

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 April 2016 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present**

Councillor Kearney, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Mallaghan, McAleer (7.11 pm), McEldowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shiels

**Officers in Attendance**

Mr Tohill, Chief Executive  
Dr Boomer, Planning Manager  
Mr Bowman, Head of Development Management  
Ms Doyle, Senior Planning Officer  
Mr Marrion, Senior Planning Officer  
Ms McCullagh, Senior Planning Officer  
Ms McNally, Solicitor  
Miss Thompson, Committee Services/ Senior Admin Officer

**Others in Attendance**

**Applicant Speakers**

LA09/2015/0085/O Mr Cassidy  
LA09/2015/0598/F Mr Cassidy  
LA09/2015/1098/F Mr Maneely  
LA09/2015/1121/F Mr Ross  
LA09/2015/1275/O Ms McIlvar  
LA09/2016/0037/O Mr Diamond  
LA09/2015/1164/O Mr Currie

The meeting commenced at 7.04 pm.

**P58/16 Apologies**

None.

**P59/16 Declarations of Interest**

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

Councillor Glasgow declared an interest in planning application LA09/2015/1235/O.

Councillor Clarke declared an interest in planning application LA09/2015/1185/O.

Councillor McPeake declared an interest in planning application LA09/2015/1275/O.

## **P60/16      Chair's Business**

The Chair reminded Members of the two special planning committees to be held in the month of April (20<sup>th</sup> and 26<sup>th</sup>) and next monthly Planning Committee to be held on 3 May.

Councillor Cuthbertson referred to upcoming elections and whilst these were not for Council the Councillor stated it was a busy time for party groups. Councillor Cuthbertson suggested that forthcoming meetings be postponed until later in May after the elections.

The Planning Manager advised that Members had recently agreed the timetable for the Local Development Plan at a meeting of Council and advised Members to try to keep to this timetable.

The Chair suggested that Members discuss this matter during the meeting recess and come back to it at the end of the meeting.

## **P61/16      Confirm Minutes of the Planning Committee Meeting held on Tuesday 1 March 2016**

Proposed by Councillor Cuthbertson  
Seconded by Councillor Robinson and

**Resolved**      That the minutes of the meeting of the Planning Committee held on Tuesday 1 March 2016, (P45/16 – P52/16 & P57/16), were considered and signed as accurate and correct.

## **Matters for Decision**

### **P62/16      Planning Applications for Determination**

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

#### **LA09/2015/0085/O Dwelling and garage 80m SE of 11 Strawmore Lane, access via Doon Road, Draperstown for Gerard Kelly**

Ms Doyle (SPO) presented a report on planning application LA09/2015/0085/O advising that it is recommended for refusal.

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

(Councillor McAleer entered the meeting at 7.11 pm)

Mr Cassidy advised that the applicant has full rights to the farm business and that the only dispute in relation to this application appeared to be the siting of the proposal. Mr Cassidy referred to previous Planning Appeal decisions which he felt

were clear in stating that in order to achieve visual linkage there is no stipulation that an established group of buildings on a farm have to be of agricultural use, Mr Cassidy felt that, in this case, there is a house and garage already in place which would constitute a group of dwellings.

The Planning Manager urged caution to Members in relation to Planning Appeals decisions which he felt were inconsistent. The Planning Manager stated that it was clear there is a farm holding with buildings associated being some distance away. The Planning Manager suggested another location for the proposal and asked if the applicant would be happy with this suggested relocation.

Mr Cassidy advised that the site suggested by the Planning Manager would be unsuitable due to an electricity pylon.

Councillor Bell asked if there were any other suitable locations for this proposal.

The Planning Manager stated that additional sites could be investigated by officers.

Proposed by Councillor Reid  
Seconded by Councillor McAleer and

**Resolved** That planning application LA09/2015/0085/O be deferred to investigate if any other suitable locations can be found for this proposal.

**LA09/2015/0598/F Replacement office and storage unit associated with an established business (retrospective) at 50m W of 35 Moss Road, Ballymaguigan for Christopher Cassidy**

The Head of Development Management presented a report on planning application LA09/2015/0598/F advising that it is recommended for refusal. Members were asked to note the addendum circulated which stated that refusal reason 6 should be amended to read –

*The proposal is contrary to Policy CTY14 and Policy CTY15 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; the building would, if permitted create a ribbon of development and create urban sprawl outside of the development limits; and would therefore result in a detrimental change to the rural character of the countryside.*

The Head of Development Management also highlighted that a final decision could not be made on this application until further neighbour consultation was complete.

