

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 April 2017 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, 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 McEvoy, Head of Development Plan & Enforcement Ms McKearney, Senior Planning Officer Nora Largy, Council Solicitor Una Mullen, Council Solicitor Miss Thompson, Committee Services Officer	
Others in Attendance	Applicant Speakers	
	I/2014/0074/F	Dr O’Kane Mr Grainger Councillor T Quinn Les Ross
	I/2014/0246/F	Dr O’Kane Mr Grainger Councillor T Quinn Les Ross
	LA09/2016/1195/F	Rev Patterson Mr McKeown Councillor Wilson
	LA09/2016/1416/O	Ms Morris
	LA09/2016/1680/A	Councillor McPeake

The meeting commenced at 7.01 pm

P043/17 Apologies

None.

P044/17 Declarations of Interest

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

Councillor McAleer declared an interest in planning application LA09/2016/1416/O.

Councillor Reid declared an interest in planning applications I/2014/0074/F and I/2014/0246/F.

Councillor McPeake declared an interest in planning applications LA09/2016/1300/O and LA09/2016/1680/A.

Councillor McEldowney declared an interest in planning application LA09/2016/0690/F.

P045/17 Chair's Business

The Planning Manager referred to addendum circulated in which it was proposed to withdraw the following applications from tonight's schedule –

I/2014/0413/F – Additional information has been submitted by agent. Application to be withdrawn to allow time for full consideration of this new information.

LA09/2016/1136/F – Alternative car parking provision is being considered by agent. Application to be withdrawn to allow further information to be presented in relation to compensatory car parking provision.

LA09/2016/1667/O – Additional information submitted by agent. Application to be withdrawn to allow time for full consideration of this new information.

The Planning Manager referred to previous discussions regarding publicity of planning clinics and advised of leaflet circulated which provides a guide to the Planning Department and includes reference as to how to make an appointment at a planning clinic. The Planning Manager advised that further publicity of planning clinics will be made through the press and that posters will also be placed in each of the Council Offices.

The Planning Manager advised that unofficial statistics for up until the end of February indicate that the planning department are meeting all targets in relation to local applications and enforcement.

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved That planning applications I/2014/0413/F, LA09/2016/1136/F and LA09/2016/1667/O be withdrawn from tonight's meeting schedule for the reasons stated as above.

Matters for Decision

P046/17 Planning Applications for Determination

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

H/2013/0114/F 250kw wind turbine with a hub height of 31m at 150m North West of 14 Curragh Road, Maghera for Ivor Hyndman

Ms Doyle (SPO) presented a report on planning application H/2013/0114/F advising that it is recommended for refusal.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application H/2013/0114/F be refused on grounds stated in the officer's report.

I/2014/0074/F Alteration of existing access and laneway to the rear of 51 Knockanroe Road, Cookstown for Reid Engineering

I/2014/0246/F Retention of engineering workshop to include store, ancillary accommodation and storage yard at 55 Knockanroe Road, Cookstown for Reid Engineering

The Head of Development Management presented a report on planning applications I/2014/0074/F and I/2014/0246/F advising that they are recommended for approval.

The Head of Development Management also referred to amendment of approval condition 4 for planning application I/2014/0246/F which will now seek to enclose outdoor saw to make it soundproof.

The Chair advised the committee that requests to speak on the application had been received and invited Dr O'Kane to address the committee in the first instance.

Dr O'Kane stated that the applications were contrary to policy and would have a detrimental impact on local residents. Dr O'Kane went on to state issues relating to overbearance and noise. Dr O'Kane stated that the business was established but that this was on a restricted site and that there was no approval outside of the CLUD.

Dr O'Kane stated that approval of workshop in 2010 was the breaking point for residents and that use of the site had intensified causing unacceptable impacts to local residents. Dr O'Kane advised that the site had doubled since 2010 and that there was no reference in the case officer's report regarding enforcement. Dr O'Kane requested that the committee undertake a site visit to the application site.

