grounds that it is contrary to visual amenity and does not accord with PPS18 policy RE1 and SPPS.

Members voted on Councillor Robinson's proposal to approve the application –

For – 5 (Councillors Cuthbertson, Glasgow, McKinney, Robinson and Reid)  
Against – 8 (Councillors Bateson, Bell, Clarke, Gildernew, Kearney, Mallaghan, McEldowney and McPeake)

Members voted on Councillor Clarke's proposal to refuse the application –

For – 8 (Councillors Bateson, Bell, Clarke, Gildernew, Kearney, Mallaghan, McEldowney and McPeake)  
Against – 5 (Councillors Cuthbertson, Glasgow, McKinney, Robinson and Reid)

**Resolved** That planning application LA09/2017/0272/F be refused on the grounds that it is contrary to visual amenity and does not accord with PPS18 policy RE1 and SPPS.

**LA09/2017/0354/O Infill site for 2 dwellings and detached garages at land between 15 and 17 Quilly Road, Moneymore for Mr E and C McGuckin**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0354/O advising that it was recommended for refusal.

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

Ms Curtin stated that the application meets policy CTY8 in that there is built up frontage on to Quilly Road of four buildings and that whilst there may be some concern in relation to one of these buildings it is not relied upon as policy only requires three. Ms Curtin advised that the gap site is only sufficient to accommodate two houses, that it will respect the existing development pattern of Quilly Road and will integrate into the surrounding landscape.

Councillor B McGuigan advised that there are established hedgerow boundaries at the application site, that the application will integrate and that no objections were made against the application. Councillor B McGuigan advised that the application was made for dwellings to accommodate the applicants two sons who are from Quilly Road. Councillor B McGuigan asked that Members further consider the information put forward.

Councillor McPeake referred to case made by Ms Curtin in that there was no reliance on the fourth building and felt that if this was the case he did not see a problem in approving the application.

The Planning Manager clarified that policy does require three or more buildings but stated that the fundamental issue relates to whether the site was suitable to be

considered under infill as there was some concern that the site could accommodate more than two houses.

Councillor McPeake asked if consideration could be given to larger plot on opposite side of road.

The Planning Manager advised that planners are generous in their interpretation of policy and in response to Councillor Clarke he advised that an application has to be considered on the basis of the information submitted.

Councillor McPeake proposed that planning application LA09/2017/0354/O be approved as infill was being met.

Councillor Bell seconded Councillor McPeake's proposal.

The Planning Manager advised that the site opposite was not part of the frontage between which an infill was sort, he felt that the size of the gap meant that generosity was being stretched with regards to policy.

Councillor McKinney felt approval of the application was workable.

Councillor Bateson did not feel the application would alter rural character.

The Planning Manager advised that officers have provided the rationale for their recommendation and that if Members were forming a different view then this needed to be set out. In this case, he understood that some Members were arguing that the application is in keeping with the character of the frontage and area and thus in their view the gap is not so large to accommodate any more than two dwellings, if that character was to be maintained.

Councillor Glasgow felt that the existing dwellings at 15 and 17 Quilly Road were a safety barrier to stop development going any further.

**Resolved** That planning application LA09/2017/0354/O be approved with conditions in relation to ridge height of 6m, siting to accord with block plan and retention of boundaries with relevant landscaping.

*Meeting recessed at 10.15 pm and recommenced at 10.43 pm. Councillors Bell, Gildernew, McEldowney and Reid did not return to the meeting.*

**LA09/2017/0583/F Dwelling and garage on a farm at land W of 17 Ballynahone More, Maghera for Lloyd Porter**

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

Proposed by Councillor Glasgow  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2017/0583/F be approved subject to conditions as per the officer's report.

**Continuation of  
LA09/2016/0761/F Extension to existing portacabin to provide storage and  
office accommodation 40m NW of 35 Moss Road,  
Ballymaguigan for Christopher Cassidy**

The Chair, Councillor Mallaghan advised that this application had been discussed earlier in the meeting and asked Members to come to a decision.

Members voted on Councillor Cuthbertson's proposal to refuse planning application LA09/2016/0761/F –

For – 5  
Against – 3

Members conversely voted to approve the application -

For – 3  
Against - 5

**Resolved** That planning application LA09/2016/0761/F be refused on grounds stated in the officer's report.

## **CONFIDENTIAL BUSINESS**

Proposed by Councillor Glasgow  
Seconded by Councillor Clarke and

**Resolved** That planning application M/2015/0113/O be heard as confidential business.

*Open Business resumed at 10.50 pm.*

### **P133/17 Update on BT Consultation on the removal of a public payphone at The Bush**

The Planning Manager presented previously circulated report which provided update on BT consultation on the removal of a public payphone at the Bush and options as to how the Committee may wish to proceed.

The Planning Manager advised that there were currently three phone kiosks listed within the district namely in Draperstown, Magherafelt and Moneymore.

The Chair, Councillor Mallaghan asked if it was possible to carry out an audit of red phonebox kiosks in the District and stated that there was a kiosk in Rock which local residents would want kept.

The Planning Manager advised that if Members wanted to put forward phone kiosks they could be investigated.

The Chair, Councillor Mallaghan put forward kiosk in Rock village.

Councillor Cuthbertson advised it was agreed at September Council meeting to use 'local veto' option to keep the payphone at Bush.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McKinney and

**Resolved** That the Planning Manager proceed to 'spot list' telephone boxes if following further investigation and discussion with Historic Buildings Division it is felt justified.

### **Matters for Information**

#### **P134/17 Minutes of Planning Committee held on Tuesday 5 September 2017**

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

### **Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor McPeake  
Seconded by Councillor Glasgow 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 item P132/17 (part of) and items P135/17 to P139/17.

#### **Matters for Decision**

P132/17 Planning Applications for Determination – Item deferred from Open Business  
P135/17 Receive 1 no. Enforcement Case

#### **Matters for Information**

P136/17 Confidential Minutes of Planning Committee held on Tuesday 5 September 2017  
P137/17 Enforcement Live Caseload  
P138/17 Enforcement Cases Opened  
P139/17 Enforcement Cases Closed

#### **P140/17 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 11.22 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_