

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 April 2019 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bell, Clarke (7.14 pm), Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, D McPeake, S McPeake, Mullen, Robinson

Officers in Attendance

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

Others in Attendance

Councillor G Shiels

Applicant Speakers

LA09/2018/1609/F Mr Small
LA09/2019/0094/O Mr Cassidy
LA09/2016/0848/O Mr Cassidy
LA09/2018/1293/O Mr Cassidy

The meeting commenced at 7.06 pm

P039/19 Apologies

None.

P040/19 Declarations of Interest

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

Councillor McAleer declared an interest in planning application LA09/2018/0209/O and requested to speak on same.

Councillor Glasgow stated he had received an email in relation to planning application LA09/2018/0868/F (Agenda Item 4.10) but had not responded to the email.

The Chair, Councillor Mallaghan also declared an interest in planning application LA09/2018/0868/F.

In response to Councillor Glasgow's comments, the Member was advised it was not necessary to declare an interest in planning application LA09/2018/0868/F.

P041/19 Chair's Business

The Chair, Councillor Mallaghan stated that this was the last Planning Committee meeting of the Council term and thanked everyone for their contribution, in particular, ex councillors Bateson and Reid who had both been members of the Planning Committee and had retired from Council recently. The Chair also extended best wishes for the future to Councillors McEldowney and J Shiels who would not be returning to Council and wished all other candidates good luck for the upcoming elections.

The Chair, Councillor Mallaghan referred to discussion at March Council meeting in relation to whether material consideration should be given to the Local Development Plan – Draft Plan Strategy when processing planning applications.

The Planning Manager advised that once the Draft Local Development Plan is published then it becomes a material consideration but that the weight attached to that consideration is dependant upon where it is in the process. Once adopted it has primacy and applications should be determined in accordance with the plan unless material considerations indicate otherwise. At the moment the Plan is in draft form and subject to consultation and therefore considerable weight cannot be attributed to it. The Planning Manager stated that officers are currently referring to the Draft Local Development Plan within their reports on planning applications and that the weight being attributed to the Plan will change as the process continues.

Councillor S McPeake stated that at the March Council meeting there had also been discussion regarding the drop in sessions for the Local Development Plan and that Moneymore should be included within the list of venues.

The Planning Manager stated that the Local Development Plan was available in the three Council Offices and that drop in sessions had been planned for outreach communities. The Planning Manager stated that it was felt that Moneymore was well placed between Cookstown and Magherafelt and therefore a drop in session had not been planned for Moneymore. The Planning Manager stated that, in order to protect Members, the consultation period had now finished prior to the upcoming elections but that if anyone wanted to speak to officers regarding the Local Development Plan they could do so.

Councillor Clarke entered the meeting at 7.14 pm.

Councillor McKinney stated that a decision had been taken at the February Council meeting that Moneymore would be added to the list of drop in venues but that this decision did not seem to have been relayed from the meeting. Councillor McKinney added that other venues on the list had been as equally close to some of the Council offices as Moneymore.

Councillor S McPeake stated he had chaired the Council meeting and that at that meeting it had been decided that an additional venue would be accommodated, providing it could be dealt with legally.

The Planning Manager stated that no public meetings had been held in relation to the Local Development Plan consultation and that it would be out of order to hold a meeting

solely in Moneymore. The Planning Manager stated that what had been held were drop in sessions for people to view and discuss the draft Local Development Plan.

Councillor McKinney stated that what was being requested was for nothing different than what had been done in the other venues.

The Chair, Councillor Mallaghan stated that the decision taken at the Council meeting was not forwarded to the planning office and that there was no time to organise any further drop in sessions before the consultation closed.

The Chair, Councillor Mallaghan proposed a review of current Planning Committee Protocol and that a workshop take place regarding same. The Chair felt that a review of protocol would help to streamline the planning applications coming before the Committee.