Mr Grainger advised that proposals claim to mitigate noise issues however it was stated that this would not be the case as predicted noise assessments indicate that there will be significant additional adverse noise impacts on residents. The predicted

difference for 57 Knockanroe Road is +23dB and +9dB for 53 Knockanroe Road and it was advised that a difference of around +10dB or more is likely to be an indication of significant adverse impact.

Mr Grainger advised that BS4142 was applicable to the case and that a local authority should not dismiss this and stated that if the planning applications are approved Council could be implicated in any future action. Mr Grainger advised that the proposal is set in a rural location and that, if approved, would cause unacceptable noise nuisance to neighbouring residents.

Dr O’Kane further stated that access is contrary to policy.

The Planning Manager referred to Mr Grainger’s comments in relation to noise and that an increase of +20dB is predicted. The Planning Manager asked what the noise level is predicted to be.

Mr Grainger advised that, if approved, a noise level of 57dB is predicted.

The Planning Manager asked if noise readings had been taken as the site currently stands.

Mr Grainger advised that there is a current noise level of 37dB.

The Planning Manager questioned how the noise level would increase at the site if some operations were to be moved from outside to inside, most of the building already had approval and that some soundproofing had been carried out.

Mr Grainger advised that metal in the yard would still be required to be moved and that the outdoor saw, which was one of the noisiest pieces of equipment on site, was not enclosed.

The Planning Manager advised that the outdoor saw is part of a certificate of lawful development.

Councillor T Quinn advised that the proposed access will result in a further detrimental impact on the amenity of local residents. Councillor Quinn advised that 51 Knockanroe Road was in the ownership of the applicant and that there was no guarantee this house could not be demolished in the future.

Councillor Quinn stated that TransportNI have continually reduced visibility splays relating to application I/2014/0074/F and that this is of great concern and is felt will prejudice road safety. Councillor Quinn questioned why the application was not being assessed against required standards and advised that adjacent residents were regularly being inconvenienced by HGV vehicles. Councillor Quinn stated that these vehicle movements had a negative impact on residents and rural amenity.

Councillor Quinn stated that the engineering works could no longer be accommodated within the area and went on to describe impact on neighbouring residents –

53 Knockanroe Road – Fowley Family – The building overshadows the garden, kitchen, utility room and bedrooms at the rear of the home. The building is dominant and overbearing and is out of character with no. 53 appearing to be hemmed in. There are also negative impacts caused by noise, odour, disturbance, hours of operation and light spill.

57 Knockanroe Road – Mrs Reid – Overbearance of garden area, domination of outward views from garden, kitchen, utility room and bedrooms at rear of home. Negative impacts also caused by noise, odour, disturbance, hours of operation and light spill.

50 Knockanroe Road – Mr Sloan – Significant negative impacts from noise, odour, hours of operation and light spill.

Councillor Quinn also advised that Mrs Reid's son, who has Autism, has been forced to move from home as he finds the noise distressing.

Councillor Quinn stated that when the Fowley family bought their home in 2005 there was an agricultural shed for small scale engineering works and were advised at that time that there were no disturbance issues or cause for complaint.

Councillor Quinn stated that the objectors were not aware planners were treating the 2010 application as an extension rather than a replacement as they had been informed and this was the reason they had not objected to the 2010 application.

Councillor Quinn advised that the CLUD is 0.7 acres and that there is no approval outside of this area. Councillor Quinn also referred the masterplan application currently being worked on which indicates that the business intends to expand further in the future.

Mr Ross stated that he felt objectors had exerted pressure on planners and have exhausted the planning system. Mr Ross advised that he was representing the applicant who was a significant employer in the area and had been in existence from before objectors lived in the area. Mr Ross advised that he had corresponded with objectors who did not want to engage to find a solution.

Mr Ross stated that the main issues of objection were noise and traffic and that a lot of hours had been put in to bring these applications to an approval. Mr Ross advised that roads assessments had been carried out, acoustic barriers were in place and working hours had been reduced. Mr Ross also advised that the outside saw had been in place for a number of years. Mr Ross advised that the changes to access would be of benefit to objectors and that work on a masterplan application will further address concerns. Mr Ross felt that the objectors had gone to extraordinary lengths to close the business down, conversely, the applicant had gone to extraordinary lengths to accommodate objectors and make a success of their business.

