

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 September 2016 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Clarke, Chair

Councillors Bateson, Bell, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson and J Shiels

Officers in Attendance

Mr Boomer, Planning Manager
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McNally, Solicitor
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

H/2014/0331/O	Mr Hueston
LA09/2015/0863/O	Mr Cassidy
LA09/2015/0932/F	Mr Cassidy
LA09/2015/1213/F	Mr Maneely
LA09/2015/1287/F	Mr Ross
LA09/2015/1294/F	Mr McLaughlin
LA09/2016/0544/O	Mr Cassidy
LA09/2015/0471/O	Mr Cassidy
LA09/2016/0576/F	Mr Fearon

The meeting commenced at 7.00 pm

P149/16 Apologies

None.

P150/16 Declarations of Interest

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

Councillor McPeake declared an interest in the following planning applications:

- H/2014/0171/O
- H/2014/0436/F
- LA09/2015/1294/F
- LA09/2016/0981/F

Councillor Glasgow declared an interest in the following planning applications:

- LA09/2016/0523/F
- LA09/2015/1235/O

Councillor McAleer declared an interest in planning application:

- LA09/2015/1287/F

Councillor Cuthbertson declared an interest in planning application:

- LA09/2016/0271/F

Councillor Reid declared an interest in planning application:

- LA09/2016/0606/F

Councillor Mallaghan declared an interest in planning application:

- LA09/2016/0693/F

Councillor McKinney declared an interest in planning application:

- LA09/2016/0310/F

P151/16 Chair's Business

The Chair reminded members of the public attending to speak on an application that they had a maximum of three minutes speaking time.

The Chair advised the Committee that applications already on for approval should be approved by the members present without any other representation.

Proposed by Mallaghan
Seconded by Councillor Bell and

Resolved: That applications already on the list for approval to be agreed by members without any other representation.

P152/16 Confirm Minutes of the Planning Committee Meeting held on Tuesday 2 August 2016

Proposed by Councillor Bell
Seconded by Councillor Cuthbertson

Resolved That the minutes of the meeting of the Planning Committee held on Tuesday 2 August 2016, (P137/16 – P143/16 & P148/16), were considered and signed as accurate and correct.

Matters for Decision

P153/16 Planning Applications for Determination

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

**H/2014/0171/O Farm dwelling and garage approx. 135m N of 46
Tamlaghtduff Road, Bellaghy for Deaglan O'Reilly**

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

Proposed by Councillor Bateson
Seconded by Councillor Kearney and

Resolved That planning application H/2014/0171/O be approved subject to conditions as per the officer's report.

H/2014/0331/O Housing development at land to the SE of 1 Park Lane, Killyfaddy Road, Magherafelt for JFM Construction Ltd

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

Proposed by Councillor McPeake
Seconded by Councillor McEldowney and

Resolved: That planning application H/2014/0331/O be approved subject to conditions as per the officer's report.

H/2014/0436/F Agricultural shed approx. 265m N of 46 Tamlaghtduff Road, Bellaghy for Deaghan O'Reilly

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

Proposed by Councillor McEldowney
Seconded by Councillor Kearney and

Resolved: That planning application H/2014/0436/F be approved subject to conditions as per the officer's report.

**M/2014/0477/F Change of turbine type from previous approval
M/2013/0328/F to turbine measuring 40m to hub with 14.9m
blade radius, at unchanged position 200m NW of 39
Kilsannagh Lane, Dungannon for Rodney Kirkland**

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/2014/0477/F be approved subject to conditions as per the officer's report.

LA09/2015/0480/O Site for dwelling at 13m W of 37 Coole Road, Coalisland for John Bell

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 LA09/2015/0480/O be approved subject to conditions as per the officer's report.

LA09/2015/0863/O Site for dwelling and garage 50m SW of 15 Falgortrevy Road, Maghera for Barney Bradley

Ms Doyle (SPO) presented a report on planning application LA09/2015/0863/O advising that it is recommended for refusal.

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

Mr Cassidy advised that that the applicant was a young farmer who was trying to enhance his business prospects through poultry farming. He said that his application had the support of the Director of Moy Park who felt that it was essential that the Mr Bradley be on site in case of an emergency as a few minutes could be detrimental to the survival of chickens.