The Planning Manager stated that he would welcome a review of the Planning Protocol and scheme of delegation, he advised that over the first three years of the Council term the Planning department was in the top three performing Councils, last year however the department was in the bottom three for various staffing reasons. The Planning Manager advised that approximately 25% of planning applications received were going to Committee and that if that number could be reduced it would help to meet targets.

Councillor Gildernew seconded Councillor Mallaghan's proposal.

Resolved That it be recommended to Council that Planning Protocol and Scheme of Delegation be reviewed with Member workshop to be arranged on same.

The Planning Manager drew attention to paper circulated in relation to proposed windfarm at land approximately 12 km to the West of Draperstown, 2km to the north of Broughderg, adjacent to the B47 and highlighted that a pre-inquiry meeting will be held on 8 May 2019 which will outline the arrangements for the inquiry. The Planning Manager also advised that statements relating to the application should be submitted by 21 June 2019 and that the Head of Development Management and himself would work on a statement of case to put forward in that it was felt the application should be refused – In line with a previous decision of the Committee. It was advised that the inquiry will open on 4 September 2019.

Members were of the opinion that the address description of the application needed to be clarified.

The Planning Manager stated that the received application level had remained steady over the past four years and that Mid Ulster Planning Committee had transacted more business over the Council term than many of the other councils put together. The Planning Manager stated that the Committee had made some brave decisions which should be commended and that he hoped the vision would continue into the new Council term.

The Chair, Councillor Mallaghan referred to the below applications which were on the agenda for determination. The Chair sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 4.11 – LA09/2018/0925/O – Dwelling and domestic garage 50m SW of 27 Letteran Road, Moneymore for Mr Desmond Bell.

Agenda Item 4.23 – LA09/2019/0128/F – Replacement dwelling and garage adjacent to and NW of 51 Ballynahaye Road, Ballygawley, Dungannon for Mr Cathal O'Neill.

The Chair also sought approval for the following applications to be deferred to allow for further information to be submitted –

Agenda Item 4.3 – LA09/2017/1011/F – Conversion and new build to create 5 self catering units at Waterwall Bar, 187 Mayogall Road, Clady, Portglenone for Paddy Mooney.

Agenda Item 4.6 – LA09/2018/0209/O – Housing development N and adjacent to Ballygawley Playing Field with access onto Church Street, Ballygawley for Mr Winston Finlay.

Agenda Item 4.13 – LA09/2018/1209/F – Extension to existing Kindercraft business to provide storage at 23 Ballymacombs Road, Portglenone for Kindercraft.

Agenda Item 4.14 - LA09/2018/1375/F – Retention of inert material deposited on agricultural land at approx. 120m W of 23 Ballymacombs Road, Portglenone for Mr Peter Donnelly.

The Chair further advised that the following applications had been withdrawn –

Agenda Item 4.1 – LA09/2016/0193/F – Rear single storey extension to Existing B1 listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall.

Agenda Item 4.2 – LA09/2016/0194/LBC – Rear single storey extension to existing B1 listed Orange Hall at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved That the planning applications listed above be deferred/withdrawn from tonight's list for consideration.

Matters for Decision

P042/19 Planning Applications for Determination

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

LA09/2016/0193/F Rear single storey extension to existing B1 listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall

Application withdrawn.

LA09/2016/0194/LBC Rear single storey extension to existing B1 listed Orange Hall at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall

Application withdrawn.

LA09/2017/1011/F Conversion and new build to create 5 self catering units at Waterwall Bar, 187 Mayogall Road, Clady, Portglenone for Paddy Mooney

Application agreed to be deferred for submission of additional information earlier in meeting.

LA09/2017/1687/F Four dwellings with amended access to previously approved LA09/2016/0867/F at 60m N of 69 Lissan Road Cookstown for Oakleaf Contracts

Members considered previously circulated report on planning application LA09/2017/1687/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/1687/F be approved subject to conditions as per the officer's report.

