

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 May 2015 in Magherafelt Council Offices

Members Present:	In the Chair, Councillor Kearney (Chair) Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, J Shiels, Reid and Robinson
Officers in Attendance:	Mr Tohill, Chief Executive Dr C Boomer, Area Planning Manager Ms M Kearney, Senior Planning Officer Ms K Doyle, Senior Planning Officer Mr P Marrion, Senior Planning Officer Ms S McEvoy, Principle Planning Officer Ms E McCullagh, Senior Planning Officer Mrs Forde, Member Support Officer
Others in Attendance:	Councillors Monteith and Quinn Applicant Speakers Mr Beckett Mr McBurney Mr McCaffrey Mr McGahan Mr McNally

The meeting commenced at 7.00 pm.

P35/15 Apologies

None

P36/15 Declarations of Interest

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

In response to query from Councillor Bell assurance was given that there was no conflict of interest in the eventuality of a party colleague having a planning application on the agenda.

Matters for Decision

P37/15 Receive and Confirm Minutes of the Planning Committee Meeting held on Monday 13 April 2015

Councillor Reid requested that the first two sentences of paragraph 7 of page 5 be amended to read 'Councillor Reid wanted it recorded that the whole thing stinks to high heaven and that Planning enforcement was not adhered to. Job creation and expansion will be good for the area but if issues had of been dealt with better Mr Hughes and others may not have objected as much.'

Proposed by Councillor Mallaghan
Seconded by Councillor Glasgow and

Resolved That the minutes of the meeting of the Planning Committee held on Monday 13 April 2015, (P25/15 – P32/15 & P34/15), subject to the foregoing were considered and signed as accurate and correct.

P38/15 Planning Applications for Determination

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

H/2013/0182 Residential development of 6 dwellings NE of 1, 3, 5 and 7 Oakdale Manor, Magherafelt for Mr P Scullion

Ms Doyle (SPO) drew attention to planning application H/2013/0182 advising that it was a full application seeking permission for a residential development of originally eight proposed new dwellings but that it had now been amended to six new dwellings which together with conditions detailed addressed all concerns raised during the application process. The SPO recommended that the committee approve the application.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application H/2013/0182 is approved as per Officers report.

H/2013/0244/F Change of house type to that previously approved at 170m NW of 150 Gulladuff Road, Bellaghy for Mr Andrew Dempsey

The Area Planning Manager (APM) drew attention to planning application H/2013/0244/F advising that processing had taken considerable time which together with deferral office meetings with both applicant and objectors had resulted in a change of house type from bungalow to split level dwelling with increase in site curtilage. The APM referred to previous approved farm dwelling H/2013/02606/RM and increase in site curtilage.

Ms Doyle gave an overview of the proposed dwelling via power point presentation highlighting the change of house type to split level with the appearance of a bungalow to the front, revised positioning, increased shrubbery and advised that negotiations with objectors and applicant had resulted in agreement.

Councillor Reid sought clarity as to whether provision of shrubbery was included in the original application or if it was a new process. In response, the SPO advised that shrubbery had been included in the original application but had to be re-addressed in the new application at which time additional shrubbery had been included as the revised site required more landscaping.

In response to Councillor Reid's reference to the number of applications to be dealt with and the fact that the applicant was back for a change of house type after three years the SPO advised she must deal with all applications on her list and that there had been valid objections which had to be considered. The APM advised that sometimes people gain approval and then change their minds for a variety of reasons and new proposals have to be reconsidered.

In response to Councillor J Shiels the SPO assured that neighbours had been considered and thus recommended that the committee approve the application.

Proposed by Councillor J Shiels
Seconded by Councillor Reid and

Resolved That planning application H/2013/0244/F is approved as per Officers report.

H/2013/0256/F Retention of existing garage at 170m NW of 150 Gulladuff Road, Bellaghy for Mr Andrew Dempsey

Ms Doyle, SPO drew attention to planning application H/2013/0256/F that the applications was for a shed/garage and it had been previously deferred by the former Magherafelt District Council and subsequently amended plans had been submitted. The SPO highlighted positioning of the proposed shed/garage, the inclusion of metal cladding to improve appearance and windows to be blocked up with remaining in wash area and stairwell for ventilations purposes. The SPO advised that a site visit had taken place objectors had been met with and with the amended plans agreement had been reached subject to conditions outlined in the report.

The SPO recommended that the committee approve the application.

