

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 3 October 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

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

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Ms Largey, Council Solicitor
Miss Thompson, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2016/1371/O	Mr Cassidy
	Mr McMaw
LA09/2017/0538/O	Mr Cassidy
	Mr McMaw
LA09/2016/1815/F	Mr O'Donnell
	Mr Currie
LA09/2017/0023/O	Mr Diamond
LA09/2017/0673/O	Mr Cassidy
LA09/2017/0810/F	Mr Bradley
LA09/2017/0846/F	Mr Stephens
LA09/2017/0923/F	Mr Cassidy
LA09/2017/0422/O	Mr Diamond
	Councillor B McGuigan
LA09/2016/0761/F	Mr Cassidy
LA09/2016/1654/A	Mr Bradley
	Mr Fairfowl
LA09/2017/0272/F	Mr Ross
LA09/2017/0354/O	Ms Curtin
	Councillor B McGuigan

The meeting commenced at 7.01 pm

P129/17 Apologies

Councillor McAleer.

P130/17 Declarations of Interest

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

Councillor Glasgow declared an interest in planning application LA09/2017/0498/F.

Councillor McPeake declared an interest in planning applications LA09/2016/1371/O and LA09/2017/0538/O.

Councillor Robinson declared an interest in planning application I/2013/0246/F.

Councillor Kearney declared an interest in LA09/2016/1654/A.

P131/17 Chair's Business

As listed on addendum, the Planning Manager drew attention to two consultations received relating to Licences for Prospecting that have been received from the Department of the Economy –

1. Karelian Diamond Resources in the areas of Fivemiletown, Maguiresbridge, Rosslea, Tempo, Brooksborough and Donagh.
2. Flint Ridge Resources in the areas of Castlederg, Glenderg, Newtownstewart and Drumquin.

The Planning Manager advised that a report relating to the above consultations will be brought to the next Planning committee meeting.

The Planning Manager advised of planning statistics for the first quarter of 2017 –

- 330 applications were received by Mid Ulster Planning Department (3 of these were major, the rest were local applications) – This is 10% down on the same time last year. It was advised that statistics indicate the number of applications received across rural councils has reduced whereas Belfast City Council has seen an increase in applications received.
- Processing time for local applications are within target with Mid Ulster being one of the highest performers in Northern Ireland however there was still room for improvement in relation to processing of major applications.
- Mid Ulster has a 98% approval rate – the highest in Northern Ireland.
- 55 enforcement cases opened during the first quarter which is not as high as some Councils. During this time 44 cases were concluded with 70% being dealt with within 30 weeks.

The Planning Manager advised that overall he was happy with the performance of the planning department however he voiced some concern in relation to the staffing situation within the department and the effect this may have on future performance.

The Planning Manager advised on the following applications which were on the agenda for determination –

I/2013/0246/F Demolition of existing dwelling/outbuildings and construction of 24 new starter dwelling units (20 semi-detached and 4 apartments) at site opposite and adjacent to 9 Strifehill Road, Cookstown for Mr Adrian Miliken

The Planning Manager advised that a further objection had been received in respect of this application and suggested that the application be withdrawn from this month's agenda to give time for officers to consider the objection received.

LA09/2016/0775/F Dwelling and garage to the rear of 48 and 50 Urbal Road, Coagh, Cookstown for Mr and Mrs G McMenemy

The Planning Manager advised that there was an incorrect recommendation on the agenda to approve this application and that the recommendation for this application should be to refuse.

The Planning Manager suggested that as there were issues with sightlines for this application that the application be deferred for an officer site meeting with TransportNI.

Resolved That planning applications I/2013/0246/F and LA09/2016/0775/F be withdrawn from this month's agenda.

The Planning Manager suggested that it would be useful for those making a request to speak to state the reasons why they are making the request as it would save time at the committee meeting. The Planning Manager advised that the current planning protocol does not state that reasons have to be provided when making a request however he felt this now needed to be amended and advised that planning protocol was currently under review.

Matters for Decision

P132/17 Planning Applications for Determination

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

I/2013/0246/F Demolition of existing dwelling/outbuildings and construction of 24 new starter dwelling units (20 semi-detached and 4 apartments) at site opposite and adjacent to 9 Strifehill Road, Cookstown for Mr Adrian Miliken

Application withdrawn from this month's schedule.