LA09/2017/1708/F Housing development of 46 houses with associated site works and foul water treatment plant to the rear and W of 33 Bush Road, Dungannon for Farasha Properties Ltd

Members considered previously circulated report on planning application LA09/2017/1708/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2017/1708/F be approved subject to conditions as per the officer's report.

LA09/2018/0209/O Housing development N and adjacent to Ballygawley Playing Field with access onto Church Street, Ballygawley for Mr Winston Finlay

Application agreed to be deferred for submission of additional information earlier in meeting.

LA09/2018/0440/F Redevelopment of McGaws Petrol Filling Station and service garage to provide new PFS, convenience store, separate retail unit and residential apartment on first floor; new parking area to rear with associated modifications to access arrangements and ancillary development at 8-12 Hanover Square, Coagh for Solo Direct Ltd

Members considered previously circulated report on planning application LA09/2018/0440/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Colvin and

Resolved That planning application LA09/2018/0440/F be approved subject to conditions as per the officer's report.

LA09/2018/0705/F Housing development of 3 detached and 8 semi-detached dwellings and associated site works at lands at 10-12 Main Street, Bellaghy for Brian Kelly

Members considered previously circulated report on planning application LA09/2018/0705/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0705/F be approved subject to conditions as per the officer's report.

LA09/2018/0770/F Pumping station and changes to house types resulting in reduction of units from 33 approved under H/2009/0378/F, to 30 units at land 100m S of Church of Ireland, Oldtown Road, Bellaghy for Noel Kelly

Members considered previously circulated report on planning application LA09/2018/0770/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0770/F be approved subject to conditions as per the officer's report.

The Chair, Councillor Mallaghan withdrew from discussion for the following application and the Deputy Chair, Councillor Glasgow took the Chair.

LA09/2018/0868/F New entrance and laneway (to approved dwelling LA09/2017/0497/RM) NE of 108 Loughbracken Road and adjacent to Keenaghan Road, Cookstown for Mr and Mrs P McCallion

Members considered previously circulated report on planning application LA09/2018/0868/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/0868/F be approved subject to conditions as per the officer's report.

Councillor Mallaghan rejoined the meeting and retook the Chair.

LA09/2018/0925/O Dwelling and domestic garage 50m SW of 27 Letteran Road, Moneymore for Mr Desmond Bell

Application agreed to be deferred for office meeting earlier in meeting.

LA09/2018/1137/O Infill site for dwelling and domestic garage 20m SE of 2 Scribe Road, Bellaghy for David Mulholland

Members considered previously circulated report on planning application LA09/2018/1137/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2018/1137/O be approved subject to conditions as per the officer's report.

LA09/2018/1209/F Extension to existing Kindercraft business to provide storage at 23 Ballymacombs Road, Portglenone for Kindercraft

Application agreed to be deferred for submission of further information earlier in meeting.

LA09/2018/1375/F Retention of inert material deposited on agricultural land at approx. 120m W of 23 Ballymacombs Road, Portglenone for Mr Peter Donnelly

Application agreed to be deferred for submission of further information earlier in meeting.

LA09/2018/1503/LBC Demolition of wall SE of 39 Charlemont Street, Moy for Hemel Ltd, Eurospar

Members considered previously circulated report on planning application LA09/2018/1503/LBC which had a recommendation for approval.

Mr Marrion (SPO) highlighted that an approval was subject to notification to the Department.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1503/LBC be approved subject to conditions as per the officer's report.

LA09/2018/1603/O Infill dwelling and garage at site 60m NE of 15 Glengomna Road, Draperstown for Patrick Murray

Ms McCullagh (SPO) presented a report on planning application LA09/2018/1603/O advising that it was recommended for refusal.

Councillor Gildernew stated he did not see the difference in the application site and adjacent sites on which dwellings were sited.

The Planning Manager stated that the two adjacent sites were approved as houses on farms not as infill and that if a farm case had been submitted for this application then a dwelling in the rear portion of the field would be likely to be permissible.

In response to Councillor Mallaghan's comments the Planning Manager stated that if the two fields on either side of the site had been gardens this would have made a difference as this would have provided a road frontage.

