

**A**

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 13 June 2016 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present**

Councillor Clarke, Chair

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

**Officers in Attendance**

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

**Others in Attendance**

Councillors Ashton, B McGuigan and Molloy

**Applicant Speakers:**

M/2014/0524/F	Mr Campbell, Mr Hackett, Mr Agus
LA09/2016/0062/O	Mr Kearney
LA09/2016/0158/O	Mr Kearney
LA09/2016/0276/F	Mr Stephens
LA09/2016/0389/F	Councillor Molloy
LA09/2015/1163/O	Mr Coney
LA09/2016/0037/O	Mr Diamond

The meeting commenced at 7.00 pm.

**P114/16      Apologies**

Councillors Mallaghan, McEldowney and McKinney.

**P115/16      Declarations of Interest**

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

Councillor Reid declared an interest in applications:

LA09/2016/0199/O

LA09/2016/0211/O

Councillor Glasgow declared an interest in application:

LA09/2015/1156/O

Councillor McPeake declared an interest in application:

LA09/2015/1275/O

Councillor Bateson declared an interest in application:  
LA09/2016/0136/F

**P116/16      Chair's Business**

No issues were raised.

**P117/16      Confirm Minutes of the Planning Committee Meeting held on  
Tuesday 3 May 2016**

Proposed by Councillor Cuthbertson  
Seconded by Councillor Bell and

**Resolved**      That the minutes of the meeting of the Planning Committee held on Tuesday 3 May 2016, (P91/16 – P101/16 & P104), were considered and signed as accurate and correct.

**Matters for Decision**

**P118/16      Planning Applications for Determination**

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

**M/2014/0524/F      Mushroom production, packaging, storage and distribution  
complex and associated site works at lands approx. 30m  
SW of 15 Annaghilla Road, Augher, Mr Peadar McGee**

The Planning Manager give a brief synopsis on the background to the application to members present. He stated that although the application had come to Committee a few months ago and had been recommended for approval, it had been the subject to an objection by DRD (now Department for Infrastructure) due to road safety. The committee further discussed the application on 4 April 2016 and it was resolved to approve the development subject to notification to DoE (now Department of Infrastructure) as legislation requires. Following notification Dept of Infrastructure had advised that Council should hold a Pre-Determination Hearing before a decision was issued.

Mr Marrion (SPO) presented a report on planning application M/2014/0524/F advising that it is recommended for approval.

The Chair, Councillor Clarke advised the Committee that the objector had requested speaking rights tonight but was unable to attend, but wanted his objection took into consideration.

Councillor Cuthbertson stated that he has never seen the two letters of support which were highlighted at the last meeting.

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

Mr Campbell advised the Committee that TransportNI were objecting to the application on the grounds of road safety as the application did not meet the proposed criteria for safe movement of traffic. He went on to say that approval would impact on road safety as the A4 is a major corridor route and for this reason he would be objecting to the approval of this application.

The Planning Manager advised that he took into consideration the concerns around road safety, but felt as there was road visibility splays and pavements going into Augher, this would be a reason why traffic would be moving slower.

In response to The Planning Manager's query regarding any visible obstructions, Mr Campbell advised that he wasn't sure.

The Planning Manager said that the key issue here was road safety and that it would be worth considering going out to the site and checking the visibility splays to see what could be done to resolve the issue. He suggested that a site meeting could be arranged to see if a way forward could be achieved.

Mr Campbell advised that the standard requirement for AMP 3 visibility route access was not being met and TransportNI would not consider anything less.

The Planning Manager said that members would all agree that road safety is paramount but felt that something should be done to try and find a resolution.

Mr Hackett from TransportNI advised that if access was to be moved towards the bridge between Augher and Corbo Road towards Ballygawley, this would result in crossing into other lands which there would be no control over. He said that there would be physical impediments on both sides.

Mr Marrion (SPO) advised that Committee that two letters of support were received from the First Minister Arlene Foster and Michelle O'Neill MLA.

Mr Agus advised the committee that the speed limit was not included in the design specification, he said that he looked at the design for roads and bridges and it was identified that a speed of 53 mph was found approaching from both sides, which wasn't challenged by TransportNI. He said that 26 departments had placed relaxations at Strathroy by TransportNI which is a normal thing to do.

The Planning Manager enquired if there was an assumption of 60 mph where would that leave the situation.

Mr Agus stated that travelling at 60 mph wouldn't be feasible due to bends and lack of visibility.

In response to the Planning Manager's query about the distance, Mr Agus said that it would be 215 metres at 60 mph. If hedges were trimmed down this would improve visibility.

The Planning Manager said that there is a need for difficult decisions to be taken on board by both sides and if the committee refused the application, there was still the opportunity for a right to appeal. If the committee agrees an exception to protected

routes policy then it's up to both parties to try and find a resolution to the road safety issues. Without this the application could not move forward to a final decision.

Councillor Robinson stated that this was a matter of road safety. He said that if a lorry laden with a 20 tonne load was turning right this would cause great danger to road users. Major problems arose previously when a field was erected beside this site while trying to turn right for Ballygawley.

Mr Agus said that it would be important to have physical visibility splays and this would be a matter of providing these for road safety.

The Planning Manager said that turning left going towards Augher would be ample because traffic wouldn't be travelling at 60 mph and the problem would be going towards Ballygawley as traffic would be picking up speed.

Councillor Reid agreed with Councillor Robinson's sentiments going towards Ballygawley if a lorry pulls out of the site entrance, traffic do not always stick to the speed limit required. He said that he was conscious of job creation and the benefits but the major concern here is road safety.

Mr Agus said that a recent survey was carried out by TransportNI and it was shown that traffic were not sticking to the recommended speed limit going into Augher.

Councillor Reid stated that coming onto the road is very dangerous as on opposite side of road a business was closed down because of road safety. He suggested that TransportNI carry out a speed trap and site meeting for people who doesn't know the area.

Councillor McPeake stated that this was a very technical situation as there wasn't enough information for members to make a clear decision. He suggested that a meeting be organised to try and resolve the matter as there is a huge economic prospect for job creation.

The Chair, Councillor Clarke agreed with Councillor McPeake's comments.

The Planning Manager also agreed and said that the last time it was agreed that a relaxation for protected routes be applied. This was forwarded to TransportNI. He said that the outstanding issue of road safety was critical and rather than rehearse the same argument, he suggested that a site meeting be held to identify the key issues, with Officers sitting down with TransportNI to try and find a way forward.

Councillor Cuthbertson said that there was a need to have a clear speed limit of 60 mph on this stretch of road as it was notorious in the past for road fatalities and enquired if coming out of Augher village and using right hand turning lane, where would you turn coming from Ballygawley.

Mr Agus said that a hatched area would be implemented to facilitate this.

Councillor Bateson felt that the relaxation on road safety should be the final decision of the Planning Committee.

Proposed by Councillor Reid

Seconded by Councillor Robinson and

**Resolved:** That planning application M/2014/0524/F be deferred for an office meeting between officers and the developer and a Councillor site meeting.

**LA09/2016/0062/O Site for farm dwelling adjacent to 48 Killycon Road, Portglenone, Mr Thomas Peter Doherty**

Ms Doyle (SPO) presented a report on planning application LA09/2016/0062/O advising that it is recommended for refusal.

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

Mr Kearney advised the committee that a meeting with DARD was ongoing to have them reconsider their opinion of the site being an established farm business and asked if this application be deferred until further information was received from DARD.

**Resolved:** [CM1] That planning application LA09/2016/0062/O be deferred until information is received.

**LA09/2016/0158/O Infill site for dwelling and garage at 40m west of 15a Tullyheran Road, Maghera, Ms Megan McGarvey**

Ms Doyle (SPO) presented a report on planning application LA09/2016/0158/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 Kearney to address the committee.

Mr Kearney advised the committee that the dwellings was going to be built on the applicant's parents garden and would be coming out onto the Tullyheran Road, he felt that keeping in the consistency of planning that this application was similar to a previously approved site by Magherafelt Council in 2010.

Councillor Bell enquired if there was a further development opportunity on the plot of land adjacent to the site.

Mr Kearney advised that there could be a possibly for two sites.

The Planning Manager said that there was a need for consistency to be maintained. It would be remissible of the committee to make a decision until the site was identified first.

Councillor McPeake agreed that this was a good idea as the area was not in the wider countryside and fairly built up and not in a rural setting. He felt that a dwelling would not change its setting and that the site should be looked at again. He said that there were a lot of dwellings in the area and an additional one wouldn't make a difference.

The Planning Manager said that every application should be looked at on its own individual merit. It would be important that when it comes to PPS21 that there is a level playing field for everyone and that Agents should be made aware of this.

Proposed by Councillor Bell  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2016/0158/O be deferred for a site meeting.

**LA09/2016/0276/K Change of house and garage type (previously approved M/2010/0362/F) 90m SE of junction of Derryfubble Road and Old English Road**

Mr Marrion (SPO) presented a report on planning application LA09/2016/0276/K 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 Stephens to address the committee.

Mr Stephens advised that this application was for the proposed change of house type on an application site where development has commenced over time. He said that he fully supported the recommendation proposed for approval.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2016/0276/K be approved subject to conditions as per the officer's report.

**LA09/2016/0283/O Site for infill dwelling and garage adjacent to 34 and opposite 28A Annaghnahoe Road, Coalisland, Rory Lavery**

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

The Planning Manager advised that as this was recommended for approval and that there were no objections to this application Mr Donnelly may not feel the need to address the Committee.

Proposed by Councillor Reid  
Seconded by Councillor McPeake and

**Resolved:** That planning application LA09/2016/0283/O be approved subject to conditions as per the officer's report.

**LA09/2016/0286/O Site for infill dwelling and garage 37.5m E of 34 and opposite 28A and 34A Annaghnahoe Road, Coalisland, Rory Lavery**

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

Proposed by Councillor Reid  
Seconded by Councillor McPeake and

**Resolved:** That planning application LA09/2016/0286/O be approved subject to conditions as per the officer's report.

**LA09/2016/0299/O Site for infill dwelling and detached double garage between 21 Brackaghlistea Road and Gortahurk Road, Draperstown, G Mallon**

Ms Doyle (SPO) presented a report on planning application LA09/2016/0299/O advising that it was recommended for refusal.

The Planning Manager said that there were a couple issues relating to this application including misunderstands relating to road frontage and infill criteria. It was felt that it would be beneficial to consider an office meeting with the applicant to explore what could be achieved.

Proposed by Councillor Bell  
Seconded by Councillor McPeake and

**Resolved:** That planning application LA09/2016/0299/O be deferred for an office meeting.

**LA09/2016/0389/F Single storey extension to gable of dwelling at 26 Roxborough Park, Moy, NIHE**

Mr Marrion (SPO) presented a report on planning application LA09/2016/0389/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 Councillor Molloy to address the committee.

Councillor Molloy told the committee that he had been approached by the residents of No. 28 Roxborough Park who were concerned about shared sewerage. Property at No. 26 would cross over their sewer outlet. They wanted to make it clear that they weren't opposed to disabled access and would request that a deferral be issued until a possible resolution was found.

Councillor Reid said that shared sewerage systems would need to be considered carefully as problems could arise if the property was to be later sold.

The Planning Manager asked Councillor Molloy to provide him with the concerned residents' details so that he can inform them on up to date information.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2016/0389/F be deferred for an office meeting.



**LA09/2016/1163/O Infill site for 2 dwellings at lands adjacent to and E of 154  
Battery Road, Moortown**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/1163/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 Coney to address the committee.

Mr Coney told the committee that he was very familiar with the site as he knows the area well and that he would argue with the policy on infill site as it was in the boundry of Moortown. He said that No.154 protects the site for ribboning and urban sprawl as down the road would have no impact on urban sprawl as it's a heavily populated area of Moortown. He continued to say that each site should be taken on its own merit.

The Planning Manager feels that the Officers report provides a fair and balanced opinion. He said that in considering an application on its merits the Committee were not bound by the officer recommendation providing the reasoning is set out. Whilst normally a settlement limit should not be used to define rural infilling there are arguably cases where based on the character of the settlement and surrounding countryside, allowing an infill between the settlement limit and a dwelling may not read as urban sprawl. In this case this was a matter for the Committee to determine.

Councillor Reid felt that every application should be looked at on its own merit. He said that a similar one to this one came before the Committee for refusal but was overturned for an approval as applicant was at the end of a hamlet. He felt that this application could be overturned for an approval.

Councillor McPeake agreed with Councillor Reid and felt that as an existing dwelling and going to the edge of the settlement, these two dwellings would make no difference.

Councillor Bateson referred to applications coming forward and felt the characteristics of development should be encouraged within Moortown, as it's on the edge of the Lough Neagh Shore. He said as there was a stop point at the edge of the settlement, this wouldn't change the character.

Councillor Bell said that he echoed all the comments for approval as he knows the area well and would be happy to agree to Councillor Reid's recommendation of overturning the refusal to approval.

The Council Solicitor advised that this was ultimately a decision for the Committee to make. However, if members were minded to move away from policy, then a specific case would need to be made and they must give reasons why. If the Committee was minded to recommend overturning the decision, then consideration would need to be given to the imposition of appropriate planning conditions.

*Councillors Molloy and Mullan left the meeting at 8.54 pm.*

The Planning Manager advised that if this application was to be approved, then the Committee would need to do this on the basis that they felt the proposal did not result in urban sprawl because it would not affect rural character, the setting of the settlement and was contained to one particular gap. He also advised conditions be applied to siting, access, ridge height, siting in accordance to block plan, roof space, visibility splays etc would need to be considered.

Councillor McPeake felt that this application should be moved on as conditions are not in the detail. He said that he was happy to leave the Planning Manager to deal with the detail.

The Council Solicitor advised that a Proposer and Seconded would be required in relation to the planning conditions.

The Planning Manager stated that there would be a need to cover the Conditions on access, block plan, ridge height to be in the character of the area etc.

Proposed by Councillor Reid  
Seconded by Councillor Bell and

**Resolved:** That planning application LA09/2016/1163/O be approved subject to conditions as advised by the Planning Manager.

**LA09/2016/0037/O Infill site for dwelling and garage at 80m NW of 4 Dunmurry Road, Moneyneany, Joe Morgan**

Ms Doyle (SPO) presented a report on planning application LA09/2016/0037/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 the committee that No. 6A was set back in the distance with no formal garden, with the grounds being used for agricultural grazing. He said that if the hedges were trimmed down there most definitely be a linkage between No. 4 and No. 6A.

The Planning Manager suggested that in the interest of the client who owns the farm beside the site, that consideration be given to withdrawing the application as this situation could change. There is a requirement for continuous frontage which isn't there.

*Councillor Mullen returned to the meeting at 9.05 pm.*

Mr Diamond said that although that there was no formal front garden, there was still 20 metres from the gap to the road.

Councillor Gildernew enquired if there was any stipulation which said that a property has to be set beside the road.

The Planning Manager advised that the Policy states that road frontage is required.