H/2013/0296/F **Reinstatement and extension of previously approved storage area, lorry and trailer park to facilitate re-organisation of precast products with no increase in existing site production area. Relocation of existing external block and brick production area (5200m²) to proposed new area (4320m²) with original being reused for product display, product finishing, product and plant storage, vehicle storage and recyclable material waste and storage. Retention of existing product display, product finishing, product and plant storage, vehicle storage and recyclable material waste storage. (Amended Noise report received) at Creagh Industrial Park, Blackpark Road, Toomebridge for Creagh Concrete Products Ltd**

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

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved That planning application H/2013/0296/F be approved subject to conditions as per the officer's report.

LA09/2016/0692/F **New building for washing/drying of precast concrete products (retrospective); erection of new gantry crane; extension of existing production factory TF5 to facilitate production of larger precast units at Creagh Industrial Park, Blackpark Road, Toomebridge for Creagh Concrete Products Ltd**

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

Proposed by Councillor Reid
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/0692/F be approved subject to conditions as per the officer's report.

LA09/2015/0855/F **Apartment development (2 No. 1 bed and 11 No. 2 bed) with new access and communal parking at lands at 20 Union Road, Magherafelt for Gerald O'Brien**

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

Proposed by Councillor McKinney
Seconded by Councillor McPeake and

Resolved That planning application LA09/2015/0855/F be approved subject to conditions as per the officer's report.

**LA09/2016/0775/F Dwelling and garage to the rear of 48 and 50 Urbal Road,
Coagh, Cookstown for Mr and Mrs G McMenemy**

Application withdrawn from this month's schedule.

**LA09/2016/1371/O Infill site 50m N 63 Deerpark Road, Leitrim, Castledawson
for Mr Norman Leslie**

**LA09/2017/0538/O 2 storey dwelling and garage 65m S of 61 Deerpark road,
Leitrim, Castledawson for Norman Leslie**

Ms Doyle (SPO) presented a report on planning applications LA09/2016/1371/O and LA09/2017/0538/O advising that they were recommended for refusal.

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

Mr Cassidy advised that criteria had been met in that there are currently two houses and a detached garage (3 buildings) with common frontage to the road. In relation to there being no visual linkage, Mr Cassidy advised that policy does not require this if there is common frontage and referred to a PAC decision confirming this. Mr Cassidy requested that the applications be approved.

Mr McMaw added that he did not think it was fair that the applicant was being disadvantaged because of existing vegetation.

In response to Councillor Clarke's question Mr McMaw advised that the rear of the application site is defined by a hedgerow.

Councillor Bell stated that the house to the south of the application site did not appear to have any trees to the roadside and that he would tend to agree with the comments of the speakers.

Councillor McPeake stated he felt the comments in relation to vegetation were over the top and that visual linkage was not required as common frontage had been achieved. The Councillor stated he would be supportive of both applications.

Councillor Bateson felt that the existing vegetation would help to facilitate the maintenance of rural character.

In response to the Planning Manager's question Ms Doyle advised that the entrance point and gates of the dwelling to the north of the application site can be seen but not the house.

The Planning Manager felt it was difficult from looking at a photograph whether the applications would be infill and suggested the applications be deferred for an office meeting.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning applications LA09/2016/1371/O and LA09/2017/0538/O be deferred for an office meeting

LA09/2016/1815/F 3 No. detached two storey houses opposite 2, 4 and 10 Upper Parklands, Dungannon for Terence Corrigan

Mr Marrion (SPO) presented a report on planning application LA09/2016/1815/F advising that it was recommended for approval.

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

Mr O'Donnell advised he was a concerned resident who lived at 11 Parklands and that the application would be to the southern curtilage of his home. Mr O'Donnell stated he would welcome an application for two houses as he felt this would be in keeping with the rest of the development and that there were already two dropped kerbs in place. Mr O'Donnell advised that the application would substantially increase the density on the land and would have a negative impact on light and amenity. Mr O'Donnell felt that the application was not in keeping with the existing development as there were no garages/car ports proposed and asked for a site meeting to further consider the application.

Mr Currie advised that the applicant had initially proposed six dwellings at the application site but that following officers comments and representations made at that time a revised scheme of three dwellings was then submitted. Mr Currie stated that the application satisfies all planning requirements and is a sustainable reuse of land. Mr Currie advised that there would be no issues in relation to overlooking, shadowing or loss of amenity and that the proposal offered much needed family homes to the area.

Councillor Gildernew stated he could not see a reason to refuse the application.

In response to Councillor Cuthbertson's question Mr Marrion advised that the initial application proposed six houses and that this was subsequently reduced to three.

Councillor McKinney proposed that planning application LA09/2016/1815/F be approved.

Councillor Reid asked if it was out of character in the area not to have a garage.