Councillor S McPeake stated that he felt an argument could be made as there was a laneway running through and there were small pockets of lawn.

Councillor Clarke stated that one of the adjacent fields appeared to be quite small and may not qualify for single farm payment and therefore could not be classed as a field.

Councillor Bell stated he would be sympathetic to the application and did not feel it would cause any harm and may actually help visually.

Councillor Gildernew felt it was unfair to refuse the application.

The Planning Manager stated that Members should not confuse their dislike of a policy with what a policy actually says when making a determination.

Proposed by Councillor Cuthbertson
Seconded by Councillor Colvin and

Resolved That planning application LA09/2018/1603/O be refused on grounds stated in the officer's report.

LA09/2018/1609/F Farm building 100m NW of 44 Cullenramer Road, Dungannon for Mr Barry Small

Mr Marrion (SPO) presented a report on planning application LA09/2018/1609/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 Small (Applicant's father) to address the committee.

Mr Small stated that the site was outlying from the main farm and that there were no facilities at the location. Mr Small stated he needed somewhere to house the cattle at this location which would assist the efficient running of the farm and that the shed was not elaborate for need.

In response to question from the Planning Manager Mr Small advised that the shed would be built to accommodate 10-15 cattle and the Planning Manager felt this sounded proportionate.

Discussion ensued regarding the site plan displayed and the need for lanes and turning for lorries.

Mr Small stated that the site plan displayed was not related to his application.

The Planning Manager stated that this was the site plan submitted on the applicant's behalf.

Councillor McAleer stated she knew where the proposed site was and that it was two and a half miles from the main farm. Councillor McAleer stated she did not think the shed was for any other purpose only the housing of cattle.

The Planning Manager stated he had no difficulty deferring the application but that a case needed to be put forward as to why the shed was needed and why it was not located close to the main farm.

The Chair, Councillor Mallaghan proposed that the application be deferred in order to submit further information.

Councillor Gildernew seconded Councillor Mallaghan's proposal.

Councillor McKinney stated that the shed being proposed was not large and if it was any smaller it would not be of any use. Councillor McKinney proposed the approval of the application.

Councillor McAleer seconded Councillor McKinney's proposal but was advised she could not do so as she had spoken on the application.

Councillor S McPeake stated that the site plan was not alarming as it was simply showing lorries needed somewhere to turn in order to load/offload cattle or for delivery of supplies.

Councillor Gildernew stated that this was a busy road and there needed to be room off road for turning and loading of cattle.

Resolved That planning application LA09/2018/1609/F be deferred for submission of further information.

LA09/2018/1673/F Two storey dwelling and garage approx. 10m S of 1 Derryvale Park, Derryvale Road, Coalisland for Pat O'Neill

Members considered previously circulated report on planning application LA09/2018/1673/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2018/1673/F be approved subject to conditions as per the officer's report.

LA09/2019/0090/A Shop front sign, fuel canopy sign and totem sign 20m N of 247 Derryfubble Road, Benburb, Dungannon for Mr Brendan McAnallen

Members considered previously circulated report on planning application LA09/2019/0090/A which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That planning application LA09/2019/0090/A be approved subject to conditions as per the officer's report.

LA09/2019/0094/O Single storey dwelling house at land NE and adjacent to 162 Ballynease Road, Portglenone for Adrian McErlean

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0094/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 stated that Policy CTY2a requires six points to be met in relation to a cluster, in this case the only point not being met is the site not being associated with a focal point. Mr Cassidy contended that the proposed dwelling could avail of three possible focal points – a nearby Manse, Ballynease House and Portglenone Forest and that previous planning appeals had been allowed when the only one of the six points not

being met is a focal point. Mr Cassidy stated that the proposed dwelling would not be visible and that no harm would be caused in approving the application.

In response to questions from the Planning Manager, Mr Cassidy advised that the applicant and complainant live in the current cluster and that the Church related to the nearby Manse was located further up the road.