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application H/2013/0256/F is approved as per Officers report.

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I/2014/0162/F Increased tower height of wind turbine from 30m as approved to 40m at 356m NW of 30 Limehill Road, Pomeroy, for NI Wind Options

Ms McCullough (SPO) drew attention to planning application H/2013/0256/F stating that the proposal of the application was to increase the tower height of a wind turbine to 40m. The SPO advised that two objections from neighbouring properties had

been received which had stated the turbine already caused noise disturbance, shadow flicker and had a detrimental impact on the established character of the area and as height increased so would the aforementioned. The SPO stated that the proposal met with all required tests and legislation and recommended that the committee approve the application.

The APM advised that it was now quite common to seek to increase the height of wind turbines from 30m to 40m as the increased height generated more electricity. The APM stating that the proposal met with practise to date voiced concerns that the issue was increasing and asked the Members to note the content of the application as it may be referred to during discussion on policy matters in the future.

On a point of clarity Councillor Reid stating that it was a general question asked if raising the height of the tower eliminated the 'flicker' as he was aware it could be quite devastating to those with epilepsy and autism thinking of the health and wellbeing of people in neighbouring properties. In response the SPO stated that in relation to the increase in height of the turbine it past the test required for the application. Councillor Reid asked if there was still a 'flicker' in response the SPO stated that there may be some element with blades turning but emphasised that tests had been carried out and the proposal was within the parameters of the policy. In response to Councillor Reid's query as to whether the two objectors was happy the SPO advised that no further correspondence had been received nor a request to speak at the meeting. The APM stated that valid objections had to be taken into account but in this instance as stated by the SPO practise to date would deem the application acceptable.

Councillor Cuthbertson asked if the existing turbine was extended or is a new larger one erected. In response the SPO referred to the application which stated 'increase tower height' and that she assumed it was just a piece added on. Supporting the assumption the APM drew a comparison to an extension to a house when the same base and foundation would be used

Proposed by Councillor Bateson
Seconded by Councillor J Shiels and

Resolved That planning application I/2014/0162/F is approved as per Officers report.

I/2014/0173/LBC Installation of 4 replica sliding sash windows at Shane Beckett Eaglesfield House, 20 high Cross Road, Cookstown

The Chair Councillor Kearney advised that the application had been withdrawn.

I/2014/0174/LBC Removal of 2.4M of boundary wall at 9 Loy Street, Cookstown, BT80 8PZ

Ms McCullagh (SPO) drew Members attention to application I/2014/0174/LBC and advised that the address on the agenda should be amended to 9 Loy Street,

Cookstown. The SPO stated that the proposal was to remove a 2.4 m boundary wall as required by gas safety rules.

The SPO advised that an objection regarding the removal of the wall had been received from the Northern Ireland Environment Agency as the building was listed and proposed works would detract from both its appearance and character and result in a loss of its architectural and historic integrity.

The Chair, Councillor Kearney advised that the applicant, Mr Beckett had submitted notification to be permitted to address the committee regarding the application. Inviting Mr Beckett to speak the Chair, Councillor Kearney advised that the address should be no longer than three minutes duration.

Mr Beckett stated that the NIEA in referring to the wall being an important feature of the building emphasised that it had been a 'jerry' built back in 1869 when the properties had been built for the rental market. He continued stating that the wall was 'pink wash' and had no foundation. He further stated that the NIEA had made reference to reinstating the wall and boundary hedge and asked Members to note that he was already in possession of planning permission to remove the boundary hedge. Referring to a pedestrian access he stated that Flogas who required the works for gas safety rules would not permit same.

Continuing Mr Beckett stated that if the wall was so important it would not be 'pink wash' emphasising that it was jerry built for rental market back in 1869 and that a reinstated wall would be without foundation and although he had the option to reinstate 'like to like' it would look really stupid and wouldn't last. Mr Beckett emphasised that he did want the reinstatement of the gardens as in the future the gas pipe would go up the main street and stressed that the work was temporary for a few years. He stated that he was not prepared to go against Flogas safety decisions and further stated that he was a landlord and that the NIEA needed to realise these buildings have to make a living and tenants have the right to expect civilised modern dwellings.

The APM stated that in relation to the building concepts the committee are now empowered to make a decision which would over-rule NIEA and Historic Buildings recommendations but doing so may often have a price as a previous building demolition had nearly resulted in the consequence of lottery funding being removed in Northern Ireland. The APM further stated that the applicant had withdrew another application and had proved to be reasonable and thus recommended that the application be deferred to allow time for a meeting with NIEA.