The Planning Manager advised that from the site plan it looked as if there would be room for garages.

Councillor Cuthbertson referred to two dropped kerbs mentioned by Mr O'Donnell and asked if this was part of the original permission for the development.

Mr Marrion advised that in 1993 application was made for site 40 and 41.

Councillor Gildernew seconded Councillor McKinney's proposal to approve the application.

Resolved That planning application LA09/2016/1815/F be approved subject to conditions as per the officer's report.

LA09/2017/0023/O Off-site replacement dwelling and garage 20m E of 37 Loves Road, Magherafelt for Martin Diamond

The Head of Development Management presented a report on planning application LA09/2017/0023/O advising that it was recommended for refusal.

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

Mr Diamond advised that the applicant was restricted and had nowhere else to go within the application site. Mr Diamond also confirmed that the owner of third party lands to the south west of the application site had been approached but that these lands were not available. Mr Diamond advised that the applicant was willing to consider options to the north of the current proposed site.

In response to the Planning Manager's question it was advised that the lands to the north of the application site had been appraised but potentially offered even less integration.

The Planning Manager suggested that the application be deferred for an office meeting.

Proposed by Councillor McPeake
Seconded by Councillor Kearney and

Resolved That planning application LA09/2017/0023/O be deferred for an office meeting.

LA09/2017/0064/O 2 no. detached dwellings and garages at approx. 60m NE of 9 Glenwood Crescent and to the rear of 1 -3 Glenwood Crescent, Cookstown for Mr Paul McGonnell

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

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0064/O be approved subject to conditions as per the officer's report.

LA09/2017/0244/F Repositioning of dust extraction unit at 16 Mullaghbane Road, Dungannon for Woodmarque Joinery

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

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/0244/F be approved subject to conditions as per the officer's report.

LA09/2017/0307/F Agricultural shed with slurry tank approx. 230m NW of 40 Mullyneil Road, Dyan, Caledon for Fiontan Sherry

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

Proposed by Councillor Gildernew
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2017/0307/F be approved subject to conditions as per the officer's report.

LA09/2017/0450/O Off-site replacement dwelling and garage 120m NW of 47 Bancran Road, Draperstown for Paul and Katrina Heron

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

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2017/0450/O be approved subject to conditions as per the officer's report.

LA09/2017/0475/O Dwelling and garage to the rear of 48 Carnaman Road and 2 & 3 Curraghbrock Lane, Knockloughrim, for H Millar Esq

Ms Doyle (SPO) presented a report on planning application LA09/2017/0475/O advising that it was recommended for refusal.

Proposed by Councillor Mallaghan
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/0475/O be refused on the grounds stated in the officer's report.

LA09/2017/0498/F Extension to existing garage to provide commercial machinery store 100m NE of 29 Fegarran Road, Cookstown for Granville Carson

Application withdrawn from this month's schedule.

**LA09/2017/0564/O Replacement dwelling and garage 110m SW of 43
Lisnastane Road, Coalisland for Charles Devlin**

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

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0564/O be approved subject to conditions as per the officer's report.

**LA09/2017/0673/O Dwelling and garage at site 5m S of 38 Craigmore, Maghera
for Patrick McWilliams**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0673/O advising that it was recommended for refusal.

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

Mr Cassidy advised that the application site has a good degree of cover and that the ridge height of the dwelling will integrate into the surrounding area and will not have an adverse effect on amenity. Mr Cassidy advised that the applicant has two sons and the purpose of his application is to try to build up the holding for the future. Mr Cassidy advised that the applicant had investigated siting a dwelling on a shared laneway but was advised he would be unable to obtain a mortgage for same hence the application being made for this site.

The Planning Manager advised he would like more information in relation to this application and suggested an office meeting be held.

Proposed by Councillor Reid
Seconded by Councillor McPeake and

Resolved That planning application LA09/2017/0673/O be deferred for an office meeting.

**LA09/2017/0810/F Dwelling at Coltrim Road, Moneymore (approx. 220m from
junction with Cookstown Road) for Mr Mark Hamilton**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0810/F advising that it was recommended for refusal.

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

Mr Bradley stated he disagreed with the officer interpretation of CTY7 as the main reason for refusal in relation to site specific need. Mr Bradley also advised that policy does not say a business has to be owned by the applicant. Mr Bradley stated that the application withstands policy CTY13 and CTY14 and that the scale, design and

location of the application are more acceptable than the last application which was approved. Mr Bradley sought deferral of the application for an office meeting.