Ms McCullagh advised that the applicants address differed from the site address and it appeared he may own property within the current cluster but did not live there.

The Planning Manager stated that the definition of a cluster within policy was key and that Members needed to look at what is providing the focal point ie. community facilities or crossroads. The Planning Manager stated that if the Church had been located more closely it could have been used. The Planning Manager stated he would have some sympathy as to what difference the proposal would make but warned once a decision was taken on that basis there would be no stopping point.

Councillor S McPeake stated that there was an existing cluster of dwellings and that the proposal could be seen as a bookend to this because of the adjacent laneway.

Councillor Bell felt that the forest could be used as focal point.

Councillor Clarke referred to previous discussion in relation to clusters and clachans and that there is a serious issue in the countryside in which people are not able to get sites approved. The Councillor stated that more appreciation should be given to the people who are from the cluster and that there should be opportunity for them to live there.

The Planning Manager stated he asked the question as to whether the applicant lived in the cluster and it appeared he does not but does own property.

Councillor Gildernew asked if policy stipulated that the person needed to live in the cluster.

The Planning Manager stated whether the person lived in the cluster was not a policy test. In relation to this application the policy test of focal point had not been met.

Councillor S McPeake asked if all six points of meeting a cluster had to be met.

The Planning Manager stated that the key point of a cluster is that it has to have identity and that there is a place in which people have a connection.

Councillor Robinson stated that the application did not meet policy and he would therefore propose the application be refused.

Councillor Glasgow seconded Councillor Robinson's proposal.

Resolved That planning application LA09/2019/0094/O be refused on grounds stated in the officer's report.

LA09/2019/0099/O Site for replacement dwelling and double domestic garage (renewal of previous LA09/2015/1115/O) at approx.. 110m SE of 58 Annaghmore Road, Castledawson for Mr John Lennox

Members considered previously circulated report on planning application LA09/2019/0099/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2019/0099/O be approved subject to conditions as per the officer's report.

LA09/2019/0118/F Retrospective planning for meal storage bin for agricultural purposes on an existing farmyard at 29 Crancussy Road, Cookstown for Mr Peter McNally

Members considered previously circulated report on planning application LA09/2019/0118/F which had a recommendation for approval.

The Chair, Councillor Mallaghan asked was it not permitted development to have a feed storage bin on a farm.

The Planning Manager stated that in this case it was not permitted development as the proposal needed to be nine metres away from the road and was not in this case. The Planning Manager stated there had also been objections to the application which is why the application was brought to Committee.

Proposed by Councillor Clarke
Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/0118/F be approved subject to conditions as per the officer's report.

LA09/2019/0128/F Replacement dwelling and garage adjacent to and NW of 51 Ballynahaye Road, Ballygawley, Dungannon for Mr Cathal O'Neill

Application agreed to be deferred for office meeting earlier in meeting.

LA09/2019/0165/F Change of use from office and meeting place to retail space for a charity at 12 King Street, Magherafelt for Society of St Vincent De Paul

Members considered previously circulated report on planning application LA09/2019/0165/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2019/0165/F be approved subject to conditions as per the officer's report.

LA09/2016/0848/O Dwelling and garage 30m WSW of 88A Five Mile Straight, Maghera for Colm Lynn

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

The Chair, Councillor Mallaghan stated that the agent had previously spoken on this application but as the red line had changed he would permit speaking rights again and invited Mr Cassidy to address the committee.

Mr Cassidy stated that the application met with policy in relation to clustering, that there was an associated focal point of a crossroads within 100 yards, that there was a suitable degree of enclosure to the north and east of the site and that the proposal could be absorbed into the existing cluster and help to round it off. Mr Cassidy advised that part of the site would be liable to some pluvial flooding.

The Planning Manager stated that the proposal site is liable to flood in part and in order to move away from this section of the site the dwelling would have to be sited in front of an existing dwelling. The Planning Manager asked if an objection had been received from that dwelling.