Councillor Gildernew enquired if there was a gate on the roadside with a 1 metre gate, could there be a possibility of access.

Councillor Reid said that this was ongoing for a number of years. Sites were passed and when looked at again were not consistent compared to others. There is a requirement for consistency.

*Councillor McAleer left the meeting at 9.09 pm.*

Councillor McPeake said that the height of the hedge could be in support of the applicant.

The Planning Manager felt that it was impossible for members to make a decision as it was an aerial photograph and suggested a site meeting.

Proposed by Councillor Bateson  
Seconded by Councillor Kearney and

**Resolved:** That planning application LA09/2016/0037/O be deferred for a site meeting.

*Councillor McAleer returned to the meeting at 9.14 pm.*

*The meeting recessed at 9.15 pm and recommenced at 9.45 pm.*

**H/2014/0353/F      Housing development of 8 dwellings and garages (2 detached and 6 semi-detached) at lands approx. 35m W of 64 Carroloan Road, The Woods, Magherafelt, Gribben Homes Ltd**

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application H/2014/0353/F be approved subject to conditions as per the officer's report.

**M/2014/0572/O      Renewal of residential development (M/2007/0787/O), maximum of 210 units, with access onto Greers Road and Quarry Lane, Dungannon, 15m NE of 67a Donaghmore Road, Dungannon, Michael Herron Architects**

Ms McCullagh (SPO) advised that this application was withdrawn due to land ownership issues needing addressed.

**Resolved:** That planning application M/2014/0572/O be removed from the schedule and re-considered.

**LA09/2015/0197/LBC Installation of replica sliding sash window for security and fire escape purposes of 9a Loy Street, Cookstown, Wellwood Adami Ltd**

Ms McCullagh (SPO) presented report on planning application LA09/2015/0197/LBC advising that it is recommended for refusal.

Proposed by Councillor Reid  
Seconded by Councillor Kearney and

**Resolved:** That planning application LA09/2015/0197/LBC be refused on the grounds stated in the officer's report.

**LA09/2015/0223/LBC Restoration of restored Edwardian Dumb Waiter system and shafet rail structure; installation of 2 replica sliding sash windows for security and fire escape purposes at 9c Loy Street, Cookstown for Wellwood Adami Ltd**

Ms McCullagh (SPO) presented report on planning application LA09/2015/0223/LBC advising that it is recommended for refusal.

Proposed by Councillor Reid  
Seconded by Councillor Kearney and

**Resolved:** That planning application LA09/2015/0223/LBC be refused on the grounds stated in the officer's report.

**LA09/2015/0224/LBC Installation of replica sliding sash window for security and fire escape purposes at 9b Loy Street, Cookstown, Wellwood Adami Ltd**

Ms McCullagh (SPO) presented report on planning application LA09/2015/0224/LBC advising that it is recommended for refusal.

Proposed by Councillor Reid  
Seconded by Councillor Kearney and

**Resolved:** That planning application LA09/2015/0224/LBC be refused on the grounds stated in the officer's report.

**LA09/2015/0620/F Extension, alterations and change of use from dwelling house to 4 no. self-contained apartments at 25 Charlemont Street Moy, Seyloran Properties Ltd**

Ms McCullagh (SPO) presented report on planning application LA09/2015/0620/F advising that to defer this application as the Agent is in the process of amending the scheme to take account of the concerns.

Proposed by Councillor Reid  
Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2015/0620/F be deferred until amendments are submitted and considered.

**LA09/2015/1237/F Removal of condition 5 of approval I/2007/0070/RM and condition 8 of I/2004/0127/O at site adjacent to 172 Drum Road, Cookstown, Mr Adrian Glasgow**

Councillor Glasgow withdrew to the public gallery until this matter was discussed.

Ms McCullagh (SPO) presented report on planning application LA09/2015/1237/F advising that it is recommended for approval.

Proposed by Councillor McPeake

Seconded by Councillor Robinson and

**Resolved:** That planning application LA09/2015/1237/F be approved subject to conditions as per the officer's report.

Councillor Glasgow returned to the committee.

**LA09/2015/1290/F Restoration of part of sand and gravel pit (partial retrospective at 203 Termon Road, Pomeroy, ACS Civils Ltd**

Ms McCullagh (SPO) presented report on planning application LA09/2015/1290/F advising that it is recommended for approval.

Proposed by Councillor McPeake

Seconded by Councillor Robinson and

**Resolved:** That planning application LA09/2015/1290/F be approved subject to conditions as per the officer's report.

**LA09/2016/0061/O Replacement dwelling and garage at 32 Waterfoot Road, Ballymaguigan, Magherafelt, Terence Murphy**

Ms McCullagh (SPO) presented report on planning application LA09/2016/0061/O advising that it is recommended for approval.

Proposed by Councillor McPeake

Seconded by Councillor Robinson and

**Resolved:** That planning application LA09/2015/1290/F be approved subject to conditions as per the officer's report.

**LA09/2016/0136/F Replacement of 2 sheds with a single shed at lands surrounding 22 Tamlaghduff Road, Bellaghy, B Scullion**

Councillor Bateson declared an interest in this application.

Ms Doyle (SPO) presented report on planning application LA09/2016/0136/F advising that it is recommended for refusal.

The Planning Manager advised that he had been contacted by the applicant for an office meeting as the Agent couldn't make the meeting tonight.

Councillor McPeake said that he knew the area well and that it may be a possible assumption that as it was an industrious area it could be an expansion of an existing business. He felt that this should be further explored with an opportunity for an office meeting.

Ms Doyle advised that this used to be an agricultural establishment and there was a need for justification on what the shed was going to be used for.

The Planning Manager felt that everyone should have a fair hearing but looking at the size of the shed, it would be hard to imagine that this was going to be used as for domestic use. He said he wasn't opposed to deferring the application providing the applicant was upfront on what the shed was going to be used for.

He suggested that it would be wise to meet the applicant to advise them on what to do and not to do before a decision would be made.

Proposed by Councillor McPeake  
Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2016/0136/F be deferred for an office meeting.

**LA09/2016/0170/O Dwelling and garage between 8 and 14 Drumvale Avenue, Drum Road, Cookstown, C Eastwood**

Ms McCullagh (SPO) presented report on planning application LA09/2016/0170/O advising that it is recommended for refusal.

Councillor Reid advised that he agreed with the recommendation by officers as the area needed to be protected.

Councillor Gildernew agreed that these trees would need to be protected and also agreed with the recommendation.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2016/0170/O be refused subject to conditions as per the officer's report.

**LA09/2016/0300/F Change of use from existing ground floor flat to form 2 no. flats (1 no. 1 bedroom and 1 no. 2 bedroom) at 11 Annes Court, Killylack, Glebe, Dungannon, Ciaran Gallagher**

Mr Marrion (SPO) presented report on planning application LA09/2016/0300/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2016/0300/F be refused subject to conditions as per the officer's report.

**M/2014/0593/O      Erection of 3 no. tourist accommodation chalets to be associated with existing lake/fishery lands approx. 30m N of 41 Gorestown Road, Dungannon, Gavin Wylie**

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application M/2014/0593/O be approved subject to conditions as per the officer's report.

**LA09/2015/0104/F      Dwelling and garage at 250m SE of 5 Glenquilly Road, Moneymore, Robert Carmichael**

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application LA09/2015/0104/F be approved subject to conditions as per the officer's report.

**LA09/2015/0138/O      Dwelling at site adjacent to 82 Lurgylea Road, Galbally, Dungannon, Mr Shayne Turney**

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application LA09/2015/0138/O be approved subject to conditions as per the officer's report.

**LA09/2015/0525/O      Dwelling and garage 15m W of 26 Drumkee Road, Dungannon, Mr & Mrs R Brown**

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application LA09/2015/0525/O be approved subject to conditions as per the officer's report.

**LA09/2015/0714/F      Dwelling and garage on a farm adjacent to 71 Blackrock Road, Cookstown, Michael Quinn**

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

Proposed by Councillor Reid

Seconded by Councillor Glasgow and

**Resolved:** That planning application LA09/2015/0714/F be approved subject to conditions as per the officer's report.

**LA09/2015/1069/O Dwelling (bungalow) on a farm adjoining 1 Urbalshinny Road, Maghera, Mr Eamon Logue**

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application LA09/2015/1069/O be approved subject to conditions as per the officer's report.

**LA09/2015/1156/O 2 infill dwellings at lands between 15 and 17 Annaghnaaboe Road, Coalisland, Mr Paul Quinn**

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application LA09/2015/1156/O be approved subject to conditions as per the officer's report.

**LA09/2015/1185/O Replacement dwelling 340m SW of 6 Drapersfield Road, Cookstown, David McGlaughlin**

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application LA09/2015/1185/O be approved subject to conditions as per the officer's report.

**LA09/2015/1275/O Infill site for dwelling and garage at 80m NW of 4 Dunmurry Road, Moneyneany, Joe Morgan**

Councillor McPeake declared an interest in this application.

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

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved:** That planning application LA09/2015/1275/O be approved subject to conditions as per the officer's report.



**LA09/2016/0199/O Dwelling and garage adjacent to 98 and 210m S of 100  
Cookstown Road, Dungannon, David Dobson**

Councillor Reid withdrew to the public gallery until this matter was discussed.

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

Proposed by Councillor Glasgow  
Seconded by Councillor Robinson and

**Resolved:** That planning application LA09/2016/0199/O be approved subject to conditions as per the officer's report.

**LA09/2016/0211/O Dwelling and garage on site adjacent to garden centre and  
74m N of 98 Cookstown Road, Dungannon, Shane Lyons**

Councillor Reid remained in the public gallery until this matter was discussed.

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

Proposed by Councillor Glasgow  
Seconded by Councillor Robinson and

**Resolved:** That planning application LA09/2016/0211/O be approved subject to conditions as per the officer's report.

*The Council Solicitor left the meeting at 10.25 pm.*

**P119/16 Response to Public Consultation on Review of Permitted  
Development Rights**

The Planning Manager presented previously circulated reports which details of the response to a public consultation on permitted development on the topics below. The consultation was issued on the 5<sup>th</sup> May 2016 and responses are due by the 30<sup>th</sup> June 2016.

**Public Consultation on Permitted Development Rights for:**

- i) Development by Electronic Communications Code Operators;
- ii) Non-Domestic Roof Mounted Solar Photovoltaic Panels
- iii) Shops, Financial and Professional Services Establishments; and
- iv) Electric Vehicle Charging Points

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved:** To agree that the attached paper be forwarded to the Department as the response by Mid Ulster Council to the public consultation.

**P120/16 Responses to Consultations by Neighbouring Councils re:  
Preferred Options Paper (P.O.P)**

The Planning Manager presented previously circulated report to provide members with details of those matters which are considered to be cross boundary issues shared with adjoining councils in the context of the new Local Development Plan.

Proposed by Councillor Kearney  
Seconded by Councillor Reid and

**Resolved:** To agree that issues listed and described in the paper are used to inform Regulation 9 LDP consultations as they come forward from the adjoining council as part of the preparation of their LDP.

### **Matters for Information**

#### **P121/16 Report of Delegated Decisions Issued in April 2016**

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

### **CONFIDENTIAL BUSINESS**

Proposed by Councillor J Shiels  
Seconded by Councillor Gildernew and

**Resolved:** That items P122/16 to P125/16 to be taken as confidential business.

#### **P126/16 Duration of Meeting**

The meeting was called for 7.00pm and ended at 11.00pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

**B**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 2 <sup>nd</sup> July 2016	<b>Item Number:</b>
<b>Application ID:</b> M/2014/0331/F	<b>Target Date:</b> 13 October 2014
<b>Proposal:</b> New apartments (5 no. one bedroom apartments, 4 no. two bedroom apartments and 1 no. three bedroom apartment) (Revised pedestrian access)	<b>Location:</b> 34-38 The Square Coalisland
<b>Referral Route:</b> Objection received.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Western Building Systems 11 Mounjoy Road Coalisland BT71 5DQ	<b>Agent Name and Address:</b> Taggart Design 133a Coolreaghs Road Cookstown BT80 9QD
<b>Executive Summary:</b> Apartment development within town centre for Coalisland and also in Area of Townscape Character. Objections received in relation to obstructing right of way to rear of properties and ownership of site.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	No objections subject to conditions
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Department	No Objection

### Representations:

Letters of Support	None Received
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Letters of Objection	5
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b> Impacts on rights of way and land ownership.	
<b>Characteristics of the Site and Area</b> This is a vacant plot with a builders hoarding around it. It was formerly Cannings Shop and is within Coalisland Town Centre and the frontage onto the Square is on the edge of the Area of Townscape Character. The area is a mix of land uses in the locality with the buildings are generally 2 storey in height. Vehicular access to the site is from the rear through the existing car park for The Church of the Holy Family which opens onto Dungannon Road. There are a number of businesses and private dwellings located adjacent to the site, with Landis Chip Shop and Gervins Bar and Lounge and snooker club of note.	
<b>Planning Assessment of Policy and Other Material Considerations</b> The proposed development is for a development of 10 apartments which have 1, 2 and 3 bedrooms. The development is 2 storey fronting the Square and 3 storey at the rear. It is proposed to be finished with smooth render walls and dark concrete roof tiles. Private amenity space is being provided as a communal area to the rear and there are separate bin and laundry drying areas proposed. 24 car parking spaces have been proposed for the development.	
<b>Strategic Planning Policy Statement</b> This cancelled PPS5 which dealt with town centre development and its objectives promote a diverse range of uses, including housing, within designated town centres. I do not consider this proposal is contrary to this policy.	
<b>Dungannon &amp; South Tyrone Area Plan 2015</b> The site is located within Coalisland where policy SETT1 allows for favourably consideration of development provided it meets a number of criteria. These criteria are dealt with in other policy considerations for this development.	
It is also inside Coalisland town centre where policy RSO1 seeks to promote commercial development. It is important to note planning permission was been granted for retail development on this site, however the developer has advised he has been unable to secure any commercial or other professional tenants and as such has now sought to bring forward housing for this site. The frontage of the site is within the Area of Townscape Character where the policy CON5 requires development to be sympathetic to the historic built form. While this scheme is higher than the development immediately adjacent to it there are other parts of the ATC that have buildings of a similar scale and this adds to the character of the ATC. I do not consider the proposal goes against CON5.	
<b>Relevant Planning History</b> A scheme for replacement of existing buildings with 3 no. units for office/retail use and ancillary development was granted planning permission on 10 February 2009 under ref M/2007/1456/F 0221/F and that permission expired on 9 <sup>th</sup> February 2014. This site has been cleared and is in a vacant state.	
<b>Planning Policy Statement 6 (Addendum) – Areas of Townscape Character</b> Policies within this statement allows development that seeks to promote or enhance the character of the area and promote retention of existing buildings and incorporate trees within new schemes. The planning permission for the replacement of the existing buildings has resulted	

in these being removed and the site is currently surrounded by a hoarding. The proposed scheme will, in my view, not detract from the area as it takes account of historic materials and characteristics from the area with its render walls, dark roof and emphasis of the solid to void ratios. The development has a full 2 storey bay to the front, which mirrors the feature on Landis and is used to connect the building lines on either side of the site.