The Planning Manager advised that time could have been saved if the case for the application had been set out at the time of making a request to speak. The Planning Manager stated that the main issue relating to this application is that it does not meet CTY7 and stated he did not understand why the applicant needed to move a distance of 300m closer to the coach business from his current address. The Planning Manager advised that no case of need had been put forward by the coach business.

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application LA09/2017/0810/F be deferred for an office meeting.

LA09/2017/0846/F Cattle welfare unit including storage for hay and meal; yard storage for round bales, farm plant and machinery at 175m SE of 66A Kilnacart Road, Dungannon for Niall McCann

Mr Marrion (SPO) presented a report on planning application LA09/2017/0846/F advising that it was recommended for refusal.

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

Mr Stephens advised that it has been accepted that the application is for an active and established farm business but that the issue relates to the proposal site being away from the main farm group, however Mr Stephens advised that exceptions can apply under CTY12. Mr Stephens felt that the proposal would integrate and that views will be limited. Mr Stephens advised that the application will make the farm business more efficient.

The Planning Manager referred to the concerns in relation to vehicle movements.

Mr Stephens advised that a turning circle for HGVs was asked for by TransportNI but that this was not on the original application. Mr Stephens confirmed that the application is for an agricultural building and that the applicant would be happy for conditions to be attached to an approval.

The Chair, Councillor Mallaghan advised that almost all farm deliveries are made by an articulated lorry and that these vehicles need sufficient space to turn.

Councillor McKinney proposed that the application be deferred for an office meeting.

The Planning Manager stated that if storage was needed for lorries then an application should be made on that basis.

Councillor Gildernew stated that the application before Members was for an agricultural shed and he had no difficulty with the proposal to defer the application.

Councillor Bateson seconded Councillor McKinney's proposal.

Councillor Glasgow stated that the application needed to be taken on merit and that if the application is found to be being used for unapproved use at a later date then it would be an enforcement matter.

The Planning Manager advised that policy cannot be easily set aside or interpreted on what Members would wish it to say. If there is an exception to policy to be applied, this needs to be clearly defined and stated.

Mr Stephens advised of possible planning application being made which will seek to overcome concerns in relation to hard core yard.

Resolved That planning application LA09/2017/0846/F be deferred for an office meeting.

LA09/2017/0874/F Rear ground floor extension at 8 Willow Close, Dungannon for Damien Cahalane

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

Proposed by Councillor Gildernew
Seconded by Councillor Mullen and

Resolved That planning application LA09/2017/0874/F be approved subject to conditions as per the officer's report.

LA09/2017/0876/F Extension to existing school at 23 Rocktown Road, Knockloughrim for Hydepark Educational Trust

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

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0876/F be approved subject to conditions as per the officer's report.

LA09/2017/0884/NMC Change of external house design and finishes at units 16, 17, 18, 19 and 20, Earls Court, Carland Road, Dungannon for Sandale Developments

The Planning Manager advised that it was unusual for this type of application to be put to the committee however as there had been a lot of press attention related to this application it was felt important for Members to be aware of the proposed changes.

Mr Marrion (SPO) presented a report on planning application LA09/2017/0884/NMC advising that it was recommended for approval.

Proposed by Councillor Bateson
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/0884/NMC be approved subject to conditions as per the officer's report.

LA09/2017/0923/F Dwelling and garage 45m NW of 177 Glen Road, Maghera for Jenna Duffy

Ms Doyle (SPO) presented a report on planning application LA09/2017/0923/F advising that it was recommended for refusal. Ms Doyle also referred to addendum circulated which included copy of officer report referred to by agent and copy of a similar appeal decision.

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

In response to the Planning Manager's questions Mr Cassidy advised that the application site was in the ownership of the applicant and that solicitors letters could be provided to prove this. Mr Cassidy advised that the field was registered and that the applicant had no other holdings.

The Planning Manager suggested the application be deferred for an office meeting.

Councillor McKinney asked for the size of the application site and the total size of the field.

Ms Doyle advised that the application site was 0.93ha and the field size was under 2ha.

Councillor McKinney advised that a farm is not considered active if it is under 3ha.

Councillor Clarke advised that the applicant did not have to own the land.

The Planning Manager read from Policy CTY10 and advised that the policy is vague in relation to the definition of agricultural activity.

Proposed by Councillor McPeake
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/0923/F be deferred for an office meeting.

LA09/2017/0938/O Replacement dwelling and garage 28m N of 89 Innishrush Road, Clady for Mr M Clarke

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

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0938/O be approved subject to conditions as per the officer's report.