The Planning Manager asked why an alternative site wasn't accepted to the applicant.

Ms Doyle (SPO) advised members that an alternative site was suggested to Mr Cassidy, but this was declined as the applicant only wanted the site previously proposed and it was decided to go to committee for decision.

The Planning Manager advised that the site suggested by officers could have environmental disadvantages in terms of its size and tendency to encourage ribboning. He also advised that under the policy a dwelling did not have to cluster but could be visual linked to a farm group. He asked what was the distance between the two.

Mr Cassidy advised that it was 110 metres from the site to the poultry farm.

The Planning Manager felt that the distance was greater than this and the figure given was to not the existing buildings but the proposed new buildings. He questioned whether this constituted a visual link.

Mr Cassidy reminded members of the Director of Moy Park being fully supportive of the applicant's proposals to extend the farm group.

The Planning Manager asked if any permission existed and was there a timeframe for the proposed farm buildings. Mr Cassidy's reluctance to answer was noted.

Councillor McKinney said that if there was 150m from the house to the poultry farm with possible room for expansion on site and taken that there was no objections from the nearest dwellings that he would be happy to consider the application.

Councillor Reid agreed with Councillor McKinney and said that if Moy Park were committed to putting money into something that they deemed feasible, then this Committee should agree with the application and where it was to be located.

The Planning Manager stated that there was no planning permission and commitment at this early stage and it may be possible that neighbouring houses wouldn't be supportive of the expansion of poultry houses.

Councillor Reid suggested putting the application on hold for a month to get all the relevant information from Moy Park as they are a major employer.

The Planning Manager advised that this application wouldn't be forthcoming within the next month and a decision would need to be made by Committee.

Councillor Glasgow advised that from a poultry farming background that the location of the dwelling to the actual unit was a much safer option as ventilation at these units are a major risk and there is a need to be beside the unit to protect investment and a few minutes can be crucial.

Councillor Cuthbertson said that the Committee were putting themselves in a situation for all types of various farming and that every application coming through having the site being put back a bit because of farm expansion. He felt that there was a need to be careful for setting a precedent for the future.

The Planning Manager advised that Councillor Cuthbertson made a valid point and that before a proposal was taken that careful consideration would need to be given to poultry houses and that Health and Safety would need to be adhered to as the odour can be very overpowering. He advised that it was reasonable for the Committee to make the decision giving weight to the undesirable of the alternative site, particularly the applicant's argument that they wished to be located closer to the poultry shed but sufficient distance away as to ensure that the poultry units did not raise environmental health concerns

Proposed Councillor Bateson
Seconded by Councillor Reid and

Resolved: To agree in principle of the proposal and that the Planning Manager word the outline of the conditions laid out.

With the proposal being put to the vote, 14 voted in favour and 2 against.

LA09/2015/0909/F Residential development of 12 dwellings (renewal of M/2008/0314/F) at site 30m S of St. Joseph's Primary School, Caledon for Caledon Estate Company

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 LA09/2015/0909/F be approved subject to conditions as per the officer's report.

LA09/2015/0932/F Change of use of land and storage unit from window glazing to car sales and car hire at 155A Creagh Road, Castledawson for Ben McCormack

Ms Doyle (SPO) presented a report on planning application LA09/2015/0932/F advising that it is recommended for refusal.

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

Mr Cassidy advised that this site had always been a commercial site and a former existing window glazing business, guttering business and now a car showroom is being proposed. He said that he doesn't know any commercial business that doesn't sell the sale of products and felt that that this application should be agreed on that principle.

In response to Councillor Mallaghan's query, Ms Doyle (SPO) advised that the last application approval on this site was for the window glazing business in 1995.

The Planning Manager said that there was various definitions of retail which doesn't necessarily relate to selling and can't say that this is an authorised retail site. He advised that the site was within a recognised cluster which arguably had the characteristics of a settlement, although it was not formerly recognised as such. He also noted that car sales was also not strictly retailing and noted that there had been a change in the policy context given PPS5 had now been replaced by the SPPS. He said that he had listened to the argument and would like the application to be deferred for further consideration given the policy lacuna.

