

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

Members Present

Councillor Clarke, Chair

Councillors Bell, Cuthbertson, Gildernew, Glasgow, Kearney, McEldowney, McKinney, McPeake, Mullen (7.18 pm), Robinson, 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
Ms McNally, Solicitor
Miss Thompson, Committee Services/ Senior Admin Officer

Others in Attendance

Councillors S McGuigan

Applicant Speakers

LA09/2016/0602/O Mr Hughes
LA09/2016/0631/F Mr Cassidy

The meeting commenced at 7.01 pm

P127/16 Apologies

Councillors Bateson, Mallaghan, McAleer and Reid.

P128/16 Declarations of Interest

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

P129/16 Chair's Business

The Chair referred to progress being made in relation to the Local Development Plan, the Planning Manager advised that a Preferred Options Paper will come before Members in the Autumn.

The Planning Manager provided statistics in relation to planning performance, it was advised that –

- 12220 planning applications were received across Northern Ireland authorities last year, the Planning Manager advised this figure was 5% down from the previous year.

- Mid Ulster saw a 4% rise in applications received which the Planning Manager felt was a good indication of the resilient economy within the Mid Ulster area.
- Mid Ulster received 1269 applications last year which was the third highest across Northern Ireland, only Belfast City Council and Newry Mourne and Down District Council had a higher volume. Mid Ulster received approximately twice the number of applications to that of neighbouring Councils.
- Mid Ulster has the highest approval rate at 96.7%, the Planning Manager felt that this was down to officers and agents working together prior to an application being brought to committee.
- Mid Ulster has an average processing time of 15.2 weeks for applications with the target being 15 weeks. The Planning Manager advised that those with faster processing rates only receive half the amount of applications and have the same number of staff as Mid Ulster.
- Processing times in relation to major applications ie. Wind farms is over target, these statistics advised that Mid Ulster received the lowest number of major applications however the Planning Manager did not feel this was accurate.
- Targets in relation to enforcement are being met, the Planning Manager felt that it is not really the aim to process these types of case the fastest but to resolve them satisfactorily.

The Planning Manager felt that the statistics demonstrated a good performance by Mid Ulster Council, the Planning Manager commented that authorities with good performance are those which operate in a transparent manner.

P130/16 Confirm Minutes of the Planning Committee Meeting held on Monday 13 June 2016

Proposed by Councillor Glasgow
Seconded by Councillor J Shiels and

Resolved That the minutes of the meeting of the Planning Committee held on Monday 13 June 2016, (P114/16 – P121/16 & P126/16), were considered and signed as accurate and correct.

Matters for Decision

P131/16 Planning Applications for Determination

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

LA09/2016/0602/O Dwelling on a farm at 43 Eglish Road, Dungannon for Steven Hughes

Mr Marrion (SPO) presented a report on planning application LA09/2016/0602/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 Hughes to address the committee.

Mr Hughes advised that the farm land in question had been maintained by the Hughes family for generations. Mr Hughes advised that the purpose of his application was to provide a home for his family.

Mr Hughes felt there was a discrepancy within the officer's report which referred to buildings outside of his ownership. Mr Hughes advised that these buildings were not included in the application site map or the DARD boundary map.

Mr Hughes had provided substantial evidence (previously circulated) which included aerial photographs that he felt showed the ongoing maintenance of the land since 1984.

Mr Hughes referred to the weight being attached to having a DARD business number and stated that previous PAC decisions have dictated that a DARD business number is not essential. Mr Hughes went on to say he had been proactive in acquiring a business number from DARD and referred to correspondence, previously circulated, which shows interaction between a DARD Client ID, which was first created in 1997 and his DARD business number, Mr Hughes felt that this Client ID had not been taken into consideration.

Mr Hughes advised that measures had been taken in relation to the site ie. removal of hedge and associated works to improve sight lines and extensive planting to aid integration.

Mr Hughes stated that there had been no objections to the application and felt that the evidence provided and the measures taken warranted the application being given further consideration.