LA09/2017/0422/O Site for dwelling and domestic garage at 150m NW of 107 Bancran Road, Draperstown for Stephen Donnelly

Ms Doyle (SPO) presented a report on planning application LA09/2017/0422/O advising that it was recommended for refusal.

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

Mr Diamond advised that a previous approval closer to the farm cluster had expired and that the current application site was 190m off the road with the only visual of the site being at the end of the laneway. Mr Diamond advised that the applicant was being forced into the application location because of difficulties in obtaining mortgage.

Councillor Glasgow stated that he understood the applicant's difficulties but issues in relation to obtaining a mortgage were beyond the control of the planning committee. Councillor Glasgow felt that the distance from the application site to the farm group was too great.

The Planning Manager suggested that the application be deferred for an office meeting to give consideration to moving the proposal further up the lane but not as far as the farm grouping.

In response to Councillor Clarke's question the Planning Manager advised that photos do not indicate lands as being steep.

Councillor B McGuigan advised that he knew the area well and that the land is steep in this area with laneway access to the farm being difficult for vehicles. The Councillor expressed the need to look closely at the landscape.

Proposed by Councillor Robinson
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0422/O be deferred for an office meeting.

M/2015/0113/O Dwelling and garage at site adjacent to 38 Moghan Road, Castlecaulfield for Dr Patrick McKenna

It was advised that this item would be considered later in the meeting under confidential business due to the special circumstances associated with the application.

LA09/2016/0761/F Extension to existing portacabin to provide storage and office accommodation 40m NW of 35 Moss Road, Ballymaguigan for Christopher Cassidy

The Head of Development Management presented a report on planning application LA09/2016/0761/F advising that it was recommended for refusal.

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

Mr Cassidy advised that he had been doing his job a long time and had never seen a refusal like this one – in that the proposal would fail to provide adequate access to public transport. Mr Cassidy also felt that it was incorrect that hedging had to come out.

Mr Cassidy stated that the application site was critical to his business which provides an architectural service in NI, ROI and UK and which employs 12 full time staff. Mr Cassidy advised that his business had submitted planning applications to Mid Ulster District Council to the value of £20,000 this week alone and that he was also to sign a contract in Manchester with a value of over 1 million.

Mr Cassidy referred to recent Council awards ceremony which recognised major local businesses of which he stated had all started out in rural locations. Mr Cassidy also referred to Council's grant aid programme and stated that sometimes the support needed from Council is not always monetary.

Mr Cassidy advised that the existing building had planning permission and that this application was for an extension to this building.

Councillor Bateson advised he knew the application site as he lived closeby and referred to the numerous businesses/dwellings etc along the Moss Road who are all contributing to the community. The Councillor did not feel the application would be such an outrageous imposition and that the application should be approved as there was an existing clud for the portacabin, the application site was just metres outside the development limit. Councillor Bateson also referred to the application which has been made by and for a planning consultant and that this application had been made the subject of greater forensic investigations.

Councillor McPeake advised he had attended the site meeting in relation to this application and felt that visibility splays were in place and that this had been agreed at the site meeting. Councillor McPeake felt that the refusal reason regarding access to public transport was ludicrous and that there would be no material difference in granting permission for storage.

The Planning Manager stated he realised that there were some policies Members did not agree with however he advised that Members could be surcharged for failing to implement policy for the sole reason that they did not agree with policy. The

Planning Manager advised that if there was an intention to approve the application that the reasons for setting aside or making an exception to the policy needed to be set out in clear planning terms.

The Planning Manager also advised the Committee that having discussed the matter of frontage vegetation loss with the Head of Development Management that this aspect of the refusal reason, in so far as it related to refusal reason number three could be removed.

Councillor Cuthbertson advised he had not attended the site meeting but felt he knew the application site as it had been discussed in so much detail. Councillor Cuthbertson proposed the officer recommendation to refuse the application.

Councillor Reid queried whether a brick finish would be more visually pleasing.

Councillor Bell felt the application would aid rural character.

Councillor Bateson stated there would be a storage facility at the application site in any event and questioned the issue with extending this storage.

The Planning Manager advised it was hard to assist Members as he had not heard planning arguments to support approval of the application in light of the Planning Appeal decision for a similar proposal for the erection of a new office building on this site. The Planning Manager suggested that Members come back to this application after meeting recess.

Councillor Gildernew asked what the legal view was in relation to this application.

Councillor Bateson referred to Scott's office in Toome which is a stand alone office in open countryside.

Councillor McKinney seconded Councillor Cuthbertson's proposal and stated he was concerned at Councillor Bateson's comments in relation to officers giving this application greater forensic investigation. Councillor McKinney advised that Scott's office is located just on the periphery of Toome, not in open countryside.