### **Planning Policy Statement 7 – Quality Residential Environments**

This policy was published in 2001 and promotes good quality design through site appraisal to identify assets and constraints to inform the design process. A Concept Statement has been submitted in accordance with policy QD2, and I consider it is appropriate for the development as it identifies the main policies and constraints/assets associated with this site.

Policy QD1 sets out a number of criteria that applications will be expected to conform to. The site does not have any landscape features or archaeological interests, it is within Coalisland ATC and as it is located within the town centre necessary local facilities are close by and alternative movement patterns are supported. As I have previously indicated I consider the development does respect the surrounding character, even though it is larger than the immediately adjacent development. It connects the building lines at either side and the highest roof is set well back from the streetscape and uses materials already found within the ATC. It is proposed to have a small garden area to the front of the development onto the Square, surrounded by a low wall and railings and with proper landscaping this would enhance the area. I would ask members to impose a condition requiring a landscaping scheme to be submitted for agreement. Other communal amenity space located to the rear of the development to provide sitting out areas is appropriate to the scale of the development as one ground floor apartment has nearly 20sqm of space and the remaining 9 share approx. 150sqm, which is well above the minimum of 10sqm per unit. Parking provision to the rear is in excess of the standards for the development and are easily accessible to the development. The parking area is open and has a degree of passive surveillance from the ground floor apartment living areas, which I consider promotes safety. I do not consider the proposed development will result in unacceptable degrees of overshadowing or overlooking, The main area of shadow is to the rear of the chip shop where any windows at ground floor level are beneath an existing overhead gantry and are in shadow, the proposed development is unlikely to significantly add to this. The proposed living areas for the apartments are not overlooking any private areas or into windows of adjoining properties, the wall at the rear of the site is a blank wall along the snooker club. Neighbours have raised issues in relation to access to the rear of the properties on The Square and Dungannon Road and advise rights of way have been blocked and the development is on land owned by them. The developer has accommodated the property immediately advance to the site with the scheme redesigned to allow pedestrian access to the rear.

The applicant has not identified No 10 as the owner of part of the site, or provided proof of notification, as required by Section 42 of the Planning Act (NI) 2011. This is primarily to ensure the land owner is aware of the application and that they can comment on this, it does not confer any ownership of the lands to the applicant. In this case, as the land owner has objected to the application, it is clear they are aware of the proposal and, in my view have not been prejudiced in the processing of this application. Members are advised land ownership issues are a private matter and the developer will have to reach agreement with the landowner if they wish to carry out any development on the land.

### **Planning Policy Statement 3 – Access, Movement and Parking**

Transport NI have been consulted and have advised the access to the development is safe and can be approved with conditions. This development has proposed 24 car parking spaces, this is 11 spaces above the required number for the scheme. Members are advised policy AMP7 only

allows parking above the specified standards in exceptional cases. I consider this to be exceptional as the proposed development will be providing some spaces for the adjacent church car park as it is proposing to access through it resulting in a number of those spaces being relocated.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

**Approve**

**Conditions**

1. As required by Section 61 of the Planning Act (NI) 2011, the development hereby approved shall be begun within 5 years of the date of this decision.

Reason: Time Limit

2. All parking areas shall be provided in accordance with drawing no 02 Rev 3 bearing the stamp dated 17 MAY SEP 2016 prior to the occupation of any part of the development hereby approved. The car parking areas as provided shall be permanently retained for the parking of vehicles only.

Reason: To ensure adequate parking is provided for the development.

3. The vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No 02 Rev 3 bearing the stamp dated 17 MAY 2015, prior to the commencement of any other works hereby permitted. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

4. Prior to the occupation of any part of the development hereby approved a landscaping scheme and maintenance scheme for all the areas of communal open space, including the area to the front of the building, shall be submitted and agreed in writing with the Council. 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 Scheme shall also include a Management and Maintenance Schedule which includes the long term objectives, performance indicators and management responsibilities for all landscaped areas. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species. The scheme shall be carried out as agreed.

Reason: To ensure the provision and long term up keep of communal areas.

**Signature(s)**



**Date:**

ANNEX	
<b>Date Valid</b>	30th June 2014
<b>Date First Advertised</b>	16th July 2014
<b>Date Last Advertised</b>	26th October 2015
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Harbour Hill Arcade,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 1,24A The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 1,25A The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 1,36A The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 1,38A The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 1,5A The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 1,8A The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, James & Jayne Boyle 10 Dungannon Road,Gortgonis,Coalisland,Tyrone,BT71 4HP, The Owner/Occupier, 10 The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, James Boyle 10, Dungannon Road, Coalisland, Tyrone, Northern Ireland, BT71 4HP JJ Boyle 10, Dungannon Road, Coalisland, Tyrone, Northern Ireland, BT71 4HP The Owner/Occupier, 11-17,The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 12-14,Dungannon Road,Gortgonis,Coalisland,Tyrone,BT71 4HP, The Owner/Occupier, 14 The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 14-16,The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 16 Dungannon Road,Gortgonis,Coalisland,Tyrone,BT71 4HP, The Owner/Occupier, 16 The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN, The Owner/Occupier, 19 The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,	

The Owner/Occupier,  
1A Harbour Hill Arcade,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
1B Harbour Hill Arcade,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
1C Harbour Hill Arcade,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
2 Dungannon Road,Gortgonis,Coalisland,Tyrone,BT71 4HP,  
The Owner/Occupier,  
2 Harbour Hill Arcade,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
2, J T's Place,26B The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
2,25B The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
2,38B The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
20-22,The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
27A The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
27B The Square,Gortnaskea,Coalisland,Tyrone,BT71 7SG,  
The Owner/Occupier,  
28A Dungannon Road,Gortgonis,Coalisland,Tyrone,BT71 4HP,  
The Owner/Occupier,  
28B Dungannon Road,Gortgonis,Coalisland,Tyrone,BT71 4HP,  
The Owner/Occupier,  
28C Dungannon Road,Gortgonis,Coalisland,Tyrone,BT71 4HP,  
The Owner/Occupier,  
2A The Square,Gortgonis,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
2B The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
3 Barrack Square,Gortgonis,Coalisland,Tyrone,BT71 4JG,  
The Owner/Occupier,  
3 Dungannon Road,Derry,Coalisland,Tyrone,BT71 4HP,  
The Owner/Occupier,  
3 Harbour Hill Arcade,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
3,25C The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
30 The Square,Gortgonis,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
31 The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
32 The Square,Gortgonis,Coalisland,Tyrone,BT71 4LN,

The Owner/Occupier,  
33 The Square, Gortnaskea, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
33 The Square, Gortnaskea, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
34 The Square, Gortgonis, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
35 The Square, Gortnaskea, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
36 The Square, Gortgonis, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
37 The Square, Gortnaskea, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
4 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,  
The Owner/Occupier,  
40 The Square, Gortgonis, Coalisland, Tyrone, BT71 4LN,  
Brian McKernan  
42 The Square, Gortgonis, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
44 The Square, Gortgonis, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
44A The Square, Gortgonis, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
44C The Square, Gortgonis, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
4A Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,  
The Owner/Occupier,  
5 Barrack Square, Gortgonis, Coalisland, Tyrone, BT71 4JG,  
The Owner/Occupier,  
5 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,  
The Owner/Occupier,  
6 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,  
The Owner/Occupier,  
6A Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,  
The Owner/Occupier,  
7 Dungannon Road, Derry, Coalisland, Tyrone, BT71 4HP,  
The Owner/Occupier,  
7 The Square, Gortnaskea, Coalisland, Tyrone, BT71 4LN,  
The Owner/Occupier,  
8 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,  
The Owner/Occupier,  
8 The Square, Gortnaskea, Coalisland, Tyrone, BT71 7SG,  
Brian McKernan  
No Address Supplied  
The Owner/Occupier,  
The Square, Gortnaskea, Coalisland, Tyrone,,

The Owner/Occupier,  
The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,  
The Owner/Occupier,  
The Square,Gortnaskea,Coalisland,Tyrone,BT71 4LN,

**Date of Last Neighbour Notification**

16th October 2015

**Date of EIA Determination**

None required

**ES Requested**

No

**Planning History**

Ref ID: M/2014/0331/F

Proposal: New apartments (5 no. one bedroom apartments, 4 no. two bedroom apartments and 1 no. three bedroom apartment)

Address: 34-38 The Square, Coalisland,

Decision:

Decision Date:

Ref ID: M/2014/0126/F

Proposal: Proposed covered smoking area at entrance to existing bar

Address: No 5 Barrack Square, Coalisland,

Decision: PG

Decision Date: 29.04.2014

Ref ID: M/2007/1456/F

Proposal: Replacement of existing buildings with 3 no. units for office/retail use with storage spaces over,provision of ATM all within new two storey building (Amended Drawings)

Address: 34-38 The Square, Coalisland

Decision:

Decision Date: 10.02.2009

Ref ID: M/2005/1334/F

Proposal: Proposed alterations and improvements to premises

Address: 32 The Square, Coalisland

Decision:

Decision Date: 21.07.2005

Ref ID: M/1997/0106

Proposal: Extension to Supermarket Dungannon Road Coalisland  
Address: Dungannon Road Coalisland  
Decision:  
Decision Date: 02.06.2003

Ref ID: M/1995/0765  
Proposal: Extension to Filling Station/Supermarket  
Address: DUNGANNON ROAD COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1995/0388  
Proposal: Landscaping scheme  
Address: OPPOSITE 32-34 THE SQUARE COALISLAND  
Decision:  
Decision Date: 02.10.1995

Ref ID: M/1994/0396  
Proposal: Erection of 1 No internally illuminated petrol filling  
station sign  
Address: PETROL FILLING STATION BETWEEN 30 & 36 DUNGANNON ROAD  
COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1992/0637  
Proposal: Petrol Filling Station, supermarket and 4 No retail  
units  
Address: OPPOSITE STEVENSONS BUILDING YARD DUNGANNON ROAD  
COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1992/0211  
Proposal: Extension and improvements to Dwelling  
Address: 40 THE SQUARE COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1992/0042  
Proposal: 33/11 KV system improvement (Part 5)

Address: CULLION, EDENDORK, DERRY, BRACKAVILLE, ANNAGHER GORTGONIS  
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1991/6067

Proposal: Petrol Station Dungannon Road Coalisland

Address: Dungannon Road Coalisland

Decision:

Decision Date:

Ref ID: M/1991/6054

Proposal: Commercial Development 26-32 Dungannon Road Coalisland

Address: 26-32 Dungannon Road Coalisland

Decision:

Decision Date:

Ref ID: M/1979/0687

Proposal: PROPOSED HOUSING DEVELOPMENT

Address: DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1978/0033

Proposal: ALTERATIONS TO PROVIDE SHOP AND LIVING ACCOMMODATION

Address: DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1973/007602

Proposal: ERECTION OF CHURCH AND CAR PARK

Address: MOUNTCAIRN HOUSE, COALISLAND

Decision:

Decision Date:

Ref ID: M/1973/0076

Proposal: ERECTION OF CHURCH WITH CAR PARK

Address: MOUNTCAIRN HOUSE, COALISLAND

Decision:

Decision Date:

**Summary of Consultee Responses**

TNI – approve with conditions  
NI Water – available capacity in network  
EHO – No objections

**Drawing Numbers and Title**

Drawing No. 01  
Type:  
Status: Submitted

Drawing No. 02 Rev 03  
Type:  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5th July 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0959/F	<b>Target Date:</b> 26.01.2016
<b>Proposal:</b> Retention of extended covered stands (spectators) at existing 3G pitch for parents	<b>Location:</b> Dungannon United Youth Black Lane Dungannon
<b>Referral Route:</b>  Letter of objection received.	
<b>Recommendation: Consent is recommended.</b>	<b>APPROVE</b>
<b>Applicant Name and Address:</b> Dungannon United Youth C/o. Joe McAree Black Lane Mullaghanagh Dungannon BT71 7AY	<b>Agent Name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b> Proposal where the issue of impact on neighbour amenity from noise generated from the striking of a spectator's stand at this site must be weighed up.	
<b>Signature(s):</b>	

# Case Officer Report

## Site Location Plan

Application ID: LA09/2015/09592f



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
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

Proposal where the issue of impact on neighbour amenity from noise generated from the striking of a spectator's stand at this site must be weighed up.

### Characteristics of the Site and Area

The application site is relatively expansive and is within the developments limits of Dungannon as identified in the Dungannon & South Tyrone Area 2010. The property is home to Dungannon United Youth Club and to that effect is used as a facility for football games and training. In the centre of the site is a 3G pitch and two spectator stands, finished in metal cladding, are located along either side of the pitch. The immediate area around the site is largely residential.

## Planning Assessment of Policy and Other Material Considerations

### Proposal

This is a retrospective application to retain extensions to the original spectator stands. Taken as a whole the stands are approximately 22.5m & 26.0m long and 3.0m in height and as stated located along either side-line of the football pitch.

### Summary of Issues

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining land owners were consulted by letter. One letter objecting to the scheme was received and under the Council's decision making processes on planning matters this is a decision to be made by the Planning Committee.

### Planning History

In 1999 an application was made for "Spectator shelter to side of playing fields" and this was granted consent on 06/03/2000 (M/1999/1145/F).

### Policy Framework

The scheme is essentially for the retention of structures at a site of outdoor sport and recreation. The relevant policy considerations are therefore under Planning Policy Statement 8 and specifically Policy OS5 which requires that noise generating outdoor sporting activities does not result in an unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses.

### Planning Considerations

As stated a letter of objection has been received by a resident bordering the site on the northern side in Mullaghanagh Road. The main concern highlighted is that during football matches the stands are kicked or banged and owing to the materials used in the finish the resulting noise can be distressing. As the pitch is regularly used this can be prolonged and an ongoing problem. Having regard to this concern and the above policy test, this is considered the only issue to be determined as it is not considered this application raises other issues of design or other material planning considerations.

Under the consultation processes of this application the views of the Environmental Health section of council were sought and a response provided. This states that notwithstanding the neighbour objection the Environmental Health section has no objection and on the issue of disturbance advises the applicant to take all reasonable steps to make patrons of the premises aware that the site is within a residential area.

The supporting text to Policy OS5 states that when assessing noise impacts "much will depend on the type of activity, the tone, level, frequency and duration of any noise generated". Whilst the applicant is distressed by the noise generated it is an intermittent and time limited disturbance. The advice provided by Environmental Health is really the best way to eradicate the disturbance and this is in the control of the applicant. Whilst Members may feel that the possibility of considering some form of insulation less prone to causing noise when struck could be considered, the general advice provided here is that it is difficult to address the issue with conditions. The current situation, whilst providing a level of disturbance during games, is not considered to seriously impact on the amenity of neighbouring residents. Furthermore there are historic approvals in place for smaller spectator stands at the site which could arguably generate the same level of noise and are immune from any enforcement action. Some level of disturbance

is recognised in this case but the recommendation is that consent is granted. The scheme does not introduce a new use and when balancing the public interest of supporting the growth and development of an important community facility against the sporadic and time limited disturbance it is recommended that what is proposed can be justified.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Consent is recommended.