Proposed by Councillor McKinney
Seconded by Councillor J Shiels and

Resolved That planning application I/2014/0174/LBC is deferred.

Declaration of Interest

Councillor Cuthbertson declared an interest in planning application M/2014/0190/F and stated if a vote occurred he would not be participating.

**M/2014/0190/F Retention of existing building and extension of existing
curtilage at 23 Cavan Road, Killyman for Mr Andrew
Armstrong**

The APM drew Members attention to application M/2014/0190/F stating that it was a complex application which had been amended from its original description to a proposal for retention of existing building for domestic purposes and extension of existing curtilage for domestic purposes. He further advised that an enforcement notice had been served by the Planning Department 20 years previous requiring its removal but the business use of the building had gave planners no issue in the intervening years so the enforcement was not progressed to prosecution. Over the years the property had been sold and the owner started up a business which came to the attention of planners by a neighbour regarding potential of nuisance of traffic. As outlined in the report a planning application was submitted, objections heard and following an extensive investigation the APM stated he would recommend the application for approval subject to conditions outlined in the report. He also drew Members attention to legislation referred to in the report being 2012 which should read 2015.

Councillor Cuthbertson stated that he supported the recommendation of the planner as the building had been there for 24 years and when the current owner purchased the building there was no enforcement order revealed when mortgage searches were carried out.

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

Resolved That planning application M/2014/0190/F is approved as per Officers report.

**I/2014/0193/F Alterations and single storey extension to Moe's Bar at 86
Chapel Street, Cookstown for Clarman & Co**

Ms McCullough (SPO) drew Members attention to application I/2014/0193/F and outlined that it had previously been presented to the former Cookstown District Council as a refusal at which time it had been deferred. The SPO stated that a considerable number of objections had been received regarding noise and road issues. The SPO advised as detailed in the report Transport NI had concerns regarding parking spaces and report had been sought from Council Environmental Health Department regarding noise issues, it was also noted that patrons would be using the front door. Continuing the SPO advised that when the commercial building was demolished it would allow for eight parking spaces, main trading times would be normal hours and many patrons would use taxis and due to the size and nature of the extension it was not anticipated that there would be an increase in service vehicles.

The SPO stated that having considered the application and the objections to same that approval is granted subject to conditions outlined in the report.

In response to Councillor Mallaghan's query the SPO clarified that this was the first time the application had been presented following its deferral by former Cookstown District Council in November and that in considering the application Transport NI and objectors issued had been considered.

Councillor McEldowney left the meeting at 7.54pm

The Chair advised the committee that requests to speak on the application had been received and invited Councillor T Quinn, Mr McGahan and Mr McCaffrey to speak.

Councillor T Quinn stated that the residents of Fountain Road and surrounding areas fully support job creation and business and made reference to the application originally coming as a refusal then being moved to approval. Councillor T Quinn stated that the development would affect the lives of residents greatly and would violate their rights in what was a highly populated area. Continuing he made reference to their anguish and posed the undernoted questions:

- 1 Why residents had not been consulted or informed of application?
- 2 Why Transport NI concerns and objections had not been taken on board?
- 3 Why the Planners had not asked for anti-social behaviour reports from PSNI?

The Councillor referred to many incidents of disturbance and highlighted example of 26 April when several squads of PSNI were required outside Moe's Bar, accompanied by two ambulances and people injured had been taken to hospital and a similar incident on the 3 May. Councillor T Quinn also read a letter from objectors which had 25 signatories and stated that the residents had not been given the opportunity to respond to the change in recommendation and that minutes of meetings between Transport NI and the planners had not been made available to the residents and they wished to view them. He further advised that no information had been provided to residents since 11 November until the present day. Concluding Councillor T Quinn stated that the residents would request the application be refused or at the very least deferred until facts could be established and emphasised that they had the right to a normal peaceful existence and the approval of this application would lead families to uproot and this would be a shameful travesty of justice.

Councillor McEldowney returned to the meeting at 7.58pm

Addressing the committee, Mr McGahan advised he was speaking on behalf of an 85 year old resident, who with regard to the application had been 'kept in the dark'. He made reference to an image depicting the smoking area proposed in the application which had been shown on power point and stated that it could hold one person or 70 people and stating that it looked more like a beer garden asked the committee if they would like to live next door to it. Concluding he referred to Transport NI objections and that he objected to the courtyard area.