The Planning Manager advised that all applications are given the same degree of consideration.

The Council Solicitor advised that she agreed with the advice of the Planning Manager and stated she understood Member's difficulty with some planning policy. However she reminded Members that whilst they may not agree with planning policy it was their job to apply it. She also reminded them that the Committee had previously refused an application which was substantially the same as the one currently before them and that that decision was upheld by PAC. She also advised that there had been no change in policy since that decision. The Council Solicitor advised Members that in those circumstances they would have to ensure they could justify approving the application.

Councillor Glasgow felt it would be hypocritical of Members to now change their mind in relation to this application.

The Chair, Councillor Mallaghan stated that Committee would return to this item after meeting recess.

LA09/2016/1654/A Sign, consisting of flat screen fixed to gable wall, at Walshes Hotel, 53 Main Street, Maghera (sign to be on Coleraine Road side) for Mr Kieran Bradley

Ms Doyle (SPO) presented a report on planning application LA09/2016/1654/A advising that it was recommended for refusal.

The Chair advised the committee that request to speak on the application had been received and invited Mr Bradley to address the committee in the first instance.

Mr Bradley asked that the application be deferred in order to present further information.

Mr Fairfowl stated that led signage was the future of signage and that over 400 roadside businesses were already using such signage. Mr Fairfowl stated that led signage seemed to be causing a stir in the Mid Ulster area and advised that in terms of amenity the signage was fully supported within Maghera. Mr Fairfowl referred to similar signage in Shaftesbury Square, Belfast, Leicester Square and Piccadilly Circus in London and that this signage satisfies amenity in all these areas and questioned why not in Mid Ulster.

In terms of road safety Mr Fairfowl advised that the response from Transport NI was not consistent with how they responded in other council areas, he stated that millions had been spent on investigating the safety of led signage with the end result of it being found safe. Mr Fairfowl again referred to signage in Shaftesbury Square in Belfast which was deemed safe and asked for equality in decisions being taken on led signage. Mr Fairfowl asked that the application be deferred.

The Planning Manager advised that he had met with town centre forums in relation to led signage in towns during the deferral of this application and that there was a feeling expressed that everything had its place. The Planning Manager advised that the notion that Mid Ulster is at war with led signage was wrong, he explained that there had been instances in which led signage applications had been dealt with with conditions, he further advised that there were lots of examples of led signage being refused across Northern Ireland and at planning appeal stage. He referred to the views given by planning officers and Transport NI in relation to this application.

Councillor Kearney advised that his office was just across the road from this signage and that he had encouraged a meeting between the applicant and officers but that this meeting had not happened. The Councillor still felt that an office meeting would be useful. Councillor Kearney referred to the led signage workshop for Members which had been beneficial, he also raised the issue of precedent.

Councillor Kearney withdrew to the public gallery.

The Planning Manager asked Members to make a decision on the application.

Councillor Cuthbertson advised he had been in attendance at the meeting when the Planning Manager had met with businesses in Dungannon and stated that there had been no desire in Dungannon to go down the line of led signage. Councillor Cuthbertson proposed the officer recommendation to refuse the application.

Councillor Reid stated that road safety is an important issue and seconded Councillor Cuthbertson's proposal.

Councillor Bateson stated that the issue of road safety cannot be ignored.

Councillor McPeake proposed an office meeting take place if there was new information available.

The Planning Manager stated the signage was already in place and asked if there was any proposal to reduce the size of the signage.

Mr Bradley advised the size of the signage could be reconsidered.

The Planning Manager advised that on this basis he would be agreeable to an office meeting being held.

Councillor Clarke seconded Councillor McPeake's proposal.

Mr Fairfowl referred to a similar application which was recently approved in Lisburn and Castlereagh Council.

The Planning Manager advised that each application is judged on its own merits.

Councillor Cuthbertson advised that if the application is refused the applicant can then go to planning appeal.

In response to the Planning Manager's question it was advised that the current signage does show advertisements for premises other than the hotel. In response to this the Planning Manager advised that the signage would be making money for the applicant.

Members voted on Councillor Cuthbertson's proposal to refuse the application –

For – 5

Against – 8

Members voted on Councillor McPeake's proposal to defer the application for an office meeting –

For – 8

Against - 5

Resolved That planning application LA09/2016/1654/A be deferred for an office meeting.

Councillor Kearney rejoined the meeting.

LA09/2017/0272/F A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F) for Graham Bell

The Head of Development Management presented a report on planning application LA09/2017/0272/F advising that it was recommended for approval.