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 existing porta cabin had been on site for over five years, had been used in the past and continued to be used. The proposal is to be used in addition to the current Magherafelt office and will help with the expansion of the

applicant's business, Mr Cassidy advised that the vacant units discussed within the case officers report would not be suitable for the use required by his business.

Mr Cassidy felt that the Moss Road is not a rural area and listed eight businesses located in the vicinity. As there is a building on site which can be replaced, Mr Cassidy did not believe ribboning to be an issue.

In response to the Head of Development's question Mr Cassidy advised that of the eight businesses in the vicinity two were outside the development limit.

Councillor Bateson felt the proposal represented an expanding business in the district to which Council should be supportive of within reason. The Councillor also referred to the interpretation of rural character and did not feel the proposal was out of character with what was already on site, Councillor Bateson felt the proposal warranted further consideration.

Councillor McEldowney asked if there was electricity/water supply at the site.

The Planning Manager stated the applicant is a well established planning consultant and that he did not have a lot of sympathy for the situation the applicant finds himself in. The Planning Manager felt that it was unclear what was happening at this site as the current porta cabin did not appear to be a working office.

In response to Councillor Reid's question Mr Cassidy again pointed out on the map the locations of the other nearby businesses mentioned.

In response to the Planning Manager's question Mr Cassidy advised that rates had not been paid for the existing porta cabin.

Councillor Gildernew asked if there were consequences to passing this application.

The Planning Manager advised that he would have some concern regarding the consequences of an approval and felt that the applicant is relying on technicalities in order to achieve an approval.

Councillor McKinney felt that the applicant would have a vast amount of knowledge and that rules cannot be made to fit a situation. Councillor McKinney proposed that the application be refused.

The Planning Manager stated he was unsure how this application would be determined if it went to Planning Appeal.

Councillor J Shiels felt other alternatives could be found to accommodate the applicant's need and seconded Councillor McKinney's proposal.

Councillor Robinson stated he was pleased to see that the business was doing well but did not understand how the proposal could be accommodated without utilities.

The Planning Manager stated that as amended drawings had been submitted a further neighbour notification consultation was required and that the application should be deferred pending the outcome of this consultation.

Councillor McKinney stated he would withdraw his proposal to refuse the application and proposed that the application be deferred pending the outcome of neighbour notification consultation.

Councillor J Shiels seconded Councillor McKinney's proposal.

**Resolved** That planning application LA09/2015/0598/F be deferred pending the outcome of neighbour notification consultation.

Councillor Cuthbertson felt that as a decision could not be made on this application it should not have come before the Committee tonight, the Councillor stated that Members had spent a lot of time discussing the application and referred to the busy agenda and the number of people still waiting to speak on applications.

Councillor Gildernew concurred with Councillor Cuthbertson's comments.

The Planning Manager felt it was reasonable for Members to discuss the application tonight.

Councillor Bateson felt it may be helpful to get verification on workspace availability.

The Planning Manager stated that the applicant can put forward an argument stating that there is no suitable workspace in Magherafelt if he feels that is the case.

**LA09/2015/0682/F Retention of equestrian arena, including stables, horse walker building, cctv cameras and floodlighting at land adjacent to 32 Annaghroe Road, Caledon for Caledon Estates Co.**

Mr Marrion (SPO) presented a report on planning application LA09/2015/0682/F advising that it is recommended for approval.

The Chair advised the committee that a request to speak on the application had been received however the applicant speaker was not in attendance at the meeting.

Councillor Reid proposed that planning application LA09/2015/0682/F be approved.

Councillor Glasgow asked if there was a need for cctv at the proposed premises.

Mr Marrion advised that the proposal is removed from Caledon Estate and that the cameras would be used as a security measure for the horses.

Councillor Robinson seconded Councillor Reid's proposal to approve the application.