Mr McCaffrey advised that he had been living in the area within 10 meters of Moe's Bar for the past 8 years, he referred to the recommended refusal of the application

on 11 November at which time the SPO had agreed to an office meeting regarding transport issues that residents had been provided with no update and now the recommended refusal had changed to an approval.

Continuing Mr McCaffrey stated that contrary to the decision by Planners the Public House in the application would upset residents by noise nuisance and general disturbance he referred to the two mini riots and stated that the proposed development was contrary to PPS3 as provision for vehicles can not be made clear of the highway. Mr McCaffrey further emphasised that the truth of the matter was that taxis are parked every weekend on the footpath and the pedestrians walk on the road – then taxi swerve in and out like ‘amber gamblers’. He further stated that the application is contrary to PPS3 i.e. ‘moving and parking prejudice to safety and road users’ thus interfering with free flowing traffic on Chapel Road and emphasised that on a regular basis he could not get access to his home.

The Chair, Councillor Kearney reminded speakers of time restrictions.

Concluding, Mr McCaffrey stated that nothing had changed since November 2014 and that the physical and emotional wellbeing of residents is more important than a nightclub emphasising that it is within 5 meters of one resident’s front door. Mr McCaffrey urged the committee to uphold the rights of the residents.

The Chair, Councillor Kearney sought Members comments.

Councillor Reid stated that there appeared to be far too many ‘ifs, buts and maybes’ and asked why if Planners could talk to Transport NI why the PSNI had not been consulted regarding antisocial behaviour. Councillor Reid stated that he had no reason to doubt the gentleman and proposed that the application be deferred for further discussion with all parties concerned.

Councillor Mallaghan stated that with the volume of information presented the committee would need to seek further consideration.

Councillor McAleer concurred and stated that the Transport NI safety aspects were worrying.

Councillor Bateson posed the question as to what was the substantial change in information which brought about the move from refusal to approval.

Councillor Glasgow seconded Councillor Reid’s proposal stating that the report from Transport NI was especially alarming and the fact that the PSNI had not been approached. He concluded by stating that having heard from residents he was alarmed at the situation and the annoyance they were suffering and that they needed the Committee support.

Councillor J Shiels concurred with previous remarks emphasising that there were too many ‘ifs and buts’ and that he felt the residents had been left out of the process. The ‘whys’ needed to be answered and sought clarification if the proposed smoking area had been included. In response the SPO stated that the noise impact of the smoking area had been taken into consideration.

The APM stated that a deferral had been proposed and this was the easy option but the arguments would still stand, emphasising that the objectors had delivered a passionate and reasonable argument for refusal he stated that there were reasonable grounds to refuse. Advising that the change from refusal to approval had been down to the resolve of car parking issues and the decision now was a planning matter. Continuing the APM stated that noise was a valid consideration and Environmental Health were the experts. He stated that the recommendation had attached conditions, that as it was not a licensing issue Planning did not have to consult the PSNI but he had no reason to doubt the residents report. Referring to the application he stated that one side was onto the main road whilst the back of the establishment incorporating the beer garden which although did not open onto the street would generate noise in what was a residential street. Concluding the APM stated that it was deemed appropriate for the application to go either way but deferring it would not forward the issues raised.

Proposed by Councillor Mullen
Seconded by Councillor McAleer

To refuse the application.

Councillor Reid stated that considering the aforementioned and the proposal to refuse he would withdraw his proposal for a deferral and that although Planning may not be required to consult the PSNI, Council was also a licensing authority and this could come before Council again as there may be continued disturbances. Councillor Glasgow stated that he was happy to withdraw his support in seconding Councillor Reid's proposal.

The APM stated he would determine the wording of the refusal referring to the undernoted:

- (i) Application would be detrimental to neighbourhood due to noise disturbances in residential street;
- (ii) Could result in deterioration of highway safety due to increased traffic, noise nuisance and deterioration of health and safety.

The Chair called for a vote

For	14
Against	0
Abstained	1

Resolved That application I/2014/0193/F is refused subject to reasons to be outlined by Area Planning Manager.

H/2014/0209 **2 storey dwelling adjacent to 2 Beechland Drive,
Magherafelt for Mr Robert Niblock**

Ms Doyle (SPO) drew Members attention to application H/2014/0209 outlined in the report and stated that the proposal had been previously refused in 2008. Continuing

she stated that for reasons highlighted in the report such as policy, parking, roads together with semi-detached dwellings turned into a terrace the recommendation was to refuse the application.