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

Mr Ross advised that this was the third time the application had come before the committee with a recommendation to approve. Mr Ross stated that there was no policy reason to refuse this application and that in the interests of administrative fairness it should be approved.

The Chair, Councillor Mallaghan stated that the application location was within the central Sperrins which was an AONB. Councillor Mallaghan advised that when visiting the application site and looking towards Lough Neagh a proliferation of wind turbines can be seen and referred to change to policy since last permission granted.

Councillor Robinson advised he had attended the site meeting and had no difficulty in proposing the approval of the application. The Councillor stated there were already wind turbines in the area.

Councillor Clarke also spoke in relation to change in policy since last approval. The Councillor also referred to Dark Skies designation to the North East of the application site since the last approval was granted. Councillor Clarke spoke in relation to the Sperrins conference held last week which discussed the future potential of the Sperrins. Councillor Clarke stated that the turbine will reach above the highest point of Beltonanean Mountain and will be viewable from Davagh. Councillor Clarke also advised that, if approved and erected the turbine would be in full view of Cookstown. The Councillor did not feel the application site was suitable for the proposal.

The Head of Development Management advised of agreement of MOD for an infra red light to be erected on the turbine.

Councillor Clarke stated it was not just the light on the turbine that concerned him but that the turbine would appear clearly above the mountain and may be rotating causing a visual disturbance in the night sky.

Councillor Reid seconded Councillor Robinson's proposal.

The Planning Manager stated he was not convinced that if this was a new application it would be approved. The Planning Manager advised there was an argument that the emphasis in relation to wind turbines in AONB's had changed since the last application was submitted.

The Council Solicitor advised that the previous approval did not commence and that the committee was not compounded to stick with the previous determination. The Council Solicitor referred to change in policy since the last approval.

Councillor Clarke proposed that the application be refused.

Councillor Glasgow stated he did not have an issue with supporting the proposal to approve and felt that if the application is refused the Council could be seen as making a bad decision which could be to its cost.

The Planning Manager asked if the applicant wanted a decision to be made tonight or if he wished to consider revising the application to a smaller turbine.

The meeting was advised that no alternative proposal would be made.

Councillor Cuthbertson asked if the applicant could take a case in relation to the delay in making a decision on this application.

Councillor Reid asked if costs could be awarded in going to appeal.

The Planning Manager advised that planning appeals do not offer compensation however costs can be awarded to cover the professional cost incurred by the applicant in presenting a case to an appeal.

The Council Solicitor advised that the application was received in 2017 and that compensation could only be offered on the mal administration of an application.

Councillor Bateson stated he was in no doubt the impact the turbine would have on the area and felt that the Committee would be safe to refuse the application and that the applicant can then go to planning appeal. Councillor Bateson seconded Councillor Clarke's proposal.

Councillor McKinney stated that the application site was in a valley and that he did not think the turbine would go above the top of the mountain.

Councillor Reid asked for a recorded vote in relation to the proposals put forward.

The Planning Manager advised that the application could be refused on the grounds that it is contrary to visual amenity and does not accord with PPS18 policy RE1 and SPPS.

Members voted on Councillor Robinson's proposal to approve the application –

For – 5 (Councillors Cuthbertson, Glasgow, McKinney, Robinson and Reid)
Against – 8 (Councillors Bateson, Bell, Clarke, Gildernew, Kearney, Mallaghan, McEldowney and McPeake)

Members voted on Councillor Clarke's proposal to refuse the application –

For – 8 (Councillors Bateson, Bell, Clarke, Gildernew, Kearney, Mallaghan, McEldowney and McPeake)
Against – 5 (Councillors Cuthbertson, Glasgow, McKinney, Robinson and Reid)

Resolved That planning application LA09/2017/0272/F be refused on the grounds that it is contrary to visual amenity and does not accord with PPS18 policy RE1 and SPPS.

LA09/2017/0354/O Infill site for 2 dwellings and detached garages at land between 15 and 17 Quilly Road, Moneymore for Mr E and C McGuckin

Ms Doyle (SPO) presented a report on planning application LA09/2017/0354/O advising that it was recommended for refusal.

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

Ms Curtin stated that the application meets policy CTY8 in that there is built up frontage on to Quilly Road of four buildings and that whilst there may be some concern in relation to one of these buildings it is not relied upon as policy only requires three. Ms Curtin advised that the gap site is only sufficient to accommodate two houses, that it will respect the existing development pattern of Quilly Road and will integrate into the surrounding landscape.