**Conditions/Reasons for Refusal:**

Conditions

Informatives

**Signature(s)**

**Date:**

# ANNEX

<b>Date Valid</b>	13th October 2015 Application ID: LA09/2015/0959?r
<b>Date First Advertised</b>	26th October 2015
<b>Date Last Advertised</b>	

## Details of Neighbour Notification (all addresses)

The Owner/Occupier,  
 1 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 11 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 14 Mullaghanagh Road Mullaghanagh Mullaghanagh  
 The Owner/Occupier,  
 15 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 16 Mullaghanagh Road Mullaghanagh Mullaghanagh  
 The Owner/Occupier,  
 16 Mullaghanagh Road,Mullaghanagh,Mullaghanagh,Dungannon,Tyrone,BT71 7NY,  
 The Owner/Occupier,  
 17 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 18 Mullaghanagh Road,Mullaghanagh,Mullaghanagh,Dungannon,Tyrone,BT71 7AY,  
 The Owner/Occupier,  
 19 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 20 Lower Parklands,Mullaghanagh,Dungannon,Tyrone,BT71 7JN,  
 The Owner/Occupier,  
 20 Mullaghanagh Road,Mullaghanagh,Mullaghanagh,Dungannon,Tyrone,BT71 7AY,  
 The Owner/Occupier,  
 21 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 21 Lower Parklands,Mullaghanagh,Dungannon,Tyrone,BT71 7JN,  
 The Owner/Occupier,  
 22 Lower Parklands,Mullaghanagh,Dungannon,Tyrone,BT71 7JN,  
 The Owner/Occupier,  
 22 Mullaghanagh Road,Mullaghanagh,Mullaghanagh,Dungannon,Tyrone,BT71 7AY,  
 The Owner/Occupier,  
 23 Lower Parklands Mullaghanagh Dungannon  
 The Owner/Occupier,  
 24 Mullaghanagh Road,Mullaghanagh,Mullaghanagh,Dungannon,Tyrone,BT71 7AY,  
 The Owner/Occupier,  
 3 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 5 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 7 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 9 Ardglena, Dungannon, Co Tyrone  
 The Owner/Occupier,  
 Armagh And South Tyrone Integrated College, Old Eglish Road, Dungannon  
 The Owner/Occupier,

Windmill Integrated Primary School, Old Eglish Road, Dungannon Denise Corbett	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  <p>Ref ID: M/2014/0299/F          Proposal: Proposed community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area          Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,          Decision:          Decision Date:</p> <p>Ref ID: M/1979/0070          Proposal: 11 KV O/H LINE, 33 KV O/H LINE          Address: GRANVILLE, LISNAHULL, MULLAGHANAGH, DUNGANNON          Decision:          Decision Date:</p> <p>Ref ID: M/1977/0072          Proposal: 33 KV LINE          Address: MULLAGHANAGH, DUNGANNON          Decision:          Decision Date:</p> <p>Ref ID: M/1999/1145/F          Proposal: Spectator shelter to side of playing fields          Address: Playing Fields Mullaghanagh Road Dungannon          Decision:          Decision Date: 06.03.2000</p> <p>Ref ID: M/1978/0776          Proposal: 11KV O/H LINE ALTERATIONS          Address: MULLAGHHANAGH, DUNGANNON          Decision:          Decision Date:</p>	

Ref ID: M/1998/0631

Proposal: Provision of new clubhouse, changing rooms and relaid pitch including floodlighting and fencing

Address: PLAYING FIELD AT MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/032302

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON AREA OUTLINED IN GREEN

Decision:

Decision Date:

Ref ID: M/1975/032301

Proposal: PRIVATE HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/056601

Proposal: GRASS PITCH, ALL WEATHER PITCH, PLAY PARK, ENTRANCE, CAR PARK

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/0323

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON (SITE OUTLINED IN RED)

Decision:

Decision Date:

Ref ID: LA09/2015/0959/F

Proposal: Proposed retention of extended covered stands (spectators) at existing 3G pitch for parents

Address: Dungannon United Youth, Black Lane, Dungannon,

Decision:

Decision Date:

Ref ID: M/1976/0566

Proposal: PLAYING FIELDS, PLAY AREA, CAR PARK AND PAVILION

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
<p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:







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

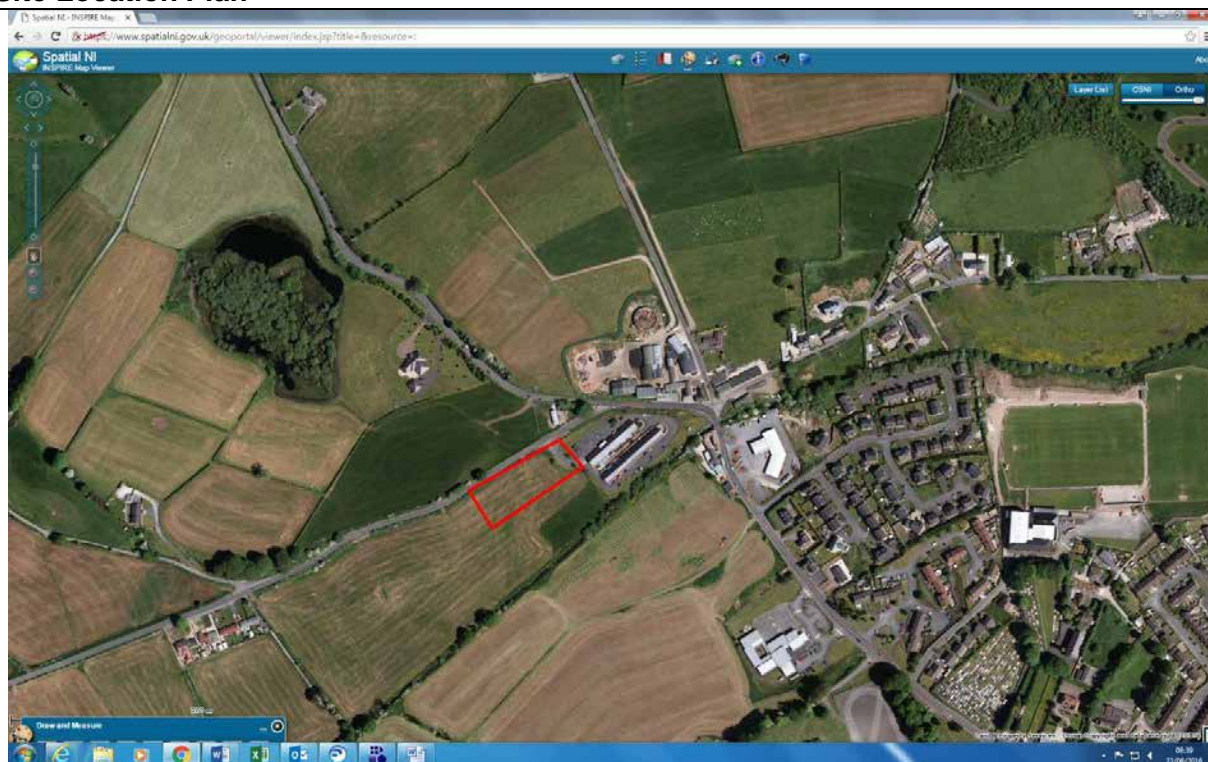
## Development Management Officer Report

### Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/1214/O	<b>Target Date:</b> 18/3/16
<b>Proposal:</b> Proposed extension of the existing business park to facilitate the establishment of a new agri food hub	<b>Location:</b> Lands immediately West of the Torrent Valley Business Park Gortnagola Road Donaghmore
<b>Referral Route:</b>  Policy Consideration.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Torrent Valley Initiative Ltd Unit 14 Torrent Valley Business Park Gortnagola Road Donaghmore BT70 3BF	<b>Agent Name and Address:</b> McKeown and Shields 112 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Enniskillen Office	Advice
Statutory	NI Transport - Enniskillen Office	Advice
Statutory	NIEA	Content
Statutory	Rivers Agency	Advice
Statutory	Rivers Agency	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

#### Details of the Proposal:

Proposed extension to existing business park in compliance with Planning Policy Statement 4: Planning and Economic Development.

#### Characteristics of the Site and Area

The site is located approximately one half of a mile north west of Donaghmore Centre. The site is mainly in agricultural use with the north eastern part of the site providing access to the existing Torrent Valley Business Park as well as proposed access to the development. The majority of the site lies within the countryside. The site is generally flat and sits slightly below the level of Gortnagola Road, which defines to north western boundary. The north eastern boundary is partly defined by the existing business Park boundary of post and rail fencing. The south western and south eastern boundaries of the site are undefined within the larger field. The area is generally rural with farm buildings and detached dwellings, mainly to the north and east. To the south and west is the outer edge of the settlement limit of Donaghmore with commercial and residential development close by.

### **Relevant Site Histories:**

No site history. Previously planning permission has been granted for

M/2012/0352/F: Proposed industrial unit and welfare building 'Enovate' to provide facilities to promote and develop engineering skills and for the manufacture of general engineering related products. Granted 5/12/12.

M/2013/0248/F: Proposed doctors surgery. Granted 20/8/13.

M/1999/1035/F: Rural business centre comprising approximately 1115 sq metres of speculative light industrial and information technology based space in two single storey buildings. Granted 24/5/00.

These permissions were on adjacent site of Torrent Valley Business Park.

### **Representations:**

No representations received from press notice or neighbourhood notification. Consultation with Transportni, Rivers Agency or Northern Ireland Environment Agency has raised no concerns.

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

The majority of the site is located within the open countryside as defined by the Dungannon Area Plan 2010 (DAP) where Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside applies. Policy CTY1 identifies acceptance of non-residential development, for industrial and business uses which accord with Planning Policy Statement 4 (PPS 4): Planning and Economic Development and in particular policies PED 2, 6 and 9. Policy PED 2: Economic Development in the Countryside allows for proposals for economic development uses in the countryside in accordance with the provisions of specific policies including Small Rural Projects – Policy PED 6.

Policy PED 6 allows for small rural projects providing that the proposals are firm and certain criteria is fulfilled. It is my opinion that this proposal has demonstrated firm proposals, that there is no suitable site within the settlement in that it is an extension to the existing business park, albeit outside that limit of development.; information has been presented to show that the proposal would benefit the local economy or contribute to community regeneration; the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl. In order to comply with policy a hierarchy of criteria is considered for suitable site selection, the proposed location fulfils the first order preference in that the land is adjacent to the existing settlement limit.

Policy PED 6 allows for small rural projects providing that the proposals are firm and certain criteria is fulfilled. It is my opinion that this proposal demonstrates firm proposals, which is an extension to the existing business park, albeit outside that limit of development.. Information has been presented to show that the proposal would benefit the local economy and contribute to community regeneration. The applicant has argued there are no suitable sites inside the settlement limit which offer the benefits of being next to the existing enterprise centre. Whilst it is unclear whether alternative land could be found in Donaghmore, Invest NI have confirmed that there is a shortage of publicly provided serviced sites in the Dungannon area. The development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl. In order to comply with policy a hierarchy of criteria is considered for suitable site selection, the proposed location fulfils the first order preference in that the land is adjacent to the existing settlement limit.

In addition to Policy PED 6 there is a requirement to comply with Policy PED 9: General Criteria for Economic Development. It is my opinion that the proposal is compatible with surrounding land uses; it will not harm the amenities of nearby residents; there is no evidence that the proposal will adversely affect features of the natural or built heritage; it is not located in an area at flood risk and will not cause or exacerbate flooding; it will not create a noise nuisance; it is capable of dealing satisfactorily with any emission or effluent; 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; adequate access arrangements, parking and manoeuvring areas can be provided by condition; a movement pattern can be 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 and satisfactory measures to assist integration into the landscape can be provided by condition. As the proposal is for an extension to the existing business park policy PED 9 is considered sufficient for assessment however this development being outside the limit of development requires additional scrutiny, thus the above assessment.

#### **Other Policy and Material Considerations:**

The proposal is for an Agri food hub which is located close to the existing management structure, located at the existing neighbouring business park. The proposed food hub is to accommodate test kitchens, research and development space for consumer trials, distribution units, meeting room space and plug and play farmers market. In my opinion the food hub will bring together farmers, researchers, distributors, and retailers which will aid productivity and allow for the research within the food chain to add potential and increased productivity with in the Agri industry. In my opinion the proposal could be accommodated on this site without resulting in a loss of neighbouring amenity or deterioration of highway safety, no other issues have been identified. This application being for outline permission does not provide details of design, materials and layout. These can in my opinion be controlled by condition to ensure no negative impact on the surrounding area.

**Neighbour Notification Checked**

**Yes**

#### **Recommendation:**

I recommend that outline planning permission is granted with conditions.

**Conditions:**

- As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Mid Ulster Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

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

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

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

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

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

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

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

- The site shall be used only for Agri food hub use only and for no other purpose in Use Class A1 (a), B1(c) and B2 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

- The height of the proposed building(s) shall not exceed the height of the buildings within the existing Torrent valley Business Park.

Reason: To ensure that the development is not prominent and satisfactorily integrates into the landscape.

- During the first available planting season after the occupation of the building(s) for its permitted use, trees and hedging shall be planted along the boundary coloured yellow on the attached drawing no 01 dated received 4<sup>th</sup> December 2015 in accordance with a scheme submitted to and approved by the Mid Ulster Council.

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

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

Reason: To ensure the development integrates into the countryside.

- 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.

- At Reserved Matters Stage parking and servicing shall be in accordance with the requirements of the Department's current published Parking Standards.

Reason: To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

**Informatives:**

- 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.
- **Rivers Agency Comments:**

Rivers Agency, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Agency cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

The developer should be aware that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors (refer to section 5.1 of PPS 15).

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

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

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency.

Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

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

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

Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

- **Transportni Informative:**

It is a DRD Transport NI requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	4th December 2015
<b>Date First Advertised</b>	14th December 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/2012/0352/F Proposal: Proposed industrial unit and welfare building 'Enovate' to provide facilities to promote and develop engineering skills and for the manufacture of general engineering related products Address: Lands adjacent to and immediately South of The Torrent Valley Business Park, Gortnagola Road, Donaghmore, Decision: PG Decision Date: 06.12.2012  Ref ID: M/2013/0248/F Proposal: Proposed doctors surgery Address: Torrent Valley Business Park, Gortnagola Road, Donaghmore, Decision: PG Decision Date: 23.08.2013  Ref ID: M/1999/1035/F Proposal: Rural business centre comprising approximately 1115 sq metres of speculative light industrial and information technology based space in two single storey buildings Address: Site adjacent to 20 Pomeroy Road Donaghmore Decision: Decision Date: 24.05.2000	

<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: N/A Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0358/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed farm shed	<b>Location:</b> 99m South East of 209 Mayogall Road Clady BT44 8NN
<b>Referral Route:</b> Approval recommended – exception to policy	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Kevin McCann 209 Mayogall Road Clady BT44 8NN	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b>	
<p><b>Characteristics of the Site and Area</b></p> <p>The proposal site is currently a large agricultural field accessed via an existing long lane off Mayogall Road. The access lane also serves several dwellings.</p> <p>The applicant lives at No 209 Mayogall Road, a detached 2 storey dwelling. The proposal site is surrounded by agricultural land and there are no views from the public road. The site is bounded on the northern side by a post and wire fence and on the remaining three sides by a post and wire fence and modest agricultural hedge. There are no other neighbouring agricultural buildings.</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 21 - Sustainable development in the countryside.</p> <p>No neighbours were considered necessary to be notified of the proposal. In line with legislation the proposal was advertised in several local press publications during March 2016, no objections have been received to date.</p> <p>Consultees: - Dardni were asked to comment in order to ascertain if the farm business had been established for over 6 years and if the farm business was active - they responded on 07.04.2016 answering no to both queries. Transportni were asked to comment and responded on 22.04.2016 with no objections subject to conditions. Magherafelt Environmental Health were asked to comment and responded on 13.04.2016 with no objections. NI Water were asked to comment and responded on 07.04.2016 with no objections.</p> <p>According to CTY 12 of PPS21 planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that:</p> <p>a) it is necessary for the efficient use of the agricultural holding or forestry enterprise; - this point has not been demonstrated or referred to in this proposal.</p> <p>b) in terms of character and scale it is appropriate to its location - the proposed building has a floor space of approx. 164m<sup>2</sup> and a ridge height of approx. 6.2metres, the finishes and design proposed are acceptable in the proposed location.</p> <p>c) it visually integrates into the local landscape and additional landscaping is provided as necessary; - the proposed building would visually integrate into the surrounding landscape.</p> <p>d) it will not have an adverse impact on the natural or built heritage; - no impact considered as potential</p>	

e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution - there are no neighbouring properties.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used; - this is the first building on the farm holding
- the design and materials to be used are sympathetic to the locality and adjacent buildings; - the proposed design and materials are of a typically agricultural design
- the proposal is sited beside existing farm or forestry buildings; - this is the first building on the farm holding.

For the purposes of this policy the determining criteria for an active and established business is through consultation with DARD with a farm business id number demonstrating that the farm business is active and has been established for over 6 years. A farm business id was supplied however DARD responded on 07.04.2016 stating that the farm business is not considered to be active and has not been established for over 6 years. Further information was then submitted by the applicant demonstrating when the farm land was purchased and that the land has been maintained throughout. Although this is not the typical fashion of demonstrating the activity of a farm business it is felt that this is an exceptional case and the applicant has been able to demonstrate the land has been actively farmed and maintained, not necessarily by himself but definitely has been done so by others in a continuous fashion.

In addition it is necessary to consider the proposal against the criteria of CTY 13 of PPS21 where it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is my consideration that the proposed building would be visually acceptable in the proposed location in terms of its design and scale and would not be a prominent feature in the surrounding landscape, the proposed site although doesn't have long established strong boundaries due to its location and the surrounding landscape the site would be satisfactorily integrated and is proposing to use an existing access. The proposed building is not of a large size and for the number of animals the applicant has this proposed size appears appropriate. The finishes are of an agricultural nature.

Finally this proposal should be considered against the criteria set out in CTY 14 of PPS21 whereby it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. It is my consideration that this proposal would not cause a detrimental change to the character of the surrounding area or erode the rural character as it is rural in nature and design and of an acceptable scale.

It is worth mentioning that this particular case is exceptional and that this consideration and subsequent decision should not set any precedence and is based on the particular circumstances of this date only.

Recommendation: Approval

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval

Conditions:

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

Reason: Time Limit.

2. The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with Drawing No. 02 bearing the date stamp 15th March 2016, prior to the commencement of any other works or other development hereby permitted.

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

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 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.

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. All services within the development should be laid underground.  
None of the buildings hereby permitted should be occupied until the (sewage works/drainage) works have been completed in accordance with the submitted plans.  
None of the buildings 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.

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

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

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

8. It is the responsibility of the developer to ensure that:

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

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	15th March 2016
<b>Date First Advertised</b>	31st March 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: H/2010/0361/F Proposal: Erection of 1 No. 100KW Wind Turbine with a hub height of 32m Address: 100m South of 209 Mayogall Road, Clady Decision: Decision Date: 18.07.2011  Ref ID: H/1984/0199 Proposal: SITE OF BUNGALOW Address: OFF MOYAGALL ROAD, MONEYSTAGHAN-ELLIS, PORTGLENONE Decision: Decision Date:  Ref ID: H/1999/4013 Proposal: EXTENSION & REPLACEMENT ROOF Address: 207 MAYOGALL ROAD PORTGLENONE Decision: Decision Date:  Ref ID: H/2004/1396/O Proposal: Site of dwelling Address: Site to rear of 205a Mayogall Road, Clady, Portglenone BT44 8NN Decision: Decision Date: 23.11.2005	

Ref ID: H/1978/0163  
Proposal: ALTERATIONS AND ADDITIONS TO DWELLING  
Address: 205 MAYOGALL ROAD, CLADY, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/2005/0977/F  
Proposal: Proposed replacement dwelling.  
Address: 205A Mayogall Road, Clady, Portglenone.  
Decision:  
Decision Date: 06.04.2006

Ref ID: H/1991/0068  
Proposal: SITE OF DWELLING  
Address: ADJACENT TO 207 MAYOGALL ROAD PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/2006/0667/F  
Proposal: Replacement dwelling and garage  
Address: Adjacent 209 Lower Town, Mayogall Road, Clady  
Decision:  
Decision Date: 27.11.2006

Ref ID: H/2011/0369/F  
Proposal: Proposed change of house type and reorientation of previously approved dwelling with detached garage  
Address: Adjacent to 209 Lower Town, Mayogall Road, Clady, Portglenone,  
Decision:  
Decision Date: 16.08.2011

Ref ID: H/2008/0308/F  
Proposal: Proposed replacement dwelling with attached granny flat and garage  
Address: 205 Mayogall Road, Portglenone  
Decision:  
Decision Date: 23.12.2008

Ref ID: H/2007/0410/F  
Proposal: Replacement dwelling and garage.  
Address: 209 Mayogall Road, Clady  
Decision:  
Decision Date: 11.07.2008

Ref ID: H/2004/1383/O

Proposal: Site of dwelling and garage.

Address: 30m south of 205a Mayogall Road

Decision:

Decision Date: 21.06.2005

Ref ID: H/1988/0124

Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW

Address: 203 MAYOGALL ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: LA09/2015/0180/LDE

Proposal: Proposed Retention of Existing Dwelling.

Address: 205b Mayogall Road, Clady, Portglenone.,

Decision: PG

Decision Date:

Ref ID: H/2012/0460/F

Proposal: Proposed alteration and extension to include additional bedroom, kitchen/dining area and storage space (gran annex) and increased curtilage

Address: 203 Mayogall Road, Portglenone,BT44 8NN,

Decision: PG

Decision Date: 29.03.2013

Ref ID: H/2012/0411/F

Proposal: Erection of 1No. 50Kw wind turbine with hub height of 31m

Address: 100m South of 209 Mayogall Road,Clady,BT44 8NN,

Decision: PG

Decision Date: 29.08.2013

Ref ID: LA09/2016/0358/F

Proposal: Proposed farm shed

Address: 99m South East of 209 Mayogall Road, Clady, BT44 8NN,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 02  
Type: Proposed Plans  
Status: Submitted

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

Drawing No. 03  
Type: Proposed Elevations  
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> LA09/2016/0507/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed replacement of derelict / redundant dwelling	<b>Location:</b> Adjacent to 76 Moor Road Coalisland
<b>Referral Route: Recommendation to Refuse</b>	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Mr Patrick O'Neill 76 Moor Road Coalisland BT71 4QD	<b>Agent Name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
<b>Case Officer: Paul McClean</b>	

## Case Officer Report

### Site Location Plan



**Date of Site Visit: 25/04/2016**

**Neighbour Notification Checked: Yes**

### Representations:

Letters of Objection

None Received

### Summary of Issues

### Characteristics of the Site and Area

#### Description of Proposal

This is an outline planning application for a replacement dwelling in the countryside.

#### Characteristics of Site and Area

The site is located approx. 1.3km east of Coalisland, with access from Moor Road. The site is located adjacent and north of No. 76 Moor Road, which is a 2 storey farm dwelling accessed via an existing laneway and set back 80 metres from the public road, with gable end onto road, on a well matured tree lined elevated site. The northern portion of the site forms part of a larger field which is elevated and open to Moor Road. Dissecting the site in half is part of the existing curtilage boundary to No 76 Moor Road, and is defined by hedging and fencing. There are 2 buildings sited on the southern half of the site, the larger corrugated buildings is used for agricultural/domestic store purposes, the smaller building for domestic storage. This small building is the subject of this application for replacement and measures approx. 4m by 5m, with a corrugated roof, two door openings to the front elevation and a single glazed window opening. The site is proposed to be accessed via a new access point that will run adjacent, north and parallel to the access point and existing curtilage of No 76. The NW and NE boundaries are not defined and open to a larger field. The SW boundaries are defined by hedging with some trees.

The area is rural in character and is defined by dispersed single dwellings and farm holdings. Land is used mostly for agricultural purposes.

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

### **Area Plan**

Dungannon and South Tyrone Area Plan 2010: The site is located in old greenbelt policy area which has now been superseded by the policy provisions of PPS21 and SPPS.

### **Planning History**

There is no relevant planning history to consider.

### **Key Planning Policy and Consideration**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Policy CTY3 Replacement Dwellings. There is no conflict between Policy CTY3 of PPS21 and SPPS.

CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. When assessing this structure on my site visit it is clear that all 4 external walls are intact and the roof in place. Inside one of the rooms there was evidence of a chimney breast and fireplace, however this looked freshly plastered and there is no evidence of any external chimney stacks. The building is also very restricted in size with no internal link between the 2 rooms of the buildings. Some of the walls appear to be newly built up with block and externally plastered. When discussing the merits of the building for replacement at an internal group meeting it was decided, due to the modest size of the structure, to ask the applicant/agent for evidence that the building was used as a dwelling in the past. On 26th May 2016 the applicant provided an aerial photograph of the site, which indicates the existing 2 storey dwelling No. 76 Moor Road, behind which is a single storey dwelling with attached outhouse/shed. From the photographic evidence, it is clear that the bulk of the single storey dwelling has now been demolished and removed from the site, and what remains was an attached store/outhouse which was ancillary to the main dwelling. From this, and from discussion with senior colleagues including Melvin Bowman (PPTO), I am of the opinion that the building to be replaced was never a dwelling, only part of a dwelling, and does not exhibit the essential characteristics of a dwelling as the dwelling has been demolished as demonstrated by the photograph.

In all replacement cases proposals for a replacement dwelling will only be permitted where all policy criteria listed in CTY3 can be met.

The first criteria to be met is that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restrictive 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 agent/applicant has indicated the preferred location of the proposed dwelling on drawing No. 01 date received 13th April 2016. This siting is located outside the existing curtilage. It is clear that the existing site is very restrictive given the existing dwelling and ancillary storage buildings on site. In my view the alternative siting is required to accommodate a modest sized dwelling that will not have a detrimental impact on the private residential amenity of the existing 2 storey dwelling on site. If a dwelling were to be replaced within the existing curtilage there would be significant detrimental impacts on the residential amenity of No 76 through overlooking and its proximity to an existing property.

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. While travelling along parts of Moor Road, the top half of one gable and a small section of the roof of the building to be replaced can be viewed, but is not clearly visible and only through actively seeking it as the building falls between 2 more dominant structures, the existing 2 storey dwelling and corrugated shed. The proposed siting of the replacement dwelling will be more visible and prominent in the landscape than the structure that will be replaced. However, a single storey structure will be set back off the crest of an existing hill, and will have the benefit of a backdrop of an existing shed, and will group with an existing group of buildings in the landscape and in my view will integrate into the landscape. On balance, given the restricted nature of the existing curtilage for siting a dwelling I am of the view that, while the visual impact of the proposal will be significantly greater than the current building, it will integrate into the landscape and its new siting will not cause any detrimental residential or visual amenity impacts. Should committee approve this proposal, I recommend that a 5.5m ridge height restriction be imposed along with a footprint area of 140 m<sup>2</sup> so as to limit the size and scale of the proposed dwelling in the landscape.

The third criteria to be met in all replacement cases is that the design should be of a high quality appropriate to its rural setting and have regard to its local distinctiveness. This is an outline planning application and design can be controlled at Reserved Matter stage should permission be granted. An informative advising about the current rural design guide can be attached to any permission should the Committee decide to approve.

All services can be provided without significant adverse impact on the environment or character of the locality. No issues have been raised for me to be concerned about the provision of electricity and water to the site, or, the treatment of sewerage through a septic treatment tank. The septic treatment tank will require separate agreement from NIEA and this can be covered through planning informative.

Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. Transport NI were consulted on this proposal and advise that they have no objections subject to sight splays of 2.4m by 120m in both directions. As the building to be replaced is not a dwelling and a new access onto the public road is being created it is my view that it is reasonable to apply a sight splay condition in this instance of 2.4m by 120m in both directions.

### **Other Considerations**

The site is not subject to flooding.

The site is located on land that may be impacted by abandoned mines, as indicated on hazards/constraints map on Uniform. On consultation with Geological Survey for Northern Ireland no issues with respect to land stability were raised. An informative can be attached advising that the developer should take this into account when developing the site, should permission be granted.

The site is located within the consultation zone of a historic monument TYR 047:016. On consultation with NIEA Historic Environment Division they have no objections with this proposal. There are no land contamination or human health issues to consider.

No 3rd party planning objections have been received.



There was no evidence of nesting or roosting birds or bats on my site visit, and should permission be granted an informative will be attached to make the developer aware that it is an offence to disturb, injure or kill any roosting bat or protected nesting bird.

**Summary of Recommendation:**

That planning permission be refused for the following reason.

**Refusal Reasons**

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced was never used as a dwelling and does not exhibit the essential characteristics of a dwelling and all external structural walls are not substantially intact.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	13th April 2016
<b>Date First Advertised</b>	28th April 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 69 Moor Road, Magheramulkenny, Coalisland, Tyrone, BT71 4QD, The Owner/Occupier, 76 Moor Road Dernagh Coalisland	
<b>Date of Last Neighbour Notification</b>	21st April 2016



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## Development Management Officer Report

### Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 <sup>th</sup> July 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0602/O	<b>Target Date:</b> 10 <sup>th</sup> August 2016
<b>Proposal:</b> Proposed dwelling on a farm	<b>Location:</b> 43 Eglish Road Dungannon
<b>Referral Route:</b> Application is recommended for Refusal	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Steven Hughes 13 Orpheus Drive Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b> Proposal fails to comply with CTY 1 and CTY 10 of PPS 21	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

No representations have been received.