**Resolved** That planning application LA09/2015/0682/F be approved subject to conditions as per the officer's report.

**LA09/2015/1098/F 2 detached bungalow dwellings at lands 50m NW of 8  
Brackaville Road, Coalisland for James McGuinness**

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1098/F advising that it is recommended for refusal. Members were asked to note the addendum circulated which stated that the application should have an additional refusal reason as follows;

*The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Coalisland and the surrounding countryside and result in urban sprawl.*

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

Mr Maneely stated the application site sits within the development limit as defined within the 2010 Area Plan however it was felt that this plan is now out of date. Mr Maneely stated there were no further mineral reserves to be protected in this locality as mining had been exhausted and abandoned and that any issues related to land instability did not extend into the application site. Mr Maneely stated that the character of the area is defined by ribbon development, the application site is highly visible along the roadside but it was felt that the proposed development will help to screen views and improve the appearance of the area.

Councillor Gildernew highlighted that no mining had ever taken place within the application site.

Councillor Bell concurred with the comments of Councillor Gildernew and Mr Maneely and felt the proposed application offered good potential.

Councillor Reid stated that there was development on both sides of the road the entire way from Coalisland to Brackaville, the location of the proposal was currently unsightly and it was felt the proposed development would improve this however the Councillor raised concern in relation to mine shafts and the depth of these. Councillor Reid also referred to discussion in relation to a future by pass around Coalisland and stated that the proposed application site could be utilised in this respect.

Councillor Gildernew again stated that no mining had taken place close to the application site and did not feel a by-pass around Coalisland would ever come to fruition.

The Planning Manager felt the argument in relation to mining being exhausted was correct however issues in relation to land stability would require further assessment. The Planning Manager referred to other applications in the same area and how they had been treated.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2015/1098/F be deferred to obtain further information in relation to land stability.

In response to Councillor Bell's comments the Planning Manager advised that if there is a definite reserve identified within the Local Development Plan then it should be protected.

**LA09/2015/1121/F 2 semi-detached dwellings between 9 Old Coach Mill and 42 Old Coach Road, Cookstown for J & M Developments**

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1121/F advising that it is recommended for refusal.

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

Mr Ross stated that the current development currently consists of mainly semi-detached housing with different styles and materials used, the size of the plot is the same as for other semi-detached housing within the development.

In response to Councillor McKinney's question Mr Ross advised that there is no consistent style of housing within the development.

Mr McKinney felt that if the two dwellings can be accommodated at the site then Council should proceed to approval.

Councillor Mallaghan clarified whether the housing beside the application site was also of semi-detached type and Ms McCullagh stated that was correct. That being the case Councillor Mallaghan felt that to refuse the application seemed harsh given the mix of house types in the area. Councillor Mallaghan proposed that planning application LA09/2015/1121/F be approved.

Councillor McAleer referred to the need to encourage people to live and work in local areas by providing adequate housing.

Councillor Clarke felt the proposed dwellings would fit into the area.

Ms McCullagh reminded Members of the reasons for refusal being that the proposal would not integrate into the surrounding area.

Councillor Bateson felt that the character of an area is a subjective matter and seconded Councillor Mallaghan's proposal to approve the application.

Councillor Bell stated he could not see how semi-detached dwellings would not integrate into the area.

The Planning Manager stated that there was a degree of subjectivity associated with this application and advised he did not believe the character of the area would be adversely affected by approving this application, however he stated there should be some conditions attached to an approval, namely –

- Visibility Splays
- Access

Councillor Mallaghan agreed that the above conditions be included within his proposal to approve the application.

Councillor McAleer asked if the proposed site was a designated open space.

Ms McCullagh advised that there was no evidence to indicate that the open space area was ever approved or even a requirement.

Councillor Bell felt that there should be an additional condition to ensure that landscaping etc is in keeping with existing dwellings.

Ms McCullagh advised that the issues raised by Councillor Bell were clarified satisfactorily within the submitted plans.

**Resolved** That planning application LA09/2015/1121/F be approved subject to addition of visibility and access conditions.

**LA09/2015/1164/O Dwelling 214m N of 78 Coagh Road, Ballywholan,  
Stewartstown for John and Ann McCann**

The Chair advised that as there were personal circumstances associated with this application it should be dealt with in closed session later in the meeting.