Councillor B McGuigan advised that there are established hedgerow boundaries at the application site, that the application will integrate and that no objections were made against the application. Councillor B McGuigan advised that the application was made for dwellings to accommodate the applicants two sons who are from Quilly Road. Councillor B McGuigan asked that Members further consider the information put forward.

Councillor McPeake referred to case made by Ms Curtin in that there was no reliance on the fourth building and felt that if this was the case he did not see a problem in approving the application.

The Planning Manager clarified that policy does require three or more buildings but stated that the fundamental issue relates to whether the site was suitable to be

considered under infill as there was some concern that the site could accommodate more than two houses.

Councillor McPeake asked if consideration could be given to larger plot on opposite side of road.

The Planning Manager advised that planners are generous in their interpretation of policy and in response to Councillor Clarke he advised that an application has to be considered on the basis of the information submitted.

Councillor McPeake proposed that planning application LA09/2017/0354/O be approved as infill was being met.

Councillor Bell seconded Councillor McPeake's proposal.

The Planning Manager advised that the site opposite was not part of the frontage between which an infill was sort, he felt that the size of the gap meant that generosity was being stretched with regards to policy.

Councillor McKinney felt approval of the application was workable.

Councillor Bateson did not feel the application would alter rural character.

The Planning Manager advised that officers have provided the rationale for their recommendation and that if Members were forming a different view then this needed to be set out. In this case, he understood that some Members were arguing that the application is in keeping with the character of the frontage and area and thus in their view the gap is not so large to accommodate any more than two dwellings, if that character was to be maintained.

Councillor Glasgow felt that the existing dwellings at 15 and 17 Quilly Road were a safety barrier to stop development going any further.

Resolved That planning application LA09/2017/0354/O be approved with conditions in relation to ridge height of 6m, siting to accord with block plan and retention of boundaries with relevant landscaping.

Meeting recessed at 10.15 pm and recommenced at 10.43 pm. Councillors Bell, Gildernew, McEldowney and Reid did not return to the meeting.

LA09/2017/0583/F Dwelling and garage on a farm at land W of 17 Ballynahone More, Maghera for Lloyd Porter

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

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0583/F be approved subject to conditions as per the officer's report.

**Continuation of
LA09/2016/0761/F Extension to existing portacabin to provide storage and
office accommodation 40m NW of 35 Moss Road,
Ballymaguigan for Christopher Cassidy**

The Chair, Councillor Mallaghan advised that this application had been discussed earlier in the meeting and asked Members to come to a decision.

Members voted on Councillor Cuthbertson's proposal to refuse planning application LA09/2016/0761/F –

For – 5
Against – 3

Members conversely voted to approve the application -

For – 3
Against - 5

Resolved That planning application LA09/2016/0761/F be refused on grounds stated in the officer's report.

CONFIDENTIAL BUSINESS

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application M/2015/0113/O be heard as confidential business.

Open Business resumed at 10.50 pm.

P133/17 Update on BT Consultation on the removal of a public payphone at The Bush

The Planning Manager presented previously circulated report which provided update on BT consultation on the removal of a public payphone at the Bush and options as to how the Committee may wish to proceed.

The Planning Manager advised that there were currently three phone kiosks listed within the district namely in Draperstown, Magherafelt and Moneymore.

The Chair, Councillor Mallaghan asked if it was possible to carry out an audit of red phonebox kiosks in the District and stated that there was a kiosk in Rock which local residents would want kept.

The Planning Manager advised that if Members wanted to put forward phone kiosks they could be investigated.

The Chair, Councillor Mallaghan put forward kiosk in Rock village.

Councillor Cuthbertson advised it was agreed at September Council meeting to use 'local veto' option to keep the payphone at Bush.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved That the Planning Manager proceed to 'spot list' telephone boxes if following further investigation and discussion with Historic Buildings Division it is felt justified.

Matters for Information

P134/17 Minutes of Planning Committee held on Tuesday 5 September 2017

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

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McPeake
Seconded by Councillor Glasgow and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider item P132/17 (part of) and items P135/17 to P139/17.

Matters for Decision

P132/17 Planning Applications for Determination – Item deferred from Open Business
P135/17 Receive 1 no. Enforcement Case

Matters for Information

P136/17 Confidential Minutes of Planning Committee held on Tuesday 5 September 2017
P137/17 Enforcement Live Caseload
P138/17 Enforcement Cases Opened
P139/17 Enforcement Cases Closed

P140/17 Duration of Meeting

The meeting was called for 7.00 pm and ended at 11.22 pm.

Chair _____

Date _____