

Minutes of Meeting of Planning Committee (Development Management) of Mid Ulster District Council held on Tuesday 7 July 2015 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Kearney, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid (7.35 pm), J Shiels

Officers in Attendance

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

Others in Attendance

Councillors Ashton (7.10 pm), McGinley (7.20 pm), and T Quinn

Applicant Speakers

H/2013/0223/F -	Mr Larkin
M/2015/0117/F -	Mr Nugent
I/2012/0368/F -	Mr Glencross
	Mr Roleston
H/2014/0393/F -	Mr Diamond
I/2015/0056/O -	Mr Cassidy

The meeting commenced at 7.04 pm.

P74/15 Apologies

Councillor Robinson.

P75/15 Declarations of Interest

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

Councillor Cuthbertson declared an interest in application M/2014/0348/F.

Councillor Kearney, Chair, declared an interest in application H/2014/0393/F advising that he would vacate the Chair when this item was being taken.

**P76/15 Receive and Confirm Minutes of the Planning Committee Meeting
held on Tuesday 2 June 2015**

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That the minutes of the meeting of the Planning Committee held on Tuesday 2 June 2015, (P46/15 – P57/15 & P65/15), were considered and signed as accurate and correct.

Under item P54/15, Work Programme for Sustainability Assessment incorporating Strategic Environmental Assessment, Councillor Cuthbertson requested that representation of the steering group be made up of one from each political party.

The Planning Manager advised of three planning working groups and suggested that a member of planning committee sit on each of these three groups.

Councillor Cuthbertson advised that the Planning Manager's suggestion would exclude one party.

The Planning Manager advised that he noted the Members request and that a decision would be made on representation of working groups at a later date.

Councillor Mallaghan referred to Council's adoption of D'Hondt and that any representation would have to be proportionate the same as every other committee of Council.

The Planning Manager highlighted that this was a not a formal committee but rather a steering group.

(Councillor Ashton entered the meeting at 7.10 pm)

Proposed by Councillor Mallaghan
Seconded by Councillor Bell

That membership of the steering group remains as agreed at June meeting, that is, that Chair and Deputy Chair of Planning Committee sit on the steering group.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels

That membership of the steering group be made up of one from each political party.

Members voted on Councillor Mallaghan's proposal –

For – 10

The Chair declared Councillor Mallaghan's proposal carried.

Matters for Decision

P77/15 Planning Applications for Determination

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

H/2013/0223/F Wind turbine 600m NW of 47 Disert Road, Draperstown for Mr Sean Boyle

Ms Doyle (SPO) presented a report on planning application H/2013/0223/F advising that it is recommended for approval.

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

Mr Larkin acknowledged that the application is recommended for approval and advised he was in attendance to answer any questions in relation to the application.

Councillor Mallaghan enquired if, under the new area plan coming forward, Council would permit wind turbine applications in an Area of Outstanding Natural beauty (AONB) and asked if Council is setting a precedent in approving this application.

The Planning Manager advised that a precedent would not be set, he added that planning decisions taken by Council at the moment are made under legislation laid down by the Department. The Planning Manager advised that going forward Council would be able to create its own planning policy.

Councillor Clarke believed that Council needs to be careful in that decisions being taken now could be used as part of a review in the future.

(Councillor McGinley entered the meeting at 7.20 pm)

The Planning Manager advised that the planning application before Members tonight was of a more modest nature than those presented in previous months and would be sited in a part of the AONB which is not sensitive. The Planning Manager stated that he did not believe there to be any prejudicial impact.

Proposed by Councillor Bateson
Seconded by Councillor McAleer and

Resolved That planning application H/2013/0223/F be approved subject to conditions as per the officers report.

M/2015/0117/F Amended siting arrangement of dwelling initially approved under application M/2014/0351/RM at 490m NE of 90 Derryfubble Road, Dungannon for Mr Alan Weir

Mr Marrion (SPO) presented a report on planning application M/2015/0117/F advising that it is recommended for refusal. Mr Marrion highlighted that the report

states that the amended siting is 80 metres from farm buildings and advised that this should be 43 metres.

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

Mr Nugent advised that the applicant comes from a farming family and that the application is for a dwelling next to the family farm. Mr Nugent advised that approval for dwelling was given in October 2014 however the application before Members tonight is to consider an amendment to the siting of the dwelling – initial permission approved siting of dwelling 12 metres north of farm buildings, amended application seeks to site the dwelling 43 metres north of the buildings.

Mr Nugent referred to similar planning applications for farm dwellings and reflected that none were sited within the 12 metres of farm dwellings as in the case of this application, he also advised that he had sought advice from the Health and Safety Executive who would support the re-siting of this dwelling.

Councillor Glasgow proposed that amended site arrangement be approved.

The Planning Manager advised that the original planning application which proposed the dwelling be sited 12 metres from farm buildings was made by the agent of the applicant but felt that further discussions should mean a compromise can be reached regarding this application.

(Councillor Reid entered the meeting at 7.35 pm)

Councillor McPeake concurred with Councillor Glasgow's comments and felt that it makes sense to re-site the dwelling if possible.