**Resolved** That planning application LA09/2015/1164/O be deferred for consideration later in the meeting under confidential business.

**LA09/2015/1235/O Dwelling and garage on a farm adjacent to 220 Drum Road,  
Cookstown for Mr E Lyttle**

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1235/O advising that it is recommended for refusal.

Councillor Glasgow requested to speak on the application.

Councillor Glasgow advised the applicant only became aware of the intention to refuse this application during the Easter holidays. Councillor Glasgow advised that the applicant is currently a construction worker who is preparing for his retirement, the applicant's brother is the farm owner on which the applicant helps out, he stated the applicant was aware of the reasons for refusal and asked that the application be deferred to allow the applicant to present information to address the issues of concern relating to the application. Councillor Glasgow advised that there had been no objections to the application and the desire for people to move into the area. In terms of integration Councillor Glasgow felt that given the speed of traffic travelling along the Drum Road the proposal would not be seen by passing vehicles.

*Councillor Glasgow withdrew to the public gallery*



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

Councillor McEldowney asked for clarification in relation to whether the applicant had a DARD business id.

Ms McCullagh advised that the applicant does not have a farm business registered in his name.

Councillor McEldowney did not feel the applicant would be able to provide the necessary information as it had been confirmed he did not have a farm business id and that as his brother had already received planning permission in 2012 there could be no further permissions for 10 years from 2012.

Councillor McKinney stated it may be a case that the applicant owns the land in question but had not claimed payment for it.

The Planning Manager stated it was not good practice to defer an application unless there would be specific benefit in doing so.

Councillor Mallaghan asked if there were any personal circumstances pertaining to this application.

Councillor Glasgow advised that the applicant was keen to address issues relating to the application but stated he was unaware of any personal circumstances.

Councillor Gildernew felt the application could not be approved given that the applicant's brother had a site passed in 2012 and taking into consideration the 10 year rule.

Councillor Clarke stated that this was a further example of a problem with the system in that the applicant owns the land and is local but can only make their application through farming criteria. The Councillor stated he hoped this issue would be addressed in the future.

The Planning Manager stated there may be an infill opportunity at this location and suggested that the application be deferred for an office meeting to discuss and explore this option further.

Proposed by Councillor Gildernew  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2015/1235/O be deferred for an office meeting.

*Councillor Glasgow rejoined the meeting.*

*The meeting recessed at 9.05 pm and recommenced at 9.30pm.  
The Chief Executive did not return to the meeting.*

**LA09/2015/1275/O Infill dwelling and garage at lands between 32 and 32A  
Mayogall Road, Gulladuff for Noel Convery**

Ms Doyle (SPO) presented a report on planning application LA09/2015/1275/O advising that it is recommended for refusal. Members were asked to note the addendum circulated which stated that refusal reason 2 be amended to read;

*The proposal is contrary to Policy CTY8 and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Mayogall Road and would mar the distinction between the settlement limit of Gulladuff and the surrounding countryside.*

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

Ms McIlvar advised that the application site is a side garden plot which is secluded and well hidden and cannot be seen from the Mayogall Road, from the one single viewpoint there is of the application site Ms McIlvar felt the proposal would be seen as part of existing development. Ms McIlvar stated she found it hard to understand how the application would mar the distinction of the area if it cannot be easily viewed. With regard to the application site being just outside the development limit Ms McIlvar felt that the large group of mature trees at the far side of the application site would provide a better break for the settlement limit.

Councillor McPeake requested to speak on the application.

Councillor McPeake stated he wanted to lend his support to the application and advised that the application site was on a dead end lane which was characterised by housing. The Councillor felt the line of the settlement limit was harsh and that the application would be of no detrimental impact if approved. Councillor McPeake felt the proposal would round off the settlement limit.

*Councillor McPeake withdrew to the public gallery.*

The Planning Manager stated that infill and urban sprawl was a complex matter and advised he did have some sympathy for the argument put forward tonight. The Planning Manager stated that the planning department were currently compiling a list of infill applications with the intention of arranging a one off meeting to discuss these applications with agents before bringing to committee. The Planning Manager suggested that this application be deferred to be included on list of infill applications for further discussion.

Proposed by Councillor Gildernew  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2015/1275/O be deferred to be included on list of infill applications for further consideration.