Proposed by Councillor Bateson
Seconded by Councillor McPeake

Resolved That application H/2014/0209 is refused.

H/2014/0218/RM Erection of 2 industrial units, 1 utility block, car parking, security fencing and associated works at lands approximately 10M W of unit 10, Station Road Industrial Estate, Magherafelt for Gorsehill Ltd

Ms McCullough (SPO) drew attention to application H/2014/0218/RM as detailed in the report and advised that one objection had been received stating that they had not been notified but as the residential impact had been negative but that the application had been advertised. The SPO recommended that the application be approved subject to conditions outlined in the report.

Proposed by Councillor McPeake
Seconded by Councillor Bell and

Resolved That planning application H/2014/0218/RM is approved.

H/2014/0261/O Dwelling and garage adjacent and NE of 39 Creagh Road, Toomebridge for Mrs C McGrogan

Ms Doyle (SPO) drew Members attention to the proposed application H/2014/0261/O advising that it was for a dwelling and garage but the site is part of a large agricultural land and making reference to reasons detailed in the report recommended that the application be refused.

The APM stated that it is somewhat complex determining what is a legitimate infill and that once one was permitted someone else applies for another. The APM emphasised that the committee should start considerations by assessing the rural character of an area. He stated that in relation to this application there was a big field with no 'ribbon' and to start to create same would change the rural character.

Proposed by Councillor Bateson
Seconded by Councillor McPeake and

Resolved That application H/2014.0261/0 is refused as per Officers report.

I/2014/0390/O Infill dwelling and garage at 30m NE of 23 Shivey Road, Cookstown

Ms McCullough (SPO) drew Members attention application I/2014/0390/0 outlined in the report and stated that a refusal was recommended as the proposal was contrary to CTY8 (Ribbon), CTY14 (Build up and Ribbon) of PPS21.

Councillor Reid asked if the applicant could amend the proposal in any way to attain an approval. In response the APM stated that often over time things may change resulting in a different decision.

Councillor McKinney left the meeting at 8.38pm

Councillor Reid sought clarity that if proposal was beside a family complex was it one application approved in every ten years.

Councillor Clarke referred to the Ministerial statement outlined in the report stating that someone could take a different opinion on it.

Councillor McKinney returned to the meeting at 8.39pm

The APM stated that if this was a small gap enclosed on three sides planning permission could be granted. However, the site in question was a big open field and therefore it was best to start assessing from the point of assessment of the impact on rural character.

Councillor Clarke stated that he was not opposing recommendation but merely stated that the Ministerial statement was open to interpretation.

The Chair, Councillor Kearney sought a proposer for the recommendation.

Proposed by Councillor Bateson
Seconded by Councillor McPeake and

Resolved That application I/2014/0390/0 is refused as per Officers report.

I/2014/0402/O Dwelling at lands 25m N of 54 Meenanea Road, Dunamore for Mr F Corey

Ms McCullough, SPO drew attention to application I/2014/0402/0 stating that the proposal was not in compliance with the criteria of policy CTY10 part A and CTY 14.

Councillor Mallaghan stated that it was his understanding new evidence had come forward regarding the application and requested that it be deferred.

Councillor Glasgow left the meeting at 8.45pm.

Councillor McPeake sought clarity as to whether planning had changed its direction as previously if it could be proved that building had been used for farming it was sufficient. In response the APM stated there was no test case, the starting point is if the farm is active and if there is a business number.

What constitutes an active farm from the viewpoint of the Department of Agriculture appears to be shifting for the purposes of assessing the single farm payment. He

further stated that there were difficulties and that Planning endeavours to help but cannot set rules to be abused.

Proposed by Councillor Mallaghan
Seconded by Councillor McPeake and

Resolved That planning application I/2014/0402/O be deferred.

**H/2014/0439/O Dwelling and garage at 30m NW of 34 Motalee Road,
Desertmartin for Mr Niall Higgin**

Ms Doyle, (SPO) drew attention to application H/2014/0439/0 outlined in the report and stated it was contrary to guidance detail within CTY1 and CTY10 and thus recommended a refusal.

Councillor Bell stated that it had been brought to his attention that further information was available for consideration and sought a deferral.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved That planning application H/2014/0439/0 be deferred.