### Characteristics of the Site and Area

The application site is a 0.74 hectare plot of land cut out of a larger agricultural field opposite number 42 Eglis Road. It is outside the development limit of any settlement in the Dungannon and South Tyrone Area Plan 2010. The Roadside boundary with the Eglis Road is void of any established vegetation and is defined by a wire and post fence. Access to the site is along this boundary and a hard core access has already been constructed. This access is also defined by a wire and post fence and some potted trees have also placed along it ready for planting. The North West boundary of the site is partly defined by a wire and post fence and partly defined by a band of semi mature trees. The Western boundary is irregular in shape and is defined by a wire and post fence. The Southern boundary is undefined on the ground. The site rises quite steeply from the level of the public road. Adjacent to the Western boundary of the site is a bungalow and

outbuilding. This is outside the applicants ownership. There is one small outbuilding just North of this bungalow which is shown to be in the applicants control.

This area is generally rural in character and has a gently undulating topography. There is a bungalow and two outbuildings (one in the applicants ownership) immediately adjacent and West of the site. There are detached dwellings to the North and East of the site and there is a factory to the NE of the site.

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

Outline approval is sought for a dwelling on a farm. An access to the site has recently been constructed. An outline application for a farm dwelling on this site was previously submitted to the DOE under M/2013/0201/O and was subsequently withdrawn.

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining landowners were consulted by letter. No representations have been received.

The relevant policy considerations are CTY 1 (Development in the Countryside) and CTY 10 (Farm Dwellings) of Planning Policy Statement 21. The recently adopted Strategic Planning Policy Statement (SPPS) also contains Regional Strategic Policy for Residential Development in the Countryside which includes provision for Farm Dwellings. This SPPS policy does not introduce any change in policy direction with regards to Replacement Dwellings. The site is outside any settlement and area of constraint defined in the Dungannon and South Tyrone Area Plan 2015 (DSTAP 2015).

CTY 10 of PPS 21

The policy states that planning permission will be granted for a dwelling on a farm where certain criteria are met;

*The farm business is currently active and established for at least 6 years.*

DARDNI have stated that the business ID provided has not been in existence for the required 6 year period and the business has not claimed SFP or LFACA in the past 6 years. They have confirmed that a Flock Number was issued on the 24/6/14 but they have no records of any sheep having moved into this flock. The applicant has submitted evidence by way of receipts/invoices in order to demonstrate an active and established farm business. Having examined this documentation I am not convinced that this is the case. The receipts for products are not site specific. The NIW bills which are site specific do not indicate to me that there is an active and established farm business at that address – only that the bill is for non-domestic use. On the basis of the evidence submitted to date I am of the opinion that this criteria of CTY 10 has not been met.

*No dwellings/development opportunities have been sold off the holding within 10 years of the date of application.*

I have carried out a planning history search of the applicants holding and there are no development opportunities that have been sold off.

*The new building is visually linked or sited to cluster with an established group of buildings on the farm.*

The applicant is showing on his site location plan that there is only one outbuilding on his holding. CTY 10 clearly states that a new building must visually link/cluster with an established group of buildings on the holding. In this regard, the proposal fails to meet this criteria. Furthermore, it is my opinion that a dwelling in the preferred location will not cluster with individual building, nor will

it visually link with this building when viewed from the Eglish Road. It is proposed to access the site via a new access (already constructed) coming off the Eglish Road. The applicant has stated that the existing laneway to the NW of the site cannot be utilised as it crosses 3<sup>rd</sup> party property and due to poor visibility with the public road. CTY 10 advises that an existing access should be used where practicable. I am of the opinion that acceptable reasons for using an alternative access have been provided.

On the basis of the above assessment it is my determination that the proposal as it stands fails to comply with CTY10 in that it has not been demonstrated that the applicant has an active and established farm business and a dwelling on the proposed site fails to visually link or cluster with an established group of buildings on the holding.

CTY 13, CTY 14 and CTY 16 of PPS 21 are also policy considerations. A dwelling in the preferred location will read with a third party dwelling (number 35) when travelling North along the Eglish Road. There is small grouping of semi mature trees in the Northern portion of the site which will provide some integration. New planting will be required to further aid integration. The dwelling is proposed to be sited at the lowest portion of the site and as such will not be overly prominent if conditioned with a 5.5m ridge height. The trees along the NW boundary will form a good backdrop also. The P1 form indicates that foul sewage will be disposed of via a septic tank. On the basis of this assessment I am content that the proposal complies with CTY 13, 14 and 16 of PPS21.

### Conclusion

Members are advised that the proposal as submitted is contrary to CTY 1 of PPS21 which is the overarching policy for development in the Countryside. It is also contrary to CTY 10 of PPS21 in that it has not been demonstrated that the applicant has an active and established farm business, nor will the dwelling be visually linked or sited to cluster with an established group of buildings on the holding. It is therefore recommended that consent is refused.

### Reasons for refusal

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

The proposal is also contrary to criteria (c) of CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on the proposed site fails to visually link or cluster with an established group of buildings on the farm.

### Neighbour Notification Checked

**Yes**

**Summary of Recommendation:** Proposal fails to comply with CTY 1 and CTY 10 of PPS21

### Reasons for Refusal:

#### Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

2.The proposal is contrary to criteria (c) of CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on the proposed site fails to visually link or cluster with an established group of buildings on the farm.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	27th April 2016
<b>Date First Advertised</b>	12th May 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 35 Eglish Road Mulboy Dungannon The Owner/Occupier, 37 Eglish Road, Mulboy, Dungannon, Tyrone, BT70 1LA, The Owner/Occupier, 40 Eglish Road Drumgormal Dungannon The Owner/Occupier, 42 Eglish Road Drumgormal Dungannon The Owner/Occupier, 49 Eglish Road Mulboy Dungannon	
<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: M/1986/0489 Proposal: DWELLING Address: EGLISH ROAD, MULBOY, DUNGANNON Decision: Decision Date:  Ref ID: M/1986/0490 Proposal: DWELLING Address: EGLISH ROAD, MULBOY, DUNGANNON Decision: Decision Date:  Ref ID: M/2000/0387/F Proposal: 11KV OH single phase line Address: Eglish Road Mulboy Dungannon Decision: Decision Date: 15.05.2000	



Ref ID: M/2000/0307/A41  
Proposal: Alterations to dwelling  
Address: Eglish Road, Mulboy, Dungannon  
Decision:  
Decision Date:

Ref ID: M/1983/0464  
Proposal: REPLACEMENT DWELLING  
Address: MULBOY, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1983/046401  
Proposal: REPLACEMENT DWELLING  
Address: MULBOY, DUNGANNON, CO TYRONE  
Decision:  
Decision Date:

Ref ID: M/2013/0201/O  
Proposal: Proposed dwelling on a farm  
Address: Opposite 42 Eglish Road Dungannon,  
Decision: WITHDR  
Decision Date: 12.05.2014

Ref ID: LA09/2016/0602/O  
Proposal: Proposed dwelling on a farm  
Address: 43 Eglish Road, Dungannon,  
Decision:  
Decision Date:

Ref ID: LA09/2015/1269/PAD  
Proposal: Dwelling on a farm  
Address: Opposite 42 Eglish Road Dungannon,  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. 03  
Type: Farm Boundary Map  
Status: Submitted

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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> LA09/2016/0619/F	<b>Target Date:</b>
<b>Proposal:</b> Single storey rear extension	<b>Location:</b> 24 Abbeyvale Ardboe Dungannon
<b>Referral Route:</b> Applicant is a council employee.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Karla McKinless 24 Abbeyvale Ardboe Dungannon BT71 5BZ	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues

none

## Characteristics of the Site and Area

The site is located at no.24 Abbeyvale, Ardboe. Currently contained within the site is a semi-detached two storey dwelling finished in a red brick and painted wet dash render, white uPVC windows with a profiled concrete tile roof. The dwelling is located near the rear of the cul-de-sac of approx 60 dwellings. To the front of the dwelling is a small area of flat garden and a tarmac driveway which serves a detached shed/garage - the boundaries to the front are undefined whilst the boundaries to the side and separating the front/rear gardens are defined by a close board timber fence. To the rear of the dwelling is a small flat garden, and a stoned area- the rear boundary is defined by a 1.8m high timber fence, with a row of mature trees further to the rear. The proposed sunroom extension will be situated to the rear of the dwelling.

The surrounding area is urban in character. The dwelling is located in a low density housing development of 25 units, all houses are of the same age and similar design and character. The dwelling is situated within the development limits of Ardboe as designated in the Cookstown Area Plan 2010.

The proposal consists of the erection of a single storey extension to the rear of the dwelling to provide a sunroom.

## Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles

PPS 3 Access, Movement and Parking

Addendum to PPS 7- Residential Extensions and Alterations.

Building on tradition: A sustainable design guide for the Northern Ireland countryside

Cookstown Area Plan 2010

Site History

There is no relevant site history.

The application is seeking planning consent for the erection of a single storey gable extension and as such the proposal must be assessed in accordance with the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations.

It is considered that Policy EXT1 of this statement is relevant to this proposal. Policy permits development where the following criteria are met:

- The scale, massing, design & materials are sympathetic with the built form and area,
- The proposal does not unduly affect privacy or amenity,
- The proposal will not cause unacceptable loss or damage to the environment,
- Where sufficient space remains within the curtilage of the property for recreational purposes.

The proposal is for a small single storey extension to the rear of the property. As the extension is minimal, it is considered to be subordinate to the existing dwelling.

In addition to this the proposed extension would generally match the proportions and materials of the dwelling.

It is also considered that there is little impact on the character or appearance of the surrounding area.

It is considered that the size and scale of the extension would ensure that there would be no overlooking or infringement upon the privacy of the neighbouring dwelling.

Furthermore it is considered that there is sufficient amenity space remaining for the dwelling and shall thus not have a detrimental impact on the residential amenity of this or of neighbouring dwellings.

The proposal is therefore acceptable in terms of scale and design, should not cause overlooking or overshadowing or have adverse impact on the adjoining properties

The application was advertised on 19th May 2016 and Neighbour Notifications were also issued on 12th May 2016, however there were no representations received in respect to this application.

Recommendation Approval.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

The proposal is for a small single storey extension to the rear of the property, it is acceptable in terms of scale and design, should not cause overlooking or overshadowing or have adverse impact on the adjoining properties

#### Conditions

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

Reason: Time Limit.

2. The roof tiles of the proposed extension should match that of the existing dwelling and all external walls of the proposed extension shall be smooth render.

Reason; In the interests of visual amenity.

3. No window openings or extraction outlets shall be created on the Western elevation of the proposed extension.

Reason; In the interests of neighbouring 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>	5th March 2016
<b>Date First Advertised</b>	19th May 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 23 Abbeyvale Killygonlan Ardboe The Owner/Occupier, 24 Abbeyvale, Killygonlan, Ardboe, Dungannon, Tyrone, BT71 5BZ, The Owner/Occupier, 25 Abbeyvale Killygonlan Ardboe The Owner/Occupier, 33 Abbeyvale, Killygonlan, Ardboe, Dungannon, Tyrone, BT71 5BZ,	
<b>Date of Last Neighbour Notification</b>	12th May 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: I/1976/0400 Proposal: PUBLIC AUTHORITY HOUSING Address: KILLYGONLAN, ARDBOE Decision: Decision Date:  Ref ID: I/1976/040001 Proposal: PUBLIC AUTHORITY HOUSING Address: ARDBOE, KILLYGONLAN Decision: Decision Date:  Ref ID: I/1999/0194 Proposal: Erection of 6 no. dwellings Address: SITES 25-28 AND 39-40 MULLANHOE ROAD ARDBOE Decision: Decision Date:  Ref ID: I/1999/0645/F Proposal: Erection of 9 No Dwellings	



Address: Site Nos 29 - 37 Mullinahoe Road Ardboe Co Tyrone

Decision:

Decision Date: 30.10.2000

Ref ID: LA09/2016/0619/F

Proposal: Single storey rear extension

Address: 24 Abbeyvale, Ardboe, Dungannon,

Decision:

Decision Date:

### **Summary of Consultee Responses**

No consultations were necessary.

### **Drawing Numbers and Title**

Drawing No. 02

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:



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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0631/F	<b>Target Date:</b>
<b>Proposal:</b> Remove or vary condition No.3 of Planning Approval M/2013/0578/F	<b>Location:</b> Lands approx. 113m North East of 8 Derryvale Road Coalisland
<b>Referral Route:</b> <ul style="list-style-type: none"> <li>• Recommendation to refuse</li> <li>• 3<sup>rd</sup> Party Planning Objections</li> </ul>	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Mr Pat O'Neill 43 Summerisland Road Clonmain Armagh	<b>Agent Name and Address:</b> CMI Planners Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
<b>Case Officer: Paul McClean</b>	

## Case Officer Report

### Site Location Plan



**Date of site visit:** 25th April 2016

**Neighbour Notification Checked:** Yes

Letters of Objection

3

Description of proposal

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

M/2013/0578/F granted permission for a proposed industrial/light industrial shed to be built on site of approved equestrian shed to include relocation of roadside industrial fencing, granted 11th December 2014.

Condition number 3 reads;

No external storage of raw materials or finished goods shall be permitted within the site as identified in red on drawing 01 bearing the date stamp 11-DEC-2013.

Reason: In the interests of visual amenity

### Planning Assessment of Policy and Other Material Considerations

In this case Mid Ulster Council must consider only the question of the condition subject to which planning permission was granted under Planning Act (Northern Ireland) 2011, Section 54.

The applicant has applied to vary condition No 3 of M/2013/0578/F.

Condition 3: No external storage of raw materials or finished goods shall be permitted within the site as identified in red on drawing 01 bearing the date stamp 11-DEC-2013.

Reason: In the interests of visual amenity.

As the reason for this condition is to protect visual amenity it is a matter to assess the current visual amenity of the area and decide if outdoor storage of raw materials or finished goods will have a detrimental impact on the visual amenity of the area. At the time of my site visit (25th April 2016- visited adjacent site LA09/2016/0419/F) there was existing outdoor storage of raw materials and goods contained on outdoor metal shelving. This outdoor storage of material was visible from the public road as no meaningful vegetation exists to soften the impact of this storage in the landscape. This area has a countryside feel, and there is agricultural land in the area with mature roadside hedging and tree lined hedging. The existence of outdoor storage increases the clutter contained on this site and in my view has a detriment impact on the visual amenity of this area of countryside.

In my view condition 3 meets the tests of a planning condition in that it is

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.