Councillor McPeake stated site meetings should also be arranged for those infill applications.

The Planning Manager stated that there would be benefit in Members visiting the sites of the infill applications once all details were gathered.

Councillor Clarke felt that if the settlement limit had been a regular shape this application site would probably have been within the limit. The Councillor felt that the definition of areas needs to be logical.

*Councillor McPeake rejoined the meeting.*

**LA09/2015/1291/F Dwelling and garage to rear of 118 Westland Road South, with access from Drumcree, Cookstown for ARC Developments**

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1291/F advising that it is recommended for approval.

Proposed by Councillor Bell  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2015/1291/F be approved subject to conditions as per the officer's report.

**LA09/2016/0037/O Site for infill dwelling and garage 80m NW of 4 Dunmurry Road, Moneyneary for Joe Morgan**

Ms Doyle (SPO) presented a report on planning application LA09/2016/0037/O advising that it is recommended for refusal.

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

Mr Diamond stated that the application represents a gap site and did not feel ribbon development would be created. With regard to the fenced off strip of lands between the property at 6A Dunmurry Road and the roadside Mr Diamond felt there was argument in stating that these lands represented a garden for 6A Dunmurry Road.

The Planning Manager stated he would be content for this application to be deferred for further consideration under infill.

Proposed by Councillor Reid  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2016/0037/O be deferred to be included on list of infill applications for further consideration.

**M/2014/0524/F      Mushroom production, packaging, storage and distribution complex at lands approximately 30m SW of 15 Annaghilla Road, Augher for Mr Peadar McGee**

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

The Planning Manager advised that this was a major application to which TransportNI have objected to the principle of access to a Protected Route. That being the case, a decision on this application cannot be issued until Council have notified DoE.

Proposed by Councillor Gildernew  
Seconded by Councillor Bell

That planning application M/2014/0524/F be approved subject to conditions as per the officer's report.

Councillor Cuthbertson stated he had no objection to business coming to Augher but voiced concern in relation to road safety and the adverse effect this proposal would have on an already very busy road.

The Planning Manager stated he would not allow an application to be brought to committee if there were any concerns in relation to road safety.

Councillor Cuthbertson spoke in relation to a former business which was sited nearby and had to close as it was accessing onto a protected route.

Mr Marrion clarified that TransportNI's concerns related to access onto a protected route not road safety.

The Planning Manager advised Members of the process of notifying DoE of Council's decision and whether or not they decide to intervene. The Planning Manager felt that all parties were working with goodwill to resolve issues.

Ms Jackson, agent for the application who was in attendance at the meeting clarified that all relevant assessments in relation to road safety had been submitted.

Councillor Gildernew accepted that road safety is a big issue but stated that the access point is inside the 30mph zone.

Councillor Bateson felt there was a clear distinction between road safety issues and protected routes.

Councillor Robinson stated that the access point would be outside the 30mph zone and that whilst he had no objection to the proposal he did have concerns in relation to road safety.

The Planning Manager advised that there were no other concerns related to this application other than access to a protected route and stated that TransportNI want

an indicative decision from the Planning Committee before making their own decision.

The Council Solicitor urged Members to base their decision on the facts before them.

Councillor Reid advised that the access would be outside of the 30 mph zone and felt it was unfair on the other business which had to close.

Councillor McAleer referred to discussions at a recent village plan meeting where the public had requested traffic calming measures in Augher, the Councillor advised that at this meeting TransportNI had advised this would not be possible. Councillor McAleer felt that if this application was approved it may give better leverage to providing traffic calming for the village.

Councillor McPeake proposed to approve the application subject to roads issues being fully addressed.

Councillor Gildernew withdrew his earlier proposal and seconded Councillor McPeake's proposal.

The Planning Manager suggested that an added condition be attached to the approval stating that access should be constructed in accordance with the plans.

Councillor McPeake agreed that this be included in his proposal.

Councillor Cuthbertson proposed that the application be deferred for one month to clarify issues related to road safety with TransportNI.

The Planning Manager advised that the planning department have consulted with TransportNI who have stated no concerns with road safety.

Councillor J Shiels seconded Councillor Cuthbertson's proposal.

Members voted on Councillor McPeake's proposal to approve the application subject to roads issues being fully addressed and added condition.