Ms McCullagh advised that an objection had been received from the occupants of the neighbouring dwelling.

The Planning Manager stated he would be reluctant to accept the argument of infilling of a cluster and would put weight on the objection received from neighbour to site.

The Chair, Councillor Mallaghan stated that one of the most serious considerations related to this application was flood risk.

Proposed by Councillor Robinson
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2016/0848/O be refused on grounds stated in the officer's report.

LA09/2016/1481/F Spraybooth extension at existing workshop at 138-140 Dungannon Road, Ballygawley for Barrack Hill Quarries Ltd

Members considered previously circulated report on planning application LA09/2016/1481/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Mullen and

Resolved That planning application LA09/2016/1481/F be approved subject to conditions as per the officer's report.

LA09/2017/0897/F Part use of existing farm shed to provide internal dry storage in association with the applicants established business at 100m NW of 213 Washingbay Road, Coalisland for Jim McCuskey Evergreen Peat

Mr Marrion (SPO) presented a report on planning application LA09/2017/0897/F advising that it was recommended for refusal.

The Chair, Councillor Mallaghan referred to the addendum circulated which advised of a late objection.

Mr Marrion advised that there was nothing new raised in the latest objection that hadn't already been considered in the officer report.

The Chair, Councillor Mallaghan advised that speaking rights had been requested but had already been spent in relation to this application.

In response to question from the Chair, Mr Marrion advised that the existing shed has been approved for agricultural use.

The Planning Manager stated that the shed is being used for other purposes besides agricultural and if approved this other use will continue and expand. The Planning Manager stated that the site is becoming industrial and that this type of activity should not be encouraged.

Councillor McKinney asked how far the objector was away from the lane.

Mr Marrion advised that the distance from the objectors dwelling to the laneway was 85 metres and the distance from the back door of the objectors dwelling to the shed was 137 metres.

Councillor S McPeake referred to the objections received in relation to noise and traffic and asked if there was a way of constraining vehicles movements through conditions of approval.

The Chair, Councillor Mallaghan felt that should the application be approved, current activity will expand.

The Planning Manager stated that the applicant has applied for one thing yet is using the shed for another.

Councillor Mullen referred to late objection which was circulated around Members in which it is stated that there are three businesses operating from the site.

The Planning Manager stated that there was an ongoing enforcement investigation in relation to activity at the shed.

Councillor Clarke referred to sheds behind neighbouring dwelling.

Mr Marrion advised that the person residing at this dwelling is a horticulturalist and there are a number of polytunnels behind the house.

The Planning Manager stated that there needed to be a co-ordinated approach in relation to the application and enforcement investigation and suggested that the application be deferred for further consideration.

Proposed by Councillor S McPeake
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/0897/F be deferred for further consideration and to link with enforcement investigation.

LA09/2017/1101/O Off site replacement dwelling and domestic garage/store with the existing dwelling to be retained as ancillary use to the main home dwelling at approx. 165m SW of 73 Ballyscullion Road, Bellaghy for Mr Gavin Breslin

The Chair, Councillor Mallaghan sought approval for this application to be deferred to allow for submission of further information.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2017/1101/O be deferred for submission of additional information.

LA09/2018/0176/F Retrospective shed for the storage of boats and working of nets, to the rear of 140 Kilmasally Road, Dungannon for Mr Martin O'Neill

The Chair, Councillor Mallaghan suggested that this item be taken 'In Committee'.

Proposed by Councillor Bell
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0176/F be considered 'In Committee'.

LA09/2018/1161/F The conversion, reuse and extension of a stone barn for use as a dwelling and garage (Amended proposal), 60m NW of 27 Drummullan Road, Coagh for Ms K McCormick

Members considered previously circulated report on planning application LA09/2018/1161/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2018/1161/F be approved subject to conditions as per the officer's report.