The Planning Manager advised that he had always found objectors to be courteous and that objections raised were on planning grounds. The Planning Manager advised that if this was a virgin site there would be no doubt this application would be refused however the reality of the situation was that there was lawful activity on site.

The Planning Manager advised that the business could continue to use the existing access and that nothing could be done about this, he advised that he believed the applications and recommendations were rational and would make life better for both parties.

Councillor Cuthbertson proposed the approval of the two applications.

Councillor Mallaghan felt there was an opportunity for a site visit with the proviso that when the application came back to committee there was no need for tonight's discussions to be rehearsed. The Councillor proposed that a site meeting be undertaken. Councillor Mallaghan also referred to masterplan application and asked if there was opportunity to wait on this coming forward and consider the three applications together.

The Planning Manager advised that if tonight's applications were refused an enforcement notice had already been served meaning Council could proceed to court action.

Councillor Glasgow stated he would be supportive of a site meeting taking place as he did not feel his questions could be answered tonight. Councillor Glasgow seconded Councillor Mallaghan's proposal.

Councillor Cuthbertson asked what the context of the site meeting would be.

The Planning Manager suggested that the site meeting consist of visiting the application site and objectors properties.

Councillor Cuthbertson felt a site visit would be pointless as the applicant would be aware of the visit taking place and that there would be no noise on the day.

Councillor Robinson stated that the applications were for an established business and questioned what other conclusion would be arrived at from a site meeting. The Councillor felt that all precautions had been taken to accommodate objectors and stated he would second Councillor Cuthbertson's proposal.

Councillor Bateson stated that consideration should be given to the detrimental impact of residents when Members are on site.

Councillor McKinney asked if it was possible to request that steel be cut when Members were on site.

The Planning Manager stated that the amenity of objectors was key and that they should be protected against what already exists.

Members voted on Councillor Cuthbertson's proposal to approve applications I/2014/0074/F and I/2014/0246/F –

For – 3

Against – 11

Resolved That planning applications I/2014/0074/F and I/2014/0246/F be deferred for site meeting.

I/2014/0413/F **Windfarm comprising 6 no. wind turbines with a blade to tip height of 126.5m and all ancillary works at Beltonanean, Ballynasollus, Beleevena-More and Ballynagilly townlands, Cookstown for Beltonanean Renewable Energy Ltd**

Application withdrawn to allow for consideration of additional information submitted.

H/2015/0054/F **Extension to front of existing agricultural sales yard to provide farm shop, canteen and additional livestock pens adjacent to 57 Magherafelt Road, Draperstown for Mr Michael O’Kane**

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

Proposed by Councillor J Shiels
Seconded by Councillor Kearney and

Resolved That planning application H/2015/0054/F be approved subject to conditions as per the officer’s report.

LA09/2016/0690/F **Retrospective application for beauty salon and car sales areas with associated office and valet facility adjacent to 3 Killymuck Road, Upperlands for Mr B McCloskey**

Councillor McEldowney advised that she had been contacted by the agent who was unable to attend tonight’s meeting and asked that the application be deferred at the request of the agent.

Proposed by Councillor J Shiels
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/0690/F be deferred for an office meeting

LA09/2016/0704/O **Single storey dwelling and domestic garage 50m North East of 31A Springhill Road, Moneymore for George McGarvey**

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 LA09/2016/0704/O be approved subject to conditions as per the officer’s report.

LA09/2016/0950/F Temporary permission for siting of static caravan at site adjacent and North of 91 Brackaville Road, Coalisland for Mr and Mrs T Maughan

LA09/2016/1547/F Dwelling and garage at site adjacent and North of 91 Brackaville Road, Coalisland for Mr Thomas Maughan

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

Proposed by Councillor J Shiels
Seconded by Councillor Reid and

Resolved That planning applications LA09/2016/0950/F and LA09/2016/1547/F be approved subject to conditions as per the officer's report.