The visual amenity of the countryside is an important asset which requires protection. At the time of approval of M/2013/0578/F it was considered important that when granting permission for an industrial unit on this site that no outdoor storage should take place so as to safeguard the visual amenity of the surrounding countryside, in line with PPS21 Sustainable Development in the Countryside and PPS4 Planning and Economic Development. I am of the view that the outdoor storage of material will have a detrimental impact on the visual amenity of this area of countryside as it will add to visual clutter.

As the visual amenity of the area has been somewhat eroded by the approval of an industrial use on this site, it is important to safeguard the remaining visual amenity of the area which in my view would be further eroded by allowing the storage of materials to spill outside the existing building.

As the entire site is open to views from the public road, I am of the opinion that no part of the site is suitable for outdoor storage, therefore the variation of condition No. 3 in my view is also unacceptable for the reasons outlined above.

#### Other considerations

3rd party planning objections have been raised from dwellings No. 6, 7 and 8 Derryvale Park which are located in a housing development that is located adjacent to the site in question. They raise the same concerns which include;

- the removal of the condition will result in a detrimental impact on natural surroundings
- due to existing outdoor storage which is unauthorised, articulated lorries are now are now creating traffic problems on the road when loading and unloading by parking on the grass verge.
- that landscaping identified on proposed plans do not exist and that in reality the site is clearly visible and open and in plain view. By allowing outdoor storage this will take away from the surroundings they site in.

I agree with the objectors that by allowing the removal of the condition this may have a knock on impact on parking and turning of vehicles within the site, however this consideration is not directly related to the assessment of this application for removal of condition as it does not relate to visual impacts of the storage of material.

I agree that the site is open and that the storage of outdoor materials will be clearly visible from the public road and will result in a detrimental impact on the visual amenity of the surrounding countryside for the reasons stated above.

**Summary of Recommendation:**

That permission be refused for the removal or variation of planning condition No. 3 of M/2013/0578/F.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	4th May 2016
<b>Date First Advertised</b>	19th May 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Derryvale Park,Derry,Dungannon,Tyrone,BT71 4HH, The Owner/Occupier, 11 Derryvale Park,Derry,Dungannon,Tyrone,BT71 4HH, The Owner/Occupier, 12 Derryvale Park,Derry,Dungannon,Tyrone,BT71 4HH, Una Wylie 6 Derryvale Park,Derry,Dungannon,Tyrone,BT71 4HH, Brian Toner 7 Derryvale Park Derry Dungannon The Owner/Occupier, 8 Derryvale Park,Derry,Dungannon,Tyrone,BT71 4HH,	
<b>Date of Last Neighbour Notification</b>	13th May 2016

C



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## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2015/0577/O	<b>Target Date:</b> 27 July 2015
<b>Proposal:</b> Erection of Dwelling and Domestic Garage on a Farm	<b>Location:</b> Land approx. 100m South of No 6 Tullycorker Road Clogher
<b>Applicant Name and Address:</b> Imelda Hackett 3 Cormore Road Clogher	<b>Agent name and Address:</b> Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Summary of Issues:</b> Siting of the dwelling away from the existing buildings on the farm	
<b>Summary of Consultee Responses:</b> Transport NI have no objections subject to satisfactory access being detailed DARD have advised the farm is active and established	
<b>Characteristics of the Site and Area:</b> This is a rural location and the site is part of 2 fields, separated by a native species hedge. The south east part of the site, behind the hedge is higher and steeply sloping, the north west part is lower and more gently sloping. The land falls from a forested ridge to the south east of the site, towards Knockmany Road, which is in the valley to the west. The area is predominantly farmland with farm groups and single houses, and has had a number of new dwellings constructed within the last 10 – 15 years	
<b>Deferred Consideration:</b> This application was deferred at the Planning Committee meeting on 2 <sup>nd</sup> February 2016 to allow further information to be submitted and considered in relation to the siting of a dwelling as proposed.	



Additional information was submitted for consideration:

- 1- a letter from Bank of Ireland that advises they will not provide self build mortgages if access is off a shared lane 300m long
- 2- a letter from a planning consultant is asking the members to consider this application as an exception to the part of planning policy CTY10 that requires a dwelling to be sited beside existing agricultural buildings, the reasons for this relate to the sloping nature of the land that restricts the location of any new agricultural buildings to beside the existing house. It is further stated that the limited siting opportunities for the agricultural buildings will necessitate any new dwelling accessing through the farm yard

The Department of Agriculture, Environment and Rural Affairs, formerly DARD, has confirmed the farm business is active and has been established for 6 years. Having visited the lands I can confirm there are no agricultural buildings on the holding. The applicant has advised that due to the topography of the land owned and the size that any buildings will need to be that will be required for agricultural activity, the only feasible location for buildings is on the less sloping areas beside the existing dwelling. Members are advised there are no plans approved for any farm buildings, and the first agricultural building on a holding will always require planning permission, therefore the proposal does not meet all the tests in the first part of the policy. Members are also advised the proposed site does not visually link with the new farm house and the old dwelling that was replaced recently, as it is approx 400m from them with rising landform and significant vegetation between them to limit any views linking them. Other opportunities to site close to the existing buildings and comply with the policy on visual linkages would result in the development being located on highly visible steeply sloping land, where, in my opinion, engineering such a site would result in development that would be unduly prominent in the landscape. Members are therefore advised an exception to policy CTY10, allows a new dwelling on a farm, provided it satisfactorily integrates and does not adversely affect rural character. In this case the applicant has indicated they wish to build a small dwelling in the front part of the proposed site. I consider the relatively level nature of this part of the site, the existing hedge and steep ground to the rear as well as the set back from the public viewpoints, would allow a dwelling with a ridge height of 5.0m above the ground level and a new hedge to the front, to have a satisfactory degree of integration. I also consider it is necessary to protect the visual amenity of the area and the rural character of the area to ensure the dwelling is accessed off the existing lane and does not result in the creation of a 3<sup>rd</sup> lane side by side at this location. This can be secured by condition.

I recommend to the committee that outline planning permission is granted with conditions in relation to: the siting of the dwelling and the height of the dwelling, landscaping with retention of existing vegetation and provision of new landscaping along the SW boundaries of the site and access to the dwelling from the existing lane.

**Conditions:**

1. Approval of the details of the 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.

2. As required by Section 62 of the Planning Act (NI) 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

3. The dwelling hereby approved and its curtilage shall not extend outside the area as identified in green on the approved drawing no 01 bearing the stamp dated 27 JUL 2015.

Reason: To ensure the development integrates into the landscape.

4. The dwelling hereby approved shall have a ridge height not exceeding 5.0m above the level of the existing ground immediately adjacent to the dwelling.

Reason: To ensure the development integrates into the landscape.

5. Prior to the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and additional landscaping to be provided along the north and west boundaries of the area site as identified in green drawing no 01 bearing the stamp dated 27 JUL 2015. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interest of visual and residential amenity.

6. Access to the proposed site shall be from the existing laneway identified in yellow on the drawing No 01 bearing the stamp dated 27 July 2015. Prior to the commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 45.0m where the access meets the public road shall be provided in accordance with details to be submitted and agreed with Mid Ulster Council at Reserved Matters stage. The area

within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

**Signature(s):**

**Date**



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## Deferred Consideration Report

Summary	
<b>Case Officer:</b>  Emma McCullagh	
<b>Application ID:</b> LA09/2015/1164/O	<b>Target Date:</b>
<b>Proposal:</b> Site for a Dwelling on a farm	<b>Location:</b> 214m N of 78 Coagh Road Ballywholan Stewartstown
<b>Applicant Name and Address:</b>  John and Ann McCann 21 The Brambles Coalisland BT71 4SN	<b>Agent name and Address:</b>  Mr Kieran Curry 5 The Shanoch Brackaville Coalisland BT71 4XA
<b><u>Summary of Issues:</u></b>  The application was originally recommended for refusal based on a case in need. They are now applying for a farm dwelling.	
<b><u>Summary of Consultee Responses:</u></b>  DARD have confirmed there is an active and established farm holding.	
<b><u>Characteristics of the Site and Area:</u></b>  The site is located approx. 1 mile from Stewartstown. Access is provided from a minor road which connects to Coagh Road. A rough laneway defines the southern and western boundaries. The eastern boundary is defined by hedging and trees, and the northern boundary is undefined within the larger field. The most elevated part of the site is to the east with the ground sloping to the NW boundary. The wider area is rural in nature with detached dwellings and farm groups throughout.	

**Location map**



**Deferred Consideration:**

This application was presented as a refusal to Committee in April 2016, under CTY6, in that the applicant had not provided satisfactory evidence that a new dwelling was a necessary response to the particular circumstances of the case and genuine hardship would be cause if permission was refused.

Subsequently the application was deferred for an office meeting and this was held with Dr.Chris Boomer on 14 April 2016. The case in need argument put forward by the agent

remains insufficient justification on its own to merit a dwelling under Policy CTY6. If the details of the medical case are to be discussed this should be done in closed session.

The argument for the site selected was that the land had been inherited and that it was close to the brother who was a farmer in the area, who could also help with the care of his sister.

Dr. Boomer informed the applicant that in itself the personal circumstances would not be sufficient to allow the site, however he queried whether the brother currently farmed and had a business ID number. So on this basis the applicant forwarded the relevant farm maps and P1c form. The proposal now applied for is assessed as a dwelling on a farm. Neighbours have been re-notified and a re-advertisements placed. Following this no representations have been received.

The relevant policy is PPS21 and CTY10 relates to dwellings on farms. Planning permission will be granted for a dwelling where certain criteria can be met;

(a) DARD has confirmed the farm business is currently active and has been established for at least 6 years.

(b) A history check shows no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of this application from 25 November 2008.

(c) The new building should 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.

In this case the established group of farm buildings are removed from the site, and are located to the SE. The agent has stated that the applicant owns only the field the site is on, within the farm land submitted on the farm maps. They have, as stated, inherited this site and it is their brother who owns the farm Bus ID number.

So although the dwelling will be sited away from the main farm grouping, the proposed site is well integrated, and together with the outlined case in need, it can be regarded as an exception to criteria (c).

In light of the fact the site is the only piece of land owned by the applicants on the farm and DARD have confirmed it is within an active and established farm business and there are no other planning issues in terms of integration or build up, together with the need for the applicant to live with her sister in order to take care of her, on balance an approval is recommended.

This would include a siting condition to the SW corner, an occupancy condition for Mr & Mrs McCann and their dependents and a ridge height of 7.5m. The agent has indicated the applicant's sister would be best suited in an annex to the main dwelling to allow her some form of independence and space away from the main dwelling for her sister to care for her. Any additional annex to the farm dwelling should remain ancillary to the main dwelling to ensure there is no erosion to the rural character of the area.

**Conditions**

1. As required by Article 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 Department, 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 Department 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 be sited in the area shaded blue on the approved plan 01 date stamped 24 November 2015

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

5. The proposed dwelling shall have a ridge height of less than 7.5 metres above finished floor level.

Reason: To ensure that the development is not prominent into the landscape in accordance with the requirements of Planning Policy Statement 21.

6. The dwelling hereby approved should be occupied only by Mr & Mrs McCann and their dependents from 5 years of the date the dwelling is occupied.

Reason: To ensure that the dwelling is occupied only by the named person and their dependents.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

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





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## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2016/0389/F	<b>Target Date:</b> 04 July 2016
<b>Proposal:</b> Single storey extension to gable of dwelling to allow bedroom, shower room and new lobby	<b>Location:</b> 26 Roxborough Park, Moy, BT71 7SU
<b>Applicant Name and Address:</b> NIHE Marlborough House CentralWay Craigavon	<b>Agent name and Address:</b> Watts Group Limited Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
<b>Summary of Issues:</b> Building over sewer, loss of open space, lack of parking.	
<b>Summary of Consultee Responses:</b>  NI Water – no comments in relation to building over sewer	
<b>Characteristics of the Site and Area:</b>  The dwelling is located within a public housing scheme in Moy, it is a 2 storey property at the end of a terrace. The dwelling is finished with red brick gable wall, red brick pillars and plaster panels, the roof is grey concrete roof tiles and the property has a low vertical board fence with an adjacent strip of grass which runs the full length of the property and is informal open space. No 28, the adjacent property, has a single storey rear return which extends 7 metres back from its rear wall. The extension is on the boundary with no 30 and is approx. 2 metres from the boundary with no 26.  Details of proposal  This is an application for a single storey extension to the side of no 26, on the area of open space. Finishes are to match the existing dwelling.	

**Representations and Consultations**

Cllr Molloy has made a representation on behalf of Mr & Mrs D Hughes, no 28, in relation to a sewer outlet they constructed when they extended their property. Cllr Molloy has also raised other concerns in relation to the loss of open space, lack of parking and inconvenience for other users who use the area to leave their bins out.

NI Water was consulted about the building over the sewer and have provided no comment on this issue.

**Deferred Consideration:**

The application was deferred to consult NI Water about building over the sewer. NI Water have been consulted and have made no comment in relation to building over the sewer. I note the plans submitted with the application show the sewer to be re-routed away from the extension and as such the proposal will not be constructed on the sewer. Members are asked to note building over or construction/re-routing of sewers is a private matter between the builder and NI Water.

The proposal will create an additional bedroom and make this 3 bedroom house into a 4 bedroom house. Published parking standards do not provide any guidance for a 4 bedroom terraced property without in curtilage parking, however a semi detached dwelling has a requirement for an additional 0.25 spaces between a 3 and 4 bedroom house. I consider it reasonable to apply this standard for this additional bedroom Therefore as there are unassigned spaces for this property, the standard is 1.75 spaces rounded up to 2 spaces and this will not result in any additional requirement.

The proposed extension will only use up part of the green space and NIHE have an agreed protocol with Planning Service to allow them to build on open space. I have no information to indicate this protocol has been cancelled.

The open space is beside the estate road and there is still a considerable area available for the other properties to either store their bins or move their bins to the collection point. Members are asked to note that in some cases, though not in this case, planning permission is not required for extensions to dwellings irrespective of whether or not the development will be built on a sewer.

In light of the above I recommend to the committee that planning permission is granted for the extension.

**Conditions:**

As required by Section 61 of the Planning Act (NI) 2011, the development hereby permitted shall begun before the expiration of five years from the date of this decision.

Reason: Time Limit

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



**D**

**Subject:** Planning Appeal decisions.

**Date of Meeting:** 5<sup>th</sup> July 2016

**Reporting Officer:** Melvin Bowman

**Contact Officer:** Dr Chris Boomer

<b>1</b>	<b>Purpose of Report</b>
1.1	To inform members of recent Planning Appeal decisions.

<b>2</b>	<b>Background</b>
2.1	The PAC have issued decisions on the following applications.