LA09/2018/1293/O Dwelling and garage 40m N of 210 Shore Road, Ballymaguigan, Magherafelt for Mr Brian Doyle

Ms McCullagh (SPO) presented a report on planning application LA09/2018/1293/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 stated that the application meets policy for infill in that there are three buildings with common frontage. Mr Cassidy stated that planning officers were contending 216 Shore Road as they stated it did not have roadside frontage, Mr Cassidy however stated that there were pillars, fencing, kerbing and frontage associated with no.216 at the roadside and also referred to appeal decision in which it was stated that a property did have road frontage by way of its garden area, driveway and associated features. Mr Cassidy stated that the 3 buildings have a visual linkage over ½ mile viewpoints and that the proposal respects the surroundings and will provide much needed housing for the area.

The Planning Manager stated that the proposal appeared to be extending a ribbon of development rather than infill and that there was a build up of dwellings in the area.

Councillor Bell stated that Ballymaguigan School was only a couple of hundred yards away from the proposal site.

The Planning Manager stated that Ballymaguigan is a settlement with a settlement limit and referred to the ribboning of development to the north of the settlement limit of which this application would extend the ribbon.

Councillor S McPeake referred to the dwelling to the north of the site with the wide laneway and asked if this could be interpreted as part of infill.

The Planning Manager stated that road frontage is supposed to be considered and in this case there is a large field and that development would add to the ribbon. The Planning Manager referred to guidance in respect of infill and the importance of protecting rural character.

Councillor Bell stated that as there were a number of other dwellings already in the surrounding area this development would be in keeping with rural character.

Councillor Cuthbertson proposed the planning application be refused.

Councillor S McPeake asked if the entrance could be used as a stop end for infill.

The Planning Manager stated that those were the circumstances used by Mr Cassidy at appeal and that the appeal had been lost.

Councillor Bell asked if policy was open to interpretation.

The Planning Manager stated it was his job to advise and protect the Committee but in this instance he felt the Committee would be hard pushed to overturn the officer recommendation.

Councillor S McPeake proposed that the application be approved on the basis that it was not extending a ribbon but rather rounding off and that pillars be used as road frontage at no.216 Shore Road.

The Planning Manager stated that policy stipulates that consideration cannot be given to what is set back from the road.

Councillor Glasgow left the meeting at 9.05 pm.

The Planning Manager read from policy CTY8 and advised that –

- Planning Permission will be refused for development which creates or adds to a ribbon.
- Exceptions will be permitted for development of a small gap site up to a maximum of two dwellings within a substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting a plot size. The definition of substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
- Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage.

The Planning Manager advised that as one of the dwellings being relied upon was located up a laneway there was not a road frontage of three buildings and that setting this aside the plot size could accommodate more than the two dwellings permitted for a small gap site.

Councillor Glasgow returned to the meeting at 9.08 pm.

Councillor Bell stated that when walking/driving along the road the dwelling located up the laneway was closer to the road than what it appears in the photograph taken.

The Chair, Councillor Mallaghan stated there were two proposals on the table and asked if there were any seconders for the proposals.

Councillor Bell seconded Councillor S McPeake's proposal to approve the application.

Councillor Robinson seconded Councillor Cuthbertson's proposal to refuse the application.

Councillor Gildernew asked for advice from Council Solicitor.

The Council Solicitor advised that the officer's report set out the reasons why the planning officer is of the view that the application is contrary to policy and should Members wish to approve the application they need to give clear reasons as to why they take a different view or why it should be treated as an exception. The Council Solicitor stated it is a matter for the Members to decide on the merits of the application before them based on sound planning reasons.

The Planning Manager stated that more reasoning was required as to why the application should be approved.

Ms McCullagh highlighted the reasons why the application was being recommended for refusal as set out in the officer report -

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Shore Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this stretch of the Shore Road and therefore result in a detrimental change to the rural character of the countryside.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the countryside, and therefore would not visually integrate into the surrounding landscape.

Councillor S McPeake stated that similar proposals had been approved in the past and that the entrance to the laneway can be used as a bookend for infill.