Councillor McPeake stated that he would be supportive of the application as he knows the site well. He said that it has always been known as a site with activity as there was always trading done there. He also said that there would never be an expansion of the site and asked if Roads Service had any issues with the site as no entrance out onto the main road.

Ms Doyle (SPO) advised that it goes to the north of the Thatch bar and that Roads Service had raised a list of conditions which had to be included.

Councillor Reid suggested deferring the application until more information is received.

Councillor Cuthbertson said that a possible way forward would be to hold the application until all the relevant information was received before refusing the application as it would save the applicant making another application.

The Planning Manager stated that in his opinion the debate on whether the past use was retail was a red herring and should be considered carefully and proposed caution if it was going to be approved in the rural setting.

McKinney left the meeting at 7.43 and returned at 7.46 pm.

Councillor Bateson advised that this used to be a retail site but accepted that this wasn't the case back 30 – 40 years ago but was always classed as a retail space. Many car sales are operating in the rural countryside and assuming that they are all legitimate businesses, he felt that it would be acceptable to approve the application.

Proposed Councillor Reid
Seconded Councillor Bateson and

Resolved: To defer application LA09/2015/0932/F until further information is received.

LA09/2015/1213/F Extension to existing store at 38 Castledawson Road, Magherafelt for Lidl NI GmbH

Councillor Glasgow left at 7.50 pm and returned at 7.53 PM.

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

Proposed by Councillor Robinson
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2015/1213/F be approved subject to conditions as per the officer's report.

LA09/2015/1287/F Partial demolition to include replacement front walls, with renovation and rear extension to create 2 no. terraced dwellings, 50 and 52 Moore Street, Aughnacloy for Martina O'Hanlon

Mr Marrion (SPO) presented a report on planning application LA09/2015/1287/F advising that it is recommended for refusal.

Councillor Gildernew felt that this issue could be resolved and proposed a deferral.

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

Mr Ross advised that the application was to replace the two existing dwellings into modern family dwellings. He said that Aughnacloy had many fine buildings and feels that the character of the village should be preserved. He said that No. 50 was not a notable building but was part of the street and the proposal was to create a new building to replicate the old building. The reasons for replications was purely economic to protect the character of the area and would like the opportunity to meet with planners to find a way forward.

Councillor Mallaghan advised that he knows what it's like to see a village where there are dilapidated dwellings and felt that it was a good opportunity to enhance the Aughnacloy area.

Councillor McAleer said that living conditions wasn't viably feasible due to dampness and that she was aware of other houses being left in similar condition eventually creating long term problems, but that there was a need for enhancing and saving the character of the village.

The Planning Manager said that he remembered when this area of townscape character was declared, the purpose of which was to control demolition to ensure any replacement development was in-keeping existing character. However planning policy had become stricter and was now similar to the conservation policy when it comes to the stipulations outlined. He felt that now that the applicant was aware of the problems and had indicated a willingness to negotiate there was an opportunity to sit down in an office meeting to try and resolve the issues.

Councillor Reid agreed with the Planning Manager that discussions should take place between the applicant and officers to try and come to some sort of agreement. He also agreed that if the windows were removed it would not work but still thinks that the character can be kept in the Aughnacloy village and proposed to agree the application.

Proposed Councillor Gildernew
Seconded Councillor Bell and

Resolved: To defer application LA09/2015/1287/F for an office meeting.

Councillor Robinson stated that it was important to retain the character of Aughnacloy village and that attention should be put on improving dilapidated buildings.

Gildernew agreed with Councillor Robinson that dilapidated buildings in villages should be enhanced.

LA09/2015/1294/F Construction of overhead electricity transmission line, support structures and other apparatus; 2 sections of underground cable – linking Brockaghboy B14 Wind Farm substation to NIE networks, for SONI Ltd

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

Proposed by Councillor J Shiels
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2015/1294/F be approved subject to conditions as per the officer's report.