The Planning Manager suggested this application be deferred for further consideration and if agreement is reached in relation to amended siting of the dwelling that authority is delegated to the Planning Manager to approve the application.

Councillor Gildernew seconded Councillor Glasgow's proposal to approve the amended site for dwelling.

In response to the Chair's question, Councillor Glasgow confirmed he was happy with the Planning Manager's suggestion to give this application further consideration.

Resolved That planning application M/2015/0117/F be deferred for consideration of Planning Manager. If agreement is reached in relation to amended siting of the dwelling then authority is delegated to the Planning Manager to approve the application.

Councillor Clarke referred to the maps being shown in the officers presentation not being the same as those provided to Members prior to the meeting and that it would have been useful for Members to have this information prior to the meeting.

The Planning Manager advised that planning officers are working at achieving uniformity with their reports.

**I/2012/0368/F Wind turbine 870m SE of 11 Crancussy Road,
Evishacrancussy, Cookstown for JJ Loughran**

Ms McCullagh (SPO) presented a report on planning application I/2012/0368/F advising that it is recommended for approval.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Glencross followed by Mr Roleston to address the committee.

Mr Glencross objected to this application on the basis that the quarry within which the turbine will be sited is illegal as it does not have adequate planning permission and does not meet relevant mineral legislation.

Mr Roleston, as agent for the application, advised that this planning application was made in 2012 with all necessary paperwork being submitted, Mr Roleston confirmed that planning permission approved the quarry which has been active since 1980.

Mr Roleston advised that 31 letters of objection were received in relation to this application 22 of which came from the same property, the remaining letters received were from properties, the closest being 12 miles from the application site. There are no concerns in relation to Areas of Special Scientific Interest (ASSI).

Councillor Mallaghan asked if the quarry is illegal.

The SPO advised that the quarry does have planning permission and is active.

Speaking in relation to the review of old mineral permissions the Planning Manager advised that this review was not completed by the Department and now falls within the remit of each Council. The Planning Manager added that this application will have no detrimental effect on AONB and that as the distance from the site of the application and the objector is 480 metres shadow flicker and noise are not considered disruptive by legislation.

Councillor Clarke asked for clarification on when the quarry became operational.

The Planning Manager reminded Members that tonight's debate does not relate to whether the quarry is legal or illegal but rather the validity of the application before them.

Proposed by Councillor Glasgow
Seconded by Councillor Shiels and

Resolved That planning application I/2012/0368/F be approved subject to conditions as per the officers report.

The Chair, Councillor Kearney declared an interest in the next application and vacated the Chair. Councillor Bell, Vice Chair, took the Chair for this item)

**H/2014/0393/F Change of access from previously approved H/2013/0316/F
at 60m NE of 10 Mullaghnamoyah Road, Clady, Portglenone
for Eugene McErlean**

The Head of Development Management presented a report on planning application H/2014/0393/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 Diamond to address the committee.

Mr Diamond advised that this application proposes a separate access to the dwelling which is safer from a road safety aspect than the shared access previously approved. Mr Diamond confirmed that the applicant is unable to obtain a mortgage due to the lender requiring that the property have its own separate access.

The Planning Manager referred to the access issues and asked if alternative access could be made through the field between the dwelling and the road.

Mr Diamond advised that this field is in third party ownership and that access options have been discussed with the owner but found not to be viable.

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

Proposed by Councillor McAleer
Seconded by Councillor McKinney and

Resolved That planning application H/2014/0393/F be deferred for consideration of Planning Manager. If agreement is reached in relation to amended access to the dwelling then authority is delegated to the Planning Manager to approve the application.

(Councillor Kearney resumed as Chair)

**I/2015/0056/O Infill dwelling and garage 15m E of 8A Rogully Road, Loup
for Thomas McVey**

Ms McCullagh (SPO) presented a report on planning application I/2015/0056/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 Councillor T Quinn to address the committee.

Councillor T Quinn stated that the proposed application fully complies with policy CTY 8 of PPS 21 in that the proposed dwelling will infill the gap between buildings and would be consistent with the existing character along this stretch of road. Councillor Quinn added that the site will be able to integrate into the existing

landscape and intimated that if this application went to appeal then a decision to refuse would be overturned.

Councillor Cuthbertson again referred to the maps being shown on presentation differing from those provided prior to the meeting.

The Planning Manager noted Members concerns in relation to visual aids.

With regard to the application the Planning Manager advised that if Council approved this application it would be against planning guidance and that should this application be taken to appeal and approval won then this would enable the planning team to change future practice.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels

That planning application I/2015/0056/O be refused.

Proposed by Councillor Mullen

That planning application I/2015/0056/O be approved.

Councillor J Shiels asked on what grounds Councillor Mullen believed the application should be approved. Councillor Mullen advised she did not wish to disclose this information.

As Councillor Mullen's proposal did not receive a seconder and following a vote on Councillor Cuthbertson's proposal, of which eight Members voted in favour, the Chair declared Councillor Cuthbertson's proposal carried.

Members considered the remaining planning applications as per agenda.