The Planning Manager stated that the primary reason for refusal was because DARD did not verify the farm holding. The Planning Manager suggested that the application be deferred for an office meeting to reconsider the application and verify the farm holding.

Councillor Gildernew stated that he knew the farm being spoken about and advised that it had always been impeccably kept. Councillor Gildernew proposed that the application be deferred for an office meeting.

Councillor McKinney seconded Councillor Gildernew's proposal.

Resolved That planning application LA09/2016/0602/O be deferred for an office meeting.

Councillor Mullen entered the meeting at 7.18 pm

It was noted that Councillor S McGuigan had also requested speaking rights in relation to the application however as it was agreed to defer the application it was suggested that Councillor McGuigan accompany Mr Hughes to the office meeting.

LA09/2016/0389/F Single storey extension at 26 Roxborough Park, Moy for NIHE

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

The Chair, Councillor Clarke read from an email received from Councillor Molloy who had requested speaking rights on this application, the email stated that as the issues related to sewer outlets had been resolved Councillor Molloy would withdraw his request to speak. Councillor Molloy commented in his email that it was unfortunate that Water Service did not engage in the planning process related to this application.

Proposed by Councillor Gildernew
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2016/0389/F be approved subject to conditions as per the officer's report.

LA09/2016/0631/F Remove/vary condition 3 of planning approval M/2013/0578 at lands approx. 113m NE of 8 Derryvale Road, Coalisland for Mr Pat O'Neill

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0631/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 Cassidy to address the committee.

Mr Cassidy advised that there were two undisputed facts related to this application –

- 40% of the world's screening and crushing equipment is manufactured in Mid Ulster.
- There is a severe lack of suitable land within the Coalisland/Dungannon area to support this type of business.

Mr Cassidy advised that the application relates to a parts store therefore there are no issues with noise/odour. Mr Cassidy went on to show photographs of similar businesses with outside storage.

Mr Cassidy advised that the applicants have put landscape screening in place and would be prepared to further screen the area. The applicants would also accept further screening as a condition of approval.

Mr Cassidy advised that approval of the application is necessary to ensure that the applicant can continue to work and stay within the Mid Ulster area.

The Planning Manager suggested that an office meeting be held to further consider this application and the surrounding site.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/0631/F be deferred for an office meeting.

Councillor Cuthbertson felt that a number of applications were being deferred due to lack of contact between officers/agents before an application comes to committee.

The Planning Manager advised that officers are in contact with agents prior to an application being brought to committee however agents will not necessarily respond and it is only when the application is brought before the committee that agents will take action.

Councillor Cuthbertson advised he was not picking on this particular application but felt that there appeared to be trend in deferring applications because agents have ignored contact with officers.

The Council Solicitor advised that if new information is brought to light and is not considered by the Committee and is a material consideration, then any subsequent decision taken may be subject to challenge.

The Planning Manager advised that Mid Ulster Planning Department have contact with approximately 200 agents and that the Planning Committee would only have seen around 10% of this number before them at committee. The Planning Manager advised that the remaining 90% of agents will respond to a case officers contact and agreed that the Planning Committee should not be used as a negotiating forum.

Councillor Cuthbertson asked on what grounds the application was being deferred.

The Planning Manager stated that a deferral for an office meeting would enable further discussion as to what is happening at the application site and that issues and concerns may be resolved.

Councillor McKinney left the meeting at 7.36 pm

Councillor Gildernew agreed that there is a scarcity of suitable land within the Coalisland/Dungannon area. He stated that the area can be screened off and had proposed that the application be deferred on the advice of the Planning Manager.

Councillor Cuthbertson took on board the advice of the Council Solicitor in respect of new information coming forward but stated that he just wanted to make the point that the Planning Committee would continue to be used by agents unless the issues raised are addressed. The Councillor felt that officers reports are available a week before the meeting which gives ample time for discussion or new information to be provided prior to coming to committee.

Councillor McKinney re-entered the meeting at 7.38 pm

The Planning Manager explained that the information before Members was too vague and that he felt an office meeting would be beneficial to discuss the application in more detail.

Members considered the remaining planning applications as per agenda.