LA09/2016/0088/F Amended house types of previous approval H/2010/0489/F and new garage at housing development on lands N of 42 Tobermore Road, Magherafelt for DMD Developments

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

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2016/0088/F be approved subject to conditions as per the officer's report.

LA09/2016/0271/F Retention of agricultural shed for livestock handling, storage of fodder and farm machinery and erection of an additional bay to provide machinery storage at 25 Fardross Road, Clogher for Damien McKenna

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 LA09/2016/0271/F be approved subject to conditions as per the officer's report.

LA09/2016/0449/F Conversion of existing vacant café into 2 no. apartments of 64 Scotch Street, Dungannon for Sam Sinnamon

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

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/0449/F be approved subject to conditions as per the officer's report.

LA09/2016/0480/RM Infill dwelling and garage at site between 137 and 141 Coolreaghs Road, Cookstown for Brian and Joanne Mitchell

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

Proposed by Councillor Glasgow
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/0480/RM be approved subject to conditions as per the officer's report.

LA09/2016/0523/F New kick box club and associated car park, 25m NE of 4 Cavan Road, Dungannon for Dungannon Kick Boxing Club

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 LA09/2016/0523/F be approved subject to conditions as per the officer's report.

LA09/2016/0544/O Infill dwelling and garage 29m S of 6 Annaghmore Road, Cookstown for Sean Quinn

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0544/O advising that it is recommended for refusal.

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

Mr Cassidy advised that this application was not submitted under a cluster but there was at least 6 sheds, 10 houses, caravans and shop in the area, cluster upon cluster in area. The precedent has already been set by this committee and felt that the planning appeals supports this application.

Councillor Clarke raised concern about drawings being circulated around the chamber by Mr Cassidy at should a late stage and said that it was very difficult for the committee to give proper consideration to the application when documentation wasn't in on time.

Mr Cassidy advised that he had hand delivered all documentation before the deadline.

The Planning Manager said that it was impossible to expect the committee to make a decision when documentation is not received within a reasonable timeframe.

The Chair advised that when the Planning Meeting is on a Tuesday night and no documentation is received until a Friday evening, members may not have the opportunity to properly scrutinise documentation.

Councillor McKinney suggested that all documentation be made available to members one week prior to the Planning meeting taking place.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved: That application LA09/2016/0544/O be deferred until all documentation is received and considered at a reasonable time.

LA09/2016/0576/F Replacement dwelling and garage at 72 Killymeal Road, Dungannon for Mrs S Fearon

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

Proposed by Councillor Mullen
Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/0576/F be approved subject to conditions as per the officer's report.

LA09/2016/0606/F Change of use from vehicle workshop to butchery; and new access road, at 83 Annaginny Road, Newmills for Mr Alan Elliott

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

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2016/0606/F be approved subject to conditions as per the officer's report.

LA09/2016/0648/O Replacement dwelling approx. 100m N of 102 Glassdrummond Road, Aughnacloy for Mr Jason Stinson

Mr Marrion (SPO) presented a report on planning application LA09/2016/0648/O advising that it is recommended for refusal.

Councillor Gildernew said that it's a substantial farm of land and that he was in no doubt that in the past there was a dwelling on the site and felt that it was the remnants of an old farm.

Councillor Cuthbertson advised that in previous Committees there were proposals brought which had old walls which could have been an old church and asked was there not a need to apply the same rule.

The Planning Manager said that there was probably a dwelling at some stage on the site but looks as if it was some kind of outbuilding.

Councillor Mallaghan enquired if this person was an active farmer and if so then there could be a different avenue taken.

The Chair said that in his view there was a dwelling on site somewhere.

Councillor Reid said that it stood to sense that there was a building in the past as a person would not just build an outbuilding if there was no farm evident. He felt that the applicant should sit down with Officers to find a way forward.

Councillor Mallaghan said that it's his logic that if a person has put money towards paying for an application then there must be an avenue somewhere.

Proposed by Councillor Mallaghan
Seconded by Councillor J Shiels and

Resolved: That an office meeting be held to see if the applicant has any background in farming credentials and if not refuse the application.