Councillor Mallaghan left the room at 8.50pm

Declaration of Interest

Councillor McPeake declared an interest in application H/2014/0441/F and left the room.

**H/2014/0441/F Dwelling 20M SE of Broagh Road, Knockloughrim, for Mr
Peter O'Neill**

Ms Doyle (SPO) drew attention to application H/2014/0441/F stating that it was a change of house type prior to approval H/2011/0286/RM that two letters of objection had been received, there was a dispute regarding land ownership and development had commenced on site. Drawing attention to conditions outlined in the report it was recommended to approve the application subject to conditions outlined in the report.

Councillor Mallaghan returned at 8.51pm

In relation to Councillor Bateson's question regarding land ownership the SPO responded that there was a difference of opinion regarding ownership but irrespective of who owns ground approval remains the same.

Councillor Bell left the meeting at 8.52pm

Continuing the SPO stated that the development had commenced on the previous application approval aforementioned. The APM emphasised the fact that approval goes with the land irrespective of ownership even if there was a court case.

Councillor Reid asked was there mention of farm expansion to which the SPO responded that an objector had stated approval would impact on any proposed farm expansion he may have but there were no plans to consider.

Councillor Bell returned at 8.54pm

Councillor Clarke sought clarification as to whether the land issue could invalidate approval. In response the APM stated it was all very much terminology and language and issues such as visibility could invalidate in the future.
Mullen left at 8.55pm

Proposed by Councillor Bateson
Seconded by Councillor Clarke and

Resolved That planning application H/2014/0441/F is approved as per Officers report.

Declaration of Interest

Councillor Cuthbertson declared an interest in application M/2014/0448/F

M/2014/0448/F Extension, car parking and synthetic pitch with ball stop fencing at Tamnamore E.O.T.A.S at Tamnamore Road, Dungannon for the S.E.L.B

Mr Marion (PPO) drew attention to planning application M/2014/0448/F outlined in the report advising that the school was for 8-10 pupils, the proposal is within a settlement, car parking will be moved and approval includes a classroom to the rear of the playing field on lands zoned for mixed use.

Councillor McAleer left the meeting at 8.57pm

Continuing the PPO stated that one letter of objection had been received which highlighted problems of access and parking.

Councillor McAleer and Councillor McPeake returned at 8.58pm

Following consultations with Transport NI plans had been amended and it was noted that an additional car parking space was being provided and the layby at the front of the school would provide parking for up to five vehicles.

The PPO recommended approval for the application subject to the conditions outlined in the report.

Councillor Cuthbertson advised he had been in contact with the residents of Tamnamore Close who have at times have had access to their properties blocked due to overflow parking from the school. Continuing he stated that there appeared to be confusion over staff numbers Minister of Education stated 10 i.e. five teachers and five support staff, within the proposal it indicates four staff with an increase of

two to six, residents have counted up to 14 number staff. Councillor Cuthbertson further stated that during October/November 2014 trees had been cut down yet the application makes reference to trees and that he was aware that Council had received a complaint today that work had actually commenced and thus this is a retrospective application. Continuing Councillor Cuthbertson emphasised that it was important to keep residents informed giving the example that one family had a child who had severe disabilities and the bus collecting the child on occasions could not get access to Tamnamore Close. Councillor Cuthbertson requested an office meeting regarding the application.

Clarifying Councillor Reid's query Councillor Cuthbertson stated the school was now a centre for pupils who have had difficulties at main stream school. Councillor Reid further queried if the proposed pitch was for service users only during school times or is it for the general public.

The APM stated that the application could not be refused but it was paramount not to have the school and community at loggerheads and suggested that the application be referred back to Planning to revisit parking issues.

Proposed by Councillor Cuthbertson
Seconded by Councillor Mullen and

Resolved That application M/2014/0448/F be deferred.

On a point of clarity Councillor Bateson asked if it was permitted for a Member to declare an interest then propose a deferral. In response Councillor Cuthbertson stated that he would not participate in a vote.

M/2014/0566/O Housing development between Annagole Park and Lisahull Park, Dungannon, for Glengannon Inns Ltd

Mr Marrion (PPO) presented application M/2014/0566/0 for a housing development and advised that two letters of objection had been received and advised that the site is part zoned white land and part zoned for housing. The PPO advised that consultations had been carried out with statutory agencies, that the site had been refused planning permission and went to appeal in the past which had been dismissed. Continuing the PPO advised that contamination had originally been an issue but was no longer so, describing the land he advised it was a piece of ground along the old railway line which was unkempt. The PPO advised that the application had previously been issued in error and recalled but was now before the committee for consideration and asked Members to note that the site identified in the draft area plan as open space but in the actual plan this had been rezoned.