I/2011/0156/F Extraction of sand and gravel, passing bays and restoration of site 250m due S of junction of Cavanoneill and Kanaghan Road, Cookstown for LD Aggregates Ltd

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 I/2011/0156/F be approved subject to conditions as per the officers report.

H/2011/0536/F Housing development comprising 6 additional dwellings and amendments to previous approval for housing development (H/2001/0260/) at 30m NE of 37 Ballyronan Road, Magherafelt for JFM Construction

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

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved That planning application H/2011/0536/F be approved subject to conditions as per the officers report.

M/2014/0348/F 43 dwelling and garages with associated site works (phase 2) at site N of 39 Old Omagh Road, Ballygawley for Conkir Developments Ltd

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

Proposed by Councillor J Shiels
Seconded by Councillor McKinney and

Resolved That planning application M/2014/0348/F be approved subject to conditions as per the officers report.

M/2014/0532/F Extension of existing restaurant/takeaway to close in existing covered are to create store and extend restaurant seating area into Unit 3 (change of use) at Units 2 and 3, 28 Thomas Street, Dungannon for BDJ Management Ltd

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

Proposed by Councillor McAleer
Seconded by Councillor Gildernew and

Resolved That planning application M/2014/0532/F be approved subject to conditions as per the officers report.

M/2014/0548/F Retention of modular home at 71c Ballybeg Road, Coalisland for Margaret and Martin McAliskey

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

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan and

Resolved That planning application M/2014/0548/F be refused on grounds stated in the officer's report.

M/2015/0005/F Storage shed for vehicles at Old Clogher School, 4 Augher Road, Clogher for Mid Ulster District Council

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/2015/0005/F be approved subject to conditions as per the officers report.

LA09/2015/0013/F Extension and alteration to dwelling at 51 Knockmore Road, Stewartstown, Dungannon for Mr and Mrs Alan Reid

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

Proposed by Councillor Glasgow
Seconded by Councillor Reid and

Resolved That planning application LA09/2015/0013/F be approved subject to conditions as per the officers report.

H/2015/0017/F Retention of area for car sales at 64 Clooney Road, Curran, Magherafelt for Mr Mark Curry

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

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan and

Resolved That planning application H/2015/0017/F be refused on grounds stated in the officer's report.

I/2015/0034/O Residential development, open scape, landscaping and access from Magherafelt Road; lands adjacent to 32 Magherafelt Road, Money more for Mr J Glover

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

Proposed by Councillor Shiels
Seconded by Councillor Mallaghan and

Resolved That planning application I/2015/0034/O be approved subject to conditions as per the officers report.

M/2015/0049/F Extension to factory building, replacement of factory building roofs, part reconstruction of factory building and replacement office block/showroom at Viewfort, Killymeal Road, Dungannon for Dungannon Window Company Ltd

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

Proposed by Councillor Reid
Seconded by Councillor Bell and

Resolved That planning application M/2015/0049/F be approved subject to conditions as per the officers report.

LA09/2015/0051/F Dwelling and garage in a gap site at 50m SW of 45 Mullanhoe Road, Ardboe for Ronan McGinley

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

Proposed by Councillor Bell
Seconded by Councillor McPeake and

Resolved That planning application LA09/2015/0051/F be approved subject to conditions as per the officers report.

I/2015/0077/F General purpose domestic store/double garage at 21 High Cross Road, Tullyhogue, Cookstown for Mr Keith Wallace

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

Proposed by Councillor Glasgow
Seconded by Councillor Reid and

Resolved That planning application I/2015/0077/F be approved subject to conditions as per the officers report.

M/2015/0158/O Dwelling between 22 and 36 Drumkee Road, Dungannon for Mr Aidan Dolan

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

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved That planning application M/2015/0158/O be refused on grounds stated in the officer's report.

Deferred Applications for Decision

H/2014/0155/F Two dwellings at sites between 12 and 18 Martinvale Park, Maghera for Mr Tom Scullion

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

Proposed by Councillor McAleer
Seconded by Councillor McKinney and

Resolved That planning application H/2014/0155/F be approved subject to conditions as per the officers report.

H/2014/0273/F Dwelling and garage on a farm at 35m SW of 46 Tirgan Road, Magherafelt for Kevin and Claire Vallely

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

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application H/2014/0273/F be approved subject to conditions as per the officers report.

Matters for Information

P78/15 Report of Delegated Decisions Issued in May 2015

Members noted the content of the report of delegated decisions issued in May 2015.

P79/15 Sand and Gravel Extraction at Lough Neagh

The Planning Manager asked Members to note correspondence from Department of the Environment in relation to sand extraction from Lough Neagh stating that Council will be asked to provide an opinion to the proposal in the future.

CONFIDENTIAL BUSINESS

Proposed by Councillor J Shiels
Seconded by Councillor McKinney and

Resolved That item P80/15 be taken as confidential business.

P81/15 Chair's Business

The Chair reminded Members that a further Planning Committee meeting will be held on Tuesday 28 July 2015 in Cookstown offices.

P82/15 Duration of Meeting

The meeting was called for 7.00pm and ended at 8.40 pm.

Chair _____

Date _____