LA09/2016/0693/F Detached shed for winter storage of caravan and general domestic use at 239 Ballygawley Road, Dungannon for Martin McCaul

Mr Marrion (SPO) presented a report on planning application LA09/2016/0693/F advising that it is recommended for refusal.

Councillor Mallaghan said that he had declared an interest in the application and felt that planning approval should have been passed. He said there should have been an opportunity to relocate the building to accommodate all concerned.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer

Resolved: That an office meeting be arranged to see if a forward can be reached.

LA09/2016/0981/F 25 Additional car parking bays at site at Gulladuff Road, 50m N of Main Street, Bellaghy for Mid Ulster District Council

All Members declared an interest in the application.

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

Councillor Reid felt that a safeguard should be in place to protect the committee if agreement isn't reached with Roads Service.

Councillor Glasgow said that caution should be shown as it may show one rule for us and one for the public and may look bad.

The Planning Manager stated that every now and then exceptions to rules arises.

Councillor Cuthbertson said that it would be important that Transport NI be involved to safeguard the Council on road safety.

The Chief Executive advised that discussions are ongoing with Transport NI from when the application was submitted and that he was confident of a successful outcome with any concerns raised from the Transport NI being suitably addressed.

Councillor McPeake advised that if the Chief Executive was confident of a positive outcome from Transport NI then he would be happy to agree the application.

Councillor Cuthbertson asked that a update on the roads issues be provided to members before the next meeting.

Proposed by Councillor McPeake
Seconded by Councillor Mallaghan and

Resolved: That planning application LA09/2016/0981/F be approved subject to conditions as per the officer's report.

LA09/2015/0471/O Dwelling and garage 621m S of 79 Kinrush Road, Ardboe for Geraldine Ryan

Ms McCullagh presented a report on planning application LA09/2015/0471/O advising that it is recommended for refusal.

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

Councillor Cuthbertson stated that in his view all avenues have been exhausted on this application, i.e sites meeting and offices meetings etc and feels that nothing has changed to support an approval.

Mr Cassidy advised that the site is situated at the air-drum between Ardboe and Moortown. He said that there are vocal points within the area namely clay pigeon shooting, a business park and an air-drum and feels this application meets the criteria for an approval.

Councillor Cuthbertson stated that this has previously all being discussed at the office meeting and that nothing has changed to overturn the decision.

The Planning Manager agreed that this was the same application with all the same information provided with nothing more included.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved: To accept the recommendation of the Planning Manager to refuse application LA09/2015/0471/O.

LA09/2015/1184/O Dwelling and garage approx. 80m S of 99 Killeeshil Road, Dungannon for Martin Hamill

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 LA09/2015/1184/O be approved subject to conditions as per the officer's report.

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

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 LA09/2015/1235/O be approved subject to conditions as per the officer's report.

LA09/2016/0310/F Dwelling and garage on a farm at land 30m NW of 112 Sixtowns Road, Draperstown for Gerard McNamee

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

Proposed by Councillor Reid
Seconded by Councillor Glasgow

Resolved: That planning application LA09/2016/0310/F be approved subject to conditions as per the officer's report.

LA09/2016/0507/O Dwelling on a farm adjacent to 76 Moor Road, Coalisland for Mr Patrick O'Neill

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 LA09/2016/0507/O be approved subject to conditions as per the officer's report.

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

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 LA09/2016/0602/O be approved subject to conditions as per the officer's report.

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

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 LA09/2016/0631/F be approved subject to conditions as per the officer's report.

Matters for Information

P154/16 Report of Delegated Decisions Issued in July 2016

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

P155/16 Development Plan

The Sustainability Appraisal (including SEA) of Options for the Local Development Plan Preferred Options Paper (POP) is underway and the Project Management Group met on 29th June and 25th August 2016 to appraise the options. The POP and SA/SEA Interim Report will be presented to a Special Council Meeting on 27th September 2016 to agree prior to public consultation.

CONFIDENTIAL BUSINESS

Proposed by Councillor J Shiels
Seconded by Councillor Reid and

Resolved: That items P156/16 to P158/16 taken as confidential business.

P159 /16 Duration of Meeting

The meeting commenced at 7pm and ended at 9.20 pm.

Chair _____

Date _____