The Chair advised the committee that request to speak on the application had been received and invited Councillor Monteith and Mr McNally to address the committee.

Mr McNally advised he was the Chairperson of Ballysaggart Area Community Association (BACA) and also spoke on behalf of residents of Lisnahull Park. Continuing he stated that the ground had been unofficial open space and should remain so with the pathway and cycle path and that residents have expressed

concern that the land had been allocated for housing development recalling that other open space in the vicinity had been lost when the Northern Ireland Housing Executive had sold land which houses had then been built on.

Councillor Monteith stated that he was a resident of the immediate area and had worked with BACA. He stated that he had grown up in the area and having represented it there was a desire to have it zoned for recreation and open space. In the previous Council set up Dungannon had consistently backed the Planning Service in keeping this area zoned white. Continuing Councillor Monteith stated that planning permission had been refused on phase two land and that adjacent to the site there was approval for 30 houses on phase one land, across the road from Newell Stores which borders the land there was approval for 99 houses, immediately facing it approval for 40 apartments and this application should not be approved as there was some 150 housing units approved within close vicinity of the site.

Councillor Monteith referring to the proposal which detailed two apartment blocks and some housing stated that residents would vehemently oppose apartments as there was small bungalows and housing for people with disabilities in the area. He further stated that the land should be recreational space for whatever houses there is and made reference to the 'Earls Project' with £7million investment in the town had been denied use of the site. Councillor Monteith called for an office meeting to give parks department an opportunity to present how they develop the site. Concluding he stated that residents are entitled to raise concerns and it is important to see that the full process was carried out.

Councillor Mullen thanked both the speakers and concurred with their comments and stated that there are over 600 people on the housing list in Dungannon and over 1,000 throughout the whole district and housing was needed.

The APM stated that the attempts had been made to keep the space open with the inclusion of the cycle path and that previously the planning permission had been refused due to contamination which was no longer an issue yet the feelings of the residents was understandable.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan

That planning application M/2014/0556/0 be deferred.

The Chair Councillor Kearney asked for a show of hands to which

For 8

Resolved That planning application M/2014/0556/0 is deferred

Declaration of Interest

Councillor Cuthbertson declared an interest in planning application M/2014/0576/0

**M/2014/0576/O 3G training pitch and associated changing rooms at
Stangmore Park, Far Circular Road, Dungannon for
Dungannon United Youth Football Club**

Mr Marrion (PPO) drew attention to planning application M/2014/0576/O and outlined details of the proposal which ultimately would result in more open space through development of a 3G pitch and demolition of original clubhouse. He advised that two letters of objection had been received and in order to overcome planning concerns he would recommend approval for the proposal subject to conditions outlined in the report.

Councillor Gildernew sought clarity regarding the period of time to which the conditions had to be adhered to. In response the PPO advised that the Council would investigate any complaints into for example use of flood lights beyond defined hours. The APM stated that it was straightforward to issue a breach of condition notice and the process was not as complicated as health and safety.

Proposed by Councillor Bell
Seconded by Councillor Bateson and

Resolved That planning application M/2014/0576/O is approved as per Officers report.

**M/2014/0602/F Replacement dwelling and garage 220M NW of 15 Ashfield
Road, Ballymacab, Clogher, for Mr D Potter**

The Chair, Councillor Kearney advised that application M/2014/0602/F had been withdrawn.

**I/2015/0011/A Retention of existing signage at 2-4 Dungannon Road,
Cookstown for Tyre Safety Centre**

Dr Boomer (APM) advised that this application had originally been recommended as a refusal but that following consultation the application had removed the electronics from the application, Transport NI had been satisfied and as there were no objectors he recommended that the application be approved.

Councillor Bell stated that as technology advances applications for such signs would be on the increase and sought clarity as to how they were deemed a distraction when really any sign on for example a roof or roadside would be a distraction. Responding the APM stated that the starting point in law is are they detrimental to visual or dangerous to highway safety, for example highly illuminated and flashing on a main road is somewhat different to being in an alleyway. Councillor Bell stated that Las Vegas and Blackpool would be closed down if this were the case and sought a way in which businesses could be assisted. The APM stated that discussion would lead to a policy debate and advised that in Blackpool illuminations other than on the front were not permitted. Councillor Reid stated that the District was not exactly Blackpool and asked how many accidents had been caused? The APM reminded Members that the recommendation was to approve.