For – 12

**Resolved** That planning application M/2014/0524/F be approved subject to an amended roads condition that access should be constructed in accordance with stamp approved drawings. The intention to approve will be notified to DoE allowing the Minister the opportunity to call in the application in accordance with legislation. If the Minister declines to call in the application the decision will be issued.

## **CONFIDENTIAL BUSINESS**

Proposed by Councillor J Shiels  
Seconded by Councillor McEldowney and

**Resolved** That planning application LA09/2015/1164/O be heard as confidential business.

*Open Business resumed at 10.55 pm*

**LA09/2015/1164/O Dwelling 214m N of 78 Coagh Road, Ballywholan,  
Stewartstown for John and Ann McCann**

*Mr Currie and Mr and Mrs McCann re-entered the meeting.*

The Chair, Councillor Kearney advised that the Committee had deferred planning application LA09/2015/0743/F for an office meeting.

Members considered the remaining planning applications as per agenda.

**H/2014/0072/F 225kw wind turbine with hub height of 40.156m and  
14.550m rotor radius at approximately 317m NNW of 134  
Tirkane Road, Maghera for Mr Peter McKenna**

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

Proposed by Councillor Reid  
Seconded by Councillor J Shiels and

**Resolved** That planning application H/2014/0072/F be approved subject to conditions as per the officer's report.

Councillor McPeake asked if consideration needed to be given to any damage that may be caused to an access laneway in the construction of the proposed turbine.

The Planning Manager stated that if any damage was caused to the laneway it would be a matter for the owners/users of the laneway to resolve.

Councillor Clarke asked if there was a means of a lane owner being compensated for any damage during construction.

The Council Solicitor reiterated that if damage was caused to a laneway it would be a civil matter to resolve and that in granting approval of the application Council is not taking responsibility for damage caused.

In response to Councillor Robinson's comments Ms Doyle advised that an objection to the application was received in relation to damage to the access laneway, Ms Doyle stated that the objector was advised that any damage sustained would become a civil matter.

Councillor McKinney asked if a condition needed to be added to the approval in relation to preservation of access.

The Planning Manager stated there was no evidence that damage would be caused to the laneway and did not feel an added condition would be beneficial.

**M/2014/0454/F      2 no. pig fattening sheds; 1 no. sheep shed with 2 no. feed bins at lands approximately 875m N of 14a Doolargy Road, Branny, Aughnacloy for Mr D Sawyers**

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

Proposed by Councillor Gildernew  
Seconded by Councillor J Shiels and

**Resolved**      That planning application M/2014/0454/F be approved subject to conditions as per the officer's report.

**M/2014/0592/F      Light industrial workshop adjacent to 8 Glen Road, Coalisland for Dukart Properties Ltd**

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

Proposed by Councillor Bell  
Seconded by Councillor Robinson and

**Resolved**      That planning application M/2014/0592/F be approved subject to conditions as per the officer's report.

**M/2015/0042/F      Renewal of permission for a residential development (49 dwellings and 42 apartments) at 62m SW of 5 Old Eglish Road, Mill Field, Dungannon for E Herron, R Donnelly and B 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 M/2015/0042/F be approved subject to conditions as per the officer's report.

**LA09/2015/0067/F      Wind turbine with 40m hub height and 33.1 rotor diameter; associated access and 2 no. electricity cabinets at lands 200m E of 129 Screeby Road, Fivemiletown for Mr D Ellison**

Application listed for refusal on the grounds stated in the officer's report.

Councillor Robinson asked for clarification on refusal reasons.

Mr Marrion advised that the applicant had failed to provide the necessary information to demonstrate there were no issues in relation to shadow flicker.

Councillor Mallaghan felt that the benefit of the turbine to the applicant had probably passed and that was why all information had not been submitted.

Proposed by Councillor Mallaghan  
Seconded by Councillor Bateson and

**Resolved** That planning application LA09/2015/0067/F be refused on grounds stated in the officer's report.

**LA09/2015/0243/F 2 no. infill dwellings and garages at lands between 37 and 43 Drumlamph Road Castledawson for Cathal Shivers**

Ms Doyle (SPO) presented a report on planning application LA09/2015/0243/F advising that it is recommended for refusal.