<b>3</b>	<b>Key Issues</b>
3.1	<p><b>H/2014/0438/O– Mr Richard Dempster, Proposed new dwelling and garage, 35m South of 10 Balynian Lane, Swatragh (appeal allowed)</b></p> <p>The main issues in this appeal were whether the proposal represents a small gap or is ribbon development, the degree to which it would be integrated into its surroundings and its impact on rural character.</p>
3.2	<p>Critical to the entire case was the use of what the Council had argued was no more than a sheep shelter to provide the line of buildings along the road frontage. The commissioner noted the small dimensions of the structure and its form of construction but critically pointed out that the Council had accepted that the shelter constituted a building as defined in the Planning Act 2011.</p>
3.3	<p>The Planning Act at Part 15 defines a building as, “including any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building”.</p>
3.4	<p>The Commissioner noted that the proposed dwelling would clearly not reflect in any meaningful way the shelter on its eastern side but pointed out that this is equally</p>

	the situation with the existing development along the common road frontage, and that the Council had not argued that the proposed dwelling would fail to respect the existing development. The Commissioner went on to state that all in all the appeal proposal fulfils the requirements of Policy CTY8 for a small gap site.
3.4	On the matter of integration, it was concluded that due to a backdrop, the applicants desire for a low ridge dwelling, short restricted views along Ballynian Lane that any dwelling would achieve a satisfactory degree of visual integration.
3.5	The appeal was allowed.
3.6	<b>LA09/2015/0807/A – Mr Eddie Toner, Site Retention of illuminated sign, adjacent to 45 Charlemont Street, Moy. (appeal dismissed)</b>
3.7	The main issue in this appeal related to whether the proposed sign would respect amenity and whether it would prejudice road safety.
3.8	Because of the existing signage on approach from the south east this part of Charlemont Road already appears cluttered with advertisements, the Commissioner agreed with the Council that the proposed sign would result in an unacceptable proliferation of signage in this location to the detriment of the amenity of the general area.
3.9	The Council had argued that the sign would detract from the setting of the adjacent listed grain store. The Commissioner considered that notwithstanding the short distance over which it is viewed the sign would be read against the gable of the listed building appearing as a prominent, obtrusive and unwelcome feature.
4.0	On road safety, it was concluded that despite suggested restrictions on the movement of the signage display the volume of traffic in the evening would not render it slow moving in the location of the appeal site. Because of the levels of illumination, the potential for dazzle and glare in wet conditions these would be sufficient to create a risk to public safety.
4.1	The appeal was dismissed.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> N/A
4.2	<b><u>Human</u></b> N/A

4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> N/A
4.4	<b><u>Other</u></b>

<b>5</b>	<b>Other Considerations</b>
5.1	N/A

<b>6</b>	<b>Recommendations</b>
6.1	That members note the attached appeal decisions.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Copies of PAC decisions.

# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

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**Appeal Reference:** 2015/A0215.  
**Appeal by:** Mr Richard Dempster.  
**Appeal against:** The refusal of outline planning permission.  
**Proposed Development:** Dwelling and Garage.  
**Location:** 35m South of 10 Ballynian Lane, Swatragh.  
**Planning Authority:** Mid Ulster District Council.  
**Application Reference:** H/2014/0438/O.  
**Procedure:** Written representations.  
**Decision by:** Commissioner J B Martin dated 7 June 2016.

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## Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

## Reasoning

2. The main issues in the appeal are whether the proposal represents a small gap site / infill opportunity or is ribbon development; the degree to which it would be integrated into its surroundings and its impact on rural character. The respective operational policy context for these issues is set by the CTY Policies 8, 14 and 13 of Planning Policy Statement (PPS) 21 *'Sustainable Development in the Countryside'*.
3. Policy CTY 1 of PPS 21 states that planning permission will be granted for an individual dwelling in accordance with Policy CTY 8. CTY 8 in turn states that permission will be refused for a building which creates or adds to a ribbon of development, but continues that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 No. houses within an otherwise substantial and continuously built up frontage - provided this respects the existing road frontage development pattern in terms of size, siting and plot size and meets other planning and environmental criteria. A substantial and continuously built up frontage is defined in the policy as one that includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
4. With reference to the appellant's 1/1250 scale 'concept plan' - immediately north of the appeal site is an unbroken line of 4 buildings along the east facing frontage of Ballynian Lane comprising (in order) 2 agricultural buildings and 2 single storey dwellings. Approximately 15m beyond the site's eastern boundary is what the Council describe as a 'sheep shelter' (the appellant – an agricultural building). Standing on a concrete base, it measures approximately 6m by 4m and is



constructed of a wooden frame clad in corrugated metal and with a mono pitch sloping roof.

5. The Council accept the 'shelter' for planning purposes constitutes a building. While it states the building was enlarged and its concrete base added during the course of the planning application, it has not challenged the legal status of the building or indicated any intention to take action to seek its removal. The basis of the Council's refusal of the appeal proposal as a small gap site under Policy CTY 8 is founded on its view that the shelter building does not visually read with the other buildings north of the appeal site and as a result the frontage is not substantial or continuously built up. The appellant however has pointed to the Commission's decision in appeal 2013/A0248, where the Commission interpreted Policy CTY 8 as not requiring visual linkage of all the buildings along a road frontage. The Council's evidence contains no new arguments to warrant a reassessment of the Commission's interpretation of this particular issue. The aforementioned existing development along the eastern side of Ballynian Lane amounts to a substantial and continuously built up frontage as defined in CTY 8, and the gap which includes the appeal site is sufficient only to accommodate up to a maximum of 2 houses.
6. The proposed development would clearly not reflect in any meaningful way the 'shelter' on its eastern side. However that is equally the situation with the existing development along the common road frontage, and the Council has not argued the appeal proposal would fail to respect that existing development in terms of the planning and environmental requirements set out in the headline text to CTY 8. All in all the appeal proposal fulfils the requirements of Policy CTY 8 for an small gap site. The Council's 2<sup>nd</sup> reason for refusal is therefore not sustained, and it follows that the 1<sup>st</sup> reason based on CTY 1 and the 4<sup>th</sup> reason based on ribbon development and change in rural character (Policy CTY 14) are also not sustained.
7. In terms of integration, Policy CTY 13 sets out a number of circumstances (a) to (g), where a new building in the countryside will be unacceptable. The Council's 3<sup>rd</sup> reason for refusal is based on circumstance (a), (b) and (c) – namely prominence; a lack of natural boundaries and enclosure for the proposed dwelling and reliance on new planting to achieve satisfactory integration. My consideration takes into account the appellant's concept plan and the Council's suggested condition to restrict the ridge height to a maximum of 5.7m.
8. Views of the dwelling would be over short distances along Ballynian Lane. They would be restricted by vegetation to the south of the 'shelter' - and by vegetation and the agricultural buildings along the northern site boundary, combined with the appreciable changes in vertical and horizontal alignment of the road as it passes the site downhill from north to south. The site also rises from the road to the north and the vegetated northern boundary and agricultural buildings beyond would provide an immediate backdrop. While the eastern site boundary is undefined, the eastern boundary of the 'host field' lies only 20m away and is well defined by hedging, averaging out at approximately 3m in height. The dwelling would be open to view along its site boundary with Ballynian Lane, however in the aforementioned context it would be satisfactorily integrated into its surroundings and would not be prominent. The 3<sup>rd</sup> reason for refusal is therefore not sustained.



9. The suggested height condition is necessary to ensure satisfactory integration and as the site slopes upwards from south to north, underbuilding across the whole footprint of the dwelling should be restricted to no more than 0.5m. The Council's suggested condition to control the angle of roof pitch is unnecessary. While not referred to in the Council's suggested conditions the proposed development includes the creation of a vehicular access, and appropriate visibility splays should also be provided in the interests of road safety. Given the road width of approximately 3.6m - likely traffic speed around the bends in the road approaching the proposed site access from both sides, and taking into account the guidance in Development Control Advice Note 15 – '*Vehicular Access Standards*' - I judge that visibility splays of 2m by 45m in both directions should be provided at the proposed access. New planting along the eastern site boundary should also be provided.

### **Conditions**

- (1) Except as expressly provided for by Conditions 2, 3 and 4 the following reserved matters shall be as approved by the Council - the siting, design and external appearance of the dwelling and garage and the means of access thereto.
- (2) No development shall take place until there has been submitted to and approved by the Council a landscaping scheme showing trees and hedgerows to be planted within the site and along its eastern boundary. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.
- (3) The ridge height of the dwelling shall not exceed 5.7m above finished floor level and the depth of underbuilding shall not exceed 0.5 metres at any point across the footprint of the dwelling.
- (4) Visibility splays of 2m by 45m at the proposed access shall be laid out in both directions before the dwelling is occupied and thereafter shall be permanently retained.
- (5) Application for approval of the reserved matters shall be made to the Council before the expiration of 3 years from the date of this decision.
- (6) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the 1/2500 scale site location map and the 1/1250 scale concept plan numbered respectively by the Council as drawings 01 and 02.

**COMMISSIONER J B MARTIN**

**2015-A0215**

**List of Documents**

Planning Authority - Mid Ulster District Council

Statement of Case

Appellant

Statement of Case

# Appeal Decision

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**Appeal Reference:** 2015/A0218  
**Appeal by:** Mr Eddie Toner  
**Appeal against:** Refusal of Consent to Display an Advertisement  
**Proposed Development:** Retention of Illuminated Sign  
**Location:** Adjacent to 45 Charlemont Street, Moy  
**Planning Authority:** Mid Ulster District Council  
**Application Reference:** LA09/2015/0807/A  
**Procedure:** Written Representations with Commissioner's Site Visit on 1<sup>st</sup> June 2016  
**Decision by:** Commissioner Helen Fitzsimons on 13<sup>th</sup> June 2016.

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## Decision

1. The appeal is dismissed.

## Reasons

2. The Planning Authority's reasons for refusal are grounded in policy and it is not necessary for them to stipulate the precise details of its concerns within them. The appeal process and exchange of evidence is the correct means by which it can expand its arguments. It is the Planning Authority's final decision that is binding and not the views of the individual case officer.
3. The main issues in this appeal are whether the proposed sign would respect amenity and whether it would prejudice public safety.
4. Planning Policy Statement 17 'Control of Outdoor Advertisements' (PPS 17) is a material consideration in this appeal, Policy AD 1 of the PPS states that consent will be given for the display of an advertisement where it (i) respects amenity in the context of the general characteristics of the area and (ii) it does not prejudice public safety.
5. The appeal proposal comprises a double sided illuminated sign with dimensions of 3.20 m x 0.8 m. It is erected atop a wall adjacent a listed building which is a former grain store. The sign contains LED intermittent messages which change approximately every 60 seconds and advertise various offers associated with the adjacent supermarket. I agree with the appellant that conditions could be imposed that would restrict (i) the movement of features within the sign to longer periods and (ii) its hours of operation. This appeal is therefore distinguishable from Appeal 2015/A0063.



6. Paragraph 4.6 of the PPS states that a large number of advertisements on a building or along a road can create clutter and be disruptive to the appearance and character of an area. It does not expand that assessment to take account of street furniture and other features. The surrounding area is in mixed use and contains commercial premises and residential development. There is signage associated with both the adjacent supermarket and petrol filling station, and commercial enterprises to the rear of the grain store. I have been given no firm evidence to suggest that any of this signage is unauthorised. Because of this existing signage on approach from the south east this part of Charlemont Road already appears cluttered with advertisements. Even taking account of the short distance of visibility referred to by the appellant, I agree with the Planning Authority that the sign results in an unacceptable proliferation of signage in this location. This is detrimental to the amenity of the general area within which it is located.
7. Irrespective of whether the erection of the sign involved development and hence falls within the scope of Policy BH 11 'Development affecting the Setting of a Listed Building' of Planning Policy Statement 6 'Planning Archaeology and the Built Heritage' (PPS 6) its effect on the setting of the listed grain store is an important aspect of its impact on amenity. It is clear from Regulation 3 of the 2015 Advertisement Regulations that factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, archaeological, architectural or cultural interest. Paragraph 4.7 of PPS 17 states that in assessing the impact of an advertisement or sign on amenity the Department will take into account all of a number of stated matters one of which is (a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest. Given all of this the impact of the proposal on the listed building and its setting falls to be considered.
8. The listed grain store is a road side building set back some 3m from the road edge. In my opinion its setting is mainly defined by the building itself, its set back; the undeveloped area south east of it and the road side stone wall containing this area. From No. 22 Charlemont Street in the north-west and moving towards the sign, it appears as a protrusion to the front of the grain store and represents an alien and obtrusive feature within its setting. From the south east and notwithstanding the short distance over it is it is viewed the sign is read against the gable end of the listed building and it appears as a prominent, obtrusive and unwelcome feature. All of this would have an adverse impact on the listed building and its setting and be detrimental to amenity.
9. The appellant has made applications for planning permission in regard to the grain store; the petrol filling station and for residential development in the vicinity of the appeal site. He has also made an application for listed building consent for the grain store. He indicated that should these applications succeed the listed building would be shrouded by scaffolding and tarpaulin and the impact of the sign on its setting would not be apparent. He argued that a temporary consent for the proposed sign of 18- 24 months would accord with this screening and the sign would therefore be viewed against this backdrop. In addition the sign would assist in buoying up the appellant's business when extension works to the front of his supermarket were ongoing and forecourt signage removed. The proposals are in the early stages of planning there was no evidence presented regarding

the certainty of such proposals advancing in a timely manner that would justify a temporary consent of 18 – 24 months from the date of this decision. Consequently, the appellant's arguments regarding building works and economic necessity are insufficient to persuade me that the existing detrimental impact of the sign on the amenities of the area including the listed building and its setting should be set aside in favour of this appeal. The Planning Authority's second and third reasons for refusal are therefore sustained.

10. Paragraph 4.11 of PPS 17 sets out the main types of advertisements which are likely to pose a threat to public safety. The Planning Authority considers that the (e) illuminated nature of the sign and (f) its moving elements give rise to a risk to public safety due to the nature of the protected route on which the sign is located. Its objections relate to dazzle and glare especially in misty and wet conditions and distraction caused by moving parts. I agree with the appellant that the suggested restrictions on the movement of features within the sign would mitigate against those concerns in that slow moving traffic entering the Moy from the south east would not be so distracted as to slow down to read a fast moving display. However, I consider that the volume of traffic in the evening would not render it slow moving in the location of the appeal site. Albeit that movement of features within the sign would be restricted, the sign would operate during the opening hours of the appellant's business, which in winter months would result in it being illuminated for significant periods during the hours of darkness. In my view, because of the levels of illumination, the potential for dazzle and glare in wet and misty conditions would be sufficient to create a risk to public safety. The hours within which the sign would operate distinguishes it from appeal 2015/A0116 where that sign would be turned off during long periods of darkness. The Planning Authority has sustained its first reason for refusal based on public safety.

This decision relates to the 1:1250 scale site location plan and existing sign photograph.

**COMMISSIONER HELEN FITZSIMONS**



### **List of Documents**

Mid Ulster District Council:-	PA 1	Written Statement and appendices
	PA 2	Comments
Inaltus (Appellant) :-	A1	Written Statement and appendices
	A2	Comments