Councillor McEldowney left at 9.40pm

Proposed by Councillor Cuthbertson
Seconded by Councillor McAleer and

Resolved That application I/2014/0011/A is approved as per Officers report.

M/2015/0016/O Dwelling and garage at lands adjacent to and West of 66 Mullaghmarket Road, Dungannon, for Mr Connor McKearney

Mr Marrion, (PPO) drew attention to application M/2015/0016/O and advised that the application read Mullaghmarket Road, not Mullaghmore which appeared on the agenda.

Councillor McEldowney returned at 9.41pm

Stating that the proposal was in a rural area the PPO stated that the application submitted referred to Policy CTY6 personal circumstances.

Councillor Gildernew sought a referral stating that there was a confidential element to the application which deserved respect this was supported by Councillor Mullen but it was further suggested that the application be heard in committee.

Proposed by Councillor Clarke
Seconded by Councillor Shiels and

Resolved That planning application M/2015/0016/O is heard in committee.

Chief Executive left the room at 9.44pm

Open Business resumed

I/2015/0047/F Dwelling at 44m NW of 203 Mountjoy Road, Stewartstown for Mr Thomas Shepherd

Ms McCullough (SPO) drew attention to application I/2015/0047/F as outlined in the report.

Councillor Gildernew left the meeting at 10pm

Councillor Cuthbertson returned to the meeting at 10pm

The SPO recommended approval subject to conditions outlined in the report.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application I/2015/0047/F is approved as per Officers report.

**M/2015/0050/F Change of use from licenced bar to ground floor hot food
takeaway with office/storage on upper floors, at 70 Scotch
Street, Dungannon for D P Realty Ltd**

Mr Marrion (PPO) drew attention to application M/2015/0050/F and highlighted that the proposal was to convert what was a bar to a hot food takeaway and that Transport NI had asked for a refusal. The PPO stated that there was street parking in Scotch Street and that Environmental Health report was fine subject to installation of a ventilation system.

The PPO recommended that the application be approved subject to conditions outlined in the report.

Proposed by Councillor Mallaghan
Seconded by Councillor Mullen and

Resolved That planning application M/2015/0050/F is approved as per Officers report.

**M/2015/0059/O Dwelling on an infill site at 60M N of 12 Rossmore Road,
Dungannon for Mr Ciaran Quinn**

Mr Marrion (PPO) presented application M/2015/0059/O and advised that a number of applications surrounding the site had been previously refused and stated that the requested infill could not be granted under policy and thus recommended that the application be refused.

Councillor Mallaghan stated that it was his understanding that new information could be presented and sought a deferral for an office meeting.

Proposed by Councillor Mallaghan
Seconded by Councillor McAleer and

Resolved That planning application M/2015/0050/F is deferred for office meeting.

P39/15 Receive Public Utilities Position Paper

The Chair Councillor Kearney sought committee approval to consider Public Utilities Position Paper at a future meeting to reduce the evening's business.

Councillor Reid made reference to the length of the meeting stating that perhaps planning should be considered over two nights and the length of the meeting was not fair on anyone. The APM stated that it was a learning curve and suggested a special meeting to consider agenda items Public Utilities Position Paper and Transportation Position Paper.

The Chair Councillor Kearney suggested that when persons had requested speaking rights on applications the committee should consider their applications first. Councillor Clarke stated that there may be an advantage to having the public

observing the meeting as they would attain a good view of the process. The APM concurred with this stating it would get the message out in the public arena that Mid Ulster District Council made decisions.

Resolved That

- (i) Public Utilities Position Paper be considered at a special meeting of planning; and
- (ii) Planning applications be considered in order irrespective if there are speakers.

P40/15 Receive Transportation Position Paper

Resolved That Transportation Position Paper is considered at a special meeting of planning.

CONFIDENTIAL BUSINESS

Proposed by Councillor McKinney
Seconded by Councillor McPeake and

Resolved That items P41/15 – P44/15 be taken as confidential business.

P45/15 Duration of Meeting

The meeting commenced at 7.00pm and ended at 10.30pm.

Chair _____

Date _____