Proposed by Councillor Cuthbertson  
Seconded by Councillor J Shiels and

**Resolved** That planning application LA09/2015/0243/F be refused on grounds stated in the officer's report.

**LA09/2015/0355/O 2 semi-detached dwellings adjacent and SW of 4 Hawthorne Crescent, Dungannon for Mr Gerard Donnelly**

Mr Marrion (SPO) presented a report on planning application LA09/2015/0355/O advising that it is recommended for refusal.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2015/0355/O be refused on grounds stated in the officer's report.

**LA09/2015/0840/F Dwelling and garage (change of house type to that approved under M/2006/1292/RM) at approximately 250m SE of 185 Aghafad Road, Clogher for David Mahon Properties**

Application withdrawn.

**LA09/2015/0918/F Renewal of planning permission for the provision of 17 townhouses and 25 apartments with associated car parking and landscape enhancements at 8 Killyneill Road, Dungannon for Mr and Mrs John Quinn**

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

Proposed by Councillor Mallaghan  
Seconded by Councillor Bell and



**Resolved** That planning application LA09/2015/0918/F be approved subject to conditions as per the officer's report.

**LA09/2015/1031/F Renewal of planning approval for the demolition of existing dwelling and erection of two dwellings at 40 Mourn Avenue, Coalisland for Mr Kevin Hughes**

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

Proposed by Councillor Clarke  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2015/1031/F be approved subject to conditions as per the officer's report.

**LA09/2015/1117/O Replacement dwelling approximately 57m NW of 9 Dunamore Road, Cookstown for Dean Wilson**

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1117/O advising that it is recommended for refusal.

Councillor Clarke stated that, on looking at the photographs of the building, he believed it would have been a dwelling at some stage in the past.

The Planning Manager stated that, on viewing old maps, it is more likely there was a dwelling in front the current building and that the current building would have been used for storage. The Planning Manager felt the application could be approved as the proposed site had a dwelling on it at some time however whether the current building had been a dwelling remained unclear.

Councillor McPeake felt that with these sort of applications it was important to get a look inside of buildings to get a better understanding of their history.

Proposed by Councillor Gildernew  
Seconded by Councillor Mallaghan

That planning application LA09/2015/1117/O be approved.

The Planning Manager suggested that a condition be added to the approval stating that the existing building be retained for storage uses.

Councillor McKinney asked if the application was being approved as a replacement or new dwelling.

The Planning Manager advised that the application was being approved as a replacement dwelling with the rationale being that the current building is substantially intact.

On clarification from Ms McCullagh the Planning Manager advised that the application could not be approved tonight as TransportNI had raised concern in

relation to visibility splays. The Planning Manager suggested that the application be deferred.

Councillor Gildernew withdrew his earlier proposal to approve the application.

Proposed by Councillor Gildernew  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2015/1117/O be deferred for an office meeting.

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

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1185/O advising that it is recommended for refusal.

Councillor Clarke requested to speak on the application.

Councillor Clarke stated that since the original application was refused in relation to this site a number of similar applications had been made and approved throughout the Mid Ulster area.

Councillor Clarke stated that since the 2009 application the applicant had stripped back earth which had been built up at the rear of the building to show the ground level around the building in order to provide a better visual idea of the intactness of its walls, the Councillor referred to photographs shown which indicated that two walls of the structure were completely intact with the other two walls being substantially intact. Councillor Clarke requested that an office meeting be held for this application as it was felt that enough of the external walls of the building were substantially intact to allow the application to be approved.

*Councillor Clarke withdrew to the public gallery.*

The Planning Manager advised that in order to meet policy all external walls needed to be substantially intact. The Planning Manager commented that a lesser test for replacement could be formed under the new Local Development Plan.

The Council Solicitor agreed with the Planning Manager's comments in that all external walls needed to be intact to meet policy.

The Planning Manager felt there had been no material change in this application and the application made in 2009 other than the stripping back of earth to better expose the walls of the structure.

In response to Councillor McPeake's comments Members were able to see a comparison of the site in 2009 and now.

Councillors Gildernew and Mallaghan felt clarification was required on the words 'substantially intact' within policy and what this actually meant.

The Council Solicitor questioned the weight that should be attached to the planning history of the proposed site.