Councillor Bell stated that the site was not as long as what was being depicted in the photographs.

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

For – 2

Against – 5

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

For – 5

Against - 0

Resolved That planning application LA09/2018/1293/O be refused on grounds stated in the officer's report.

LA09/2018/1377/F Conversion of existing building to dwelling with side extension, new lane and associated site works adjacent to 19 Killycolpy Road, Stewartstown for Mr Gary Campbell

Members considered previously circulated report on planning application LA09/2018/1377/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1377/F be approved subject to conditions as per the officer's report.

P043/19 Receive Planning Department Service Improvement Plan 2019/20

The Planning Manager presented previously circulated report which provided the Planning Department's Service Improvement Plan for 2019/20.

Councillor Clarke referred to some of development management staff moving to Dungannon and stated that this matter had never been discussed at the Planning Committee.

The Planning Manager stated that the matter was raised on a number of occasions during the first year of the Council in which there was an aspiration to have a planning presence in each of the three Council offices, it was highlighted however that there was no space in Cookstown offices and that the move to Dungannon offices was progressed.

Councillor Clarke stated that Members of the Planning Committee should have been kept up to date with what was happening.

The Planning Manager stated that discussion in relation to staffing matters and movement of staff fits into the Policy and Resources Committee.

Councillor McKinney stated that as Chair of the Policy and Resources Committee he could confirm that the matter was discussed at a meeting of that Committee.

The Planning Manager stated that a team of officers will be moving to Dungannon and that admin would continue in Magherafelt unless more resources were made available.

Councillor Clarke stated he had no issue with the move and felt it was a good thing but that Members of the Planning Committee should have been kept up to date.

Councillor Gildernew stated he had always been an advocate of having a planning presence in Dungannon and it was a shame it had not happened sooner. Councillor Gildernew stated he took Councillor Clarke's point in that the matter was not discussed at the Planning Committee but confirmed that it had been a matter for discussion at the Policy and Resources Committee.

Resolved That it be recommended to Council to agree the Service Plan for Planning Department for 2019/20.

Matters for Information

P044/19 Minutes of Planning Committee held on 5 March 2019

Members noted minutes of Planning Committee held on 5 March 2019.

Councillor Cuthbertson referred to planning application LA09/2018/0379/F which was discussed at the March Planning meeting. Councillor Cuthbertson stated that at that meeting he asked if the two houses had already been built and Mr Marrion had stated there was nothing to suggest this.

Councillor Cuthbertson stated that whilst looking through the list of enforcement cases closed for this month's meeting there had been an enforcement case in relation to unauthorised site works at the proposal site and that Members were not advised of this at the March meeting.

P045/19 Confirmation of Listing of four Telephone Boxes

Members noted previously circulated report which provided confirmation that the Department for Communities, Historic Environment Division, has formally listed four K6 type Red Telephone Boxes in the Mid Ulster District.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Robinson
Seconded by Councillor McAleer 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 P042/19 (In Committee Item) and items P046/19 to P052/19.

Matters for Decision

- P042/19 Planning Applications for Determination (In Committee Item)
- P046/19 Receive Report on LA09/2017/0867/O
- P047/19 Receive Update on Local Development Plan 2030 – Draft Plan Strategy
- P048/19 Receive Report on Proposed Building Preservation Notice on Telephone Box
- P049/19 Receive Enforcement Report

Matters for Information

P050/19 Confidential Minutes of Planning Committee held on 5 March 2019

P051/19 Enforcement Cases Opened

P052/19 Enforcement Cases Closed

P053/19 Duration of Meeting

The meeting was called for 7 pm and concluded at 10.32 pm.

Chair _____

Date _____



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 2 April 2019

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	Application withdrawn	Members to note
4.2	Application withdrawn	Members to note
5.3	Late objection received	Members to note, no new issues raised
9	Copy of J.B and R.H Twigg Solicitors letter dated 28/11/2018 confirming agreement to sale / purchase of farm yard and lands	Members to note