M/2014/0331/F New apartments (5 one bedroom, 4 two bedroom and 1 three bedroom); new pedestrian access at 34-38 The Square, Coalisland for Western Building Systems

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

Members were asked to note that, as per addendum circulated, the description of the development had changed and that there would now be 1 additional two bedroom apartment with reference to the three bedroom apartment removed. Description should now read –

New apartments (5 one bedroom and 5 two bedroom); new pedestrian access at 34-38 The Square, Coalisland for Western Building Systems.

Proposed by Councillor Cuthbertson
Seconded by Councillor Kearney and

Resolved That planning application M/2014/0331/F be approved subject to conditions as per the officer's report and amended description.

LA09/2015/0959/F Retention of covered stands at existing 3G pitch at Black Lane, Dungannon for Dungannon United Youth

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

Proposed by Councillor Cuthbertson
Seconded by Councillor Kearney and

Resolved That planning application LA09/2015/0959/F be approved subject to conditions as per the officer's report.

LA09/2015/1214/O Extension of existing business park to facilitate the establishment of an agri food hub at lands immediately W of Torrent Business Park, Gortnagola Road, Donaghmore for Torrent Valley Initiative Ltd

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

Proposed by Councillor Cuthbertson
Seconded by Councillor Kearney and

Resolved That planning application LA09/2015/1214/O be approved subject to conditions as per the officer's report.

LA09/2016/0358/F Farm shed at 99m SE of 209 Moyagall Road Road, Clady for Kevin McCann

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

Proposed by Councillor Cuthbertson
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/0358/F be approved subject to conditions as per the officer's report.

LA09/2016/0507/O Replacement dwelling adjacent to 76 Moor Road, Coalisland for Mr Patrick O'Neill

Members were asked to note that, as per addendum circulated, the agent for the application had submitted details relating to a farming case for a dwelling and it was suggested that this application be deferred to consider this new information.

Proposed by Councillor J Shiels
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/0507/O be deferred to consider additional information submitted.

LA09/2016/0619/F Single storey rear extension at 24 Abbeyvale, Ardboe for Karla McKinless

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

Proposed by Councillor Kearney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/0619/F be approved subject to conditions as per the officer's report.

LA09/2015/0577/O Dwelling and garage on a farm at land approx. 100m S of 6 Tullycorker Road, Clogher for Ms Imelda Hackett

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

Proposed by Councillor Glasgow
Seconded by Councillor McPeake and

Resolved That planning application LA09/2015/0577/O be approved subject to conditions as per the officer's report.

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

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

Proposed by Councillor Glasgow
Seconded by Councillor McPeake and

Resolved That planning application LA09/2015/1164/O be approved subject to conditions as per the officer's report.

Matters for Information

P132/16 Appeal Decisions Received

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

Councillor Glasgow left the meeting at 7.50 pm

Members noted that the appeal in relation to H/2014/0438/O – Proposed new dwelling and garage, 35m south of 10 Ballynian Lane, Swatragh – had been allowed.

The Planning Manager stated that as a result of this decision there would be greater flexibility with regard to the bounds of reason on what constituted a building and would give the committee additional scope to approve similar applications in the future.

Councillor Glasgow re-entered the meeting at 7.52 pm

Councillor Cuthbertson asked if the dismissal of appeal in relation to LA09/2015/0807/A – Site retention of illuminated sign adjacent to 45 Charlemont Street, Moy - would have any effect on the committee's previous approval of signage in Coalisland.

The Planning Manager advised that the two applications referred to were not the same and that the key difference in the case of the application which went to appeal was because a listed building was involved. The Planning Manager advised of the need to consider each application on a case by case basis.

Councillor Gildernew agreed with the Planning Manager in that the two applications referred to were different and that the listed building had an effect on the planning appeal which was dismissed.

CONFIDENTIAL BUSINESS

Proposed by Councillor Bell
Seconded by Councillor McKinney and

Resolved That items P133/16 to P135/16 be taken as confidential business.

P136/16 Duration of Meeting

The meeting was called for 7.00pm and ended at 8.08 pm.

Chair _____

Date _____