The Planning Manager suggested that the application be deferred for further consideration.

Proposed by Councillor McAleer  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2015/1185/O be deferred for an office meeting.

*Councillor Clarke rejoined the meeting.*

**LA09/2015/1272/F Replacement dwelling (renewal of previous approval I/2010/0462) at 120m NW of 36a Bardahessiagh Road Pomeroy for Niall and Aine Hasson**

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

Proposed by Councillor Mallaghan  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2015/1272/F be approved subject to conditions as per the officer's report.

**LA09/2015/1277/O Dwelling and garage at 40m NW of 2 Motalee Lane, Magherafelt with access from Luney Lane for Michael Gribben**

Ms Doyle (SPO) presented a report on planning application LA09/2015/1277/O advising that it is recommended for refusal.

Proposed by Councillor Bateson  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2015/1277/O be refused on grounds stated in the officer's report.

**I/2011/0388/F Retention of extension to existing engineering units and minor alteration at 313 Drum Road, Cookstown for Noel Corey**

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

Proposed by Councillor Mallaghan  
Seconded by Councillor McAleer and

**Resolved** That planning application I/2011/0388/F be approved subject to conditions as per the officer's report.

**I/2014/0178/F      100kw wind turbine with 50m hub height and 15m radius blade at 490m E of 35 Legmum Road, Cookstown for Steven Ferguson**

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

Proposed by Councillor Reid  
Seconded by Councillor Robinson and

**Resolved**      That planning application I/2014/0178/F be approved subject to conditions as per the officer's report.

**LA09/2015/0200/O      Dwelling and garage 230m NE of 8 Cookstown Road, Dungannon for Gary Stewart**

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

Proposed by Councillor Reid  
Seconded by Councillor McAleer and

**Resolved**      That planning application LA09/2015/0200/O be approved subject to conditions as per the officer's report.

**LA09/2015/0250/RM      2 storey dwelling and garage at land approximately 50m SW of 12 Farriter Road, Cabragh, Dungannon for Michael and Ann Kelly**

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

Proposed by Councillor McAleer  
Seconded by Councillor Reid and

**Resolved**      That planning application LA09/2015/0250/RM be approved subject to conditions as per the officer's report.

*Councillor Gildernew left the meeting at 11.45 pm.*

**P63/16      Revised Protocol for Operation of the Planning Committee**

Members considered previously circulated revised Protocol for the Operation of the Planning Committee.

Proposed by Councillor Mallaghan  
Seconded by Councillor Bateson and

**Resolved**      That the revised Protocol for Planning Committee is acceptable and can be published on the Council website.

## **Matters for Information**

### **P64/16      Appeal Decisions Received**

The Head of Development Management presented previously circulated report advising Members of recent decisions made by Planning Appeals Commission.

In relation to Planning Appeals decision for planning application LA09/2015/0174/O Councillor Reid asked what the award of costs would be in this case.

Members were advised that the planning department were not aware of the value of the award of costs as yet.

The Planning Manager advised that the planning department would take the Planning Appeal decision for LA09/2015/0174/O as a learning experience.

In response to Councillor Clarke's question the Planning Manager advised that Council will have to pay the costs.

In response to Councillor J Shiels question it was advised that the costs will likely be taken from the Planning Department budget.

Members noted the content of the report.

### **P65/16      Report of Delegated Decisions Issued in February 2016**

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

### **P66/16      Meeting Date/Time**

The Chair advised that during the meeting recess discussions had taken place in relation to the dates of forthcoming meetings in April/May. The Chair advised that the feeling from those discussions was to keep the dates as they were that is –

20 and 26 April – Special Planning Committees  
3 May – Normal monthly Planning Committee

Discussion ensued as to what time the above special meetings be organised in which it was agreed that the meeting on 20 April would be held at 7pm and Members would take a decision at that meeting as to what time to call the meeting on 26 April.

## **CONFIDENTIAL BUSINESS**

Proposed by Councillor McKinney  
Seconded by Councillor Glasgow and

**Resolved** That items P67/16 to P70/16 be taken as confidential business.

**P71/16      Duration of Meeting**

The meeting was called for 7.00pm and ended at 12.15 am.

Chair \_\_\_\_\_

Date \_\_\_\_\_