LA09/2016/1136/F Single storey coffee shop unit at Oaks Retail Park, Oaks Road, Dungannon for MBCC Foods (Ireland) Ltd

Application withdrawn to allow further information to be presented in relation to compensatory car parking provision.

Councillor McKinney asked how often applications can be withdrawn.

The Planning Manager advised that in relation to this application the agent believes they can submit further information and that it was proposed to withdraw the application until consideration can be given to any new information received.

Councillor Cuthbertson felt that agents were not making any attempt to provide information until applications were being brought to committee. The Councillor felt that this matter needed to be looked at and such applications should stay on the schedule for determination.

Councillor McPeake stated there were a number of reasons why agents don't respond to requests for further information, one of these reasons is because TransportNI are not providing responses on time. The Councillor advised that he had raised this issue before but that the problem was still continuing. Councillor McPeake felt that it would be important to know the reason why an application was being refused and that it would be unfair to refuse an application due to no response being received from a third party.

The Planning Manager advised that he believed the planning department and committee were getting it right in respect of determining planning applications and that statistics are showing this.

Councillor Bateson referred back to planning application H/2015/0054/F and stated he did not understand how TransportNI had responded with no issues regarding this application as there were severe traffic issues in Draperstown on market days.

LA09/2016/1195/F Extension to existing church building to provide church hall, toilet facilities, store and additional Sunday School room at Cookstown Independent Methodist Church, Morgans Hill Road, Cookstown for Rev Malcolm Patterson

Ms McCullagh (SPO) presented a report on planning application LA09/2016/1195/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 McKeown to address the committee in the first instance.

Mr McKeown advised that the Church had been on site since 1985 and is surrounded by existing development. Mr McKeown referred to the Church's outreach with the local community and that a number of young people have been taken off the streets through the activities offered by the Church. Mr McKeown stated that the issue with car parking is only on Sunday mornings as during the week there is ample parking available, Mr McKeown stated that roads were not as busy on Sunday.

Mr McKeown went on to express the need for the extension and advised he had written permission from Mr Patrick (owner of RT Autoparts) to allow users of the Church to park outside his premises on a Sunday morning therefore providing an additional 18-20 spaces. Mr McKeown appealed to Members to weigh up the concerns against the good work of the Church in the community.

The Planning Manager asked if the written permission referred to could be provided.

Mr McKeown stated that he could provide this.

The Planning Manager stated he would like the opportunity to explore how this permission could be made a condition of approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew

To defer the application

Councillor Cuthbertson stated that there were not many places of worship that had a car park, the Councillor stated that it was illegal to park on double yellow lines however this would be a police enforcement issue as Council does not have any authority regarding on street parking. Councillor Cuthbertson proposed that the application be approved.

Councillor Wilson stated he had no conflict of interest in relation to this application as he attended Cookstown Methodist Church.

Councillor Wilson advised that the Church was situated on a road which has yellow lines but also traffic islands meaning cars cannot park along the road, the Councillor stated that parking in the adjacent housing development is the main issue of concern. Councillor Wilson stated that when he attends sporting events in areas

such as Windsor Park there is no car parking available. The Councillor felt that the Church was a victim of its own success and to refuse the application would deprive people of their place of worship, the Councillor advised that the Church does great work in the community and questioned what difference there was in this application and that approved earlier in the meeting for Draperstown Market. Councillor Wilson finished by showing photographs of congestion in Draperstown when the market is on and stated he would be fully supportive of the application made by Cookstown Independent Methodist Church.

Councillor Gildernew stated that if TransportNI had concerns in relation to the application it was safer for Council to defer the application until this is addressed.

Councillor McKinney stated he did not believe the application would cause extra traffic and that the permission from Mr Patrick would alleviate parking concerns. Councillor McKinney proposed that the application be approved on condition of suitable arrangement being made with Mr Patrick.

Councillor Gildernew seconded Councillor McKinney's proposal.

The Planning Manager felt Members had three options – to refuse the application, which he did not believe there was an appetite for, to approve the application outright, however he was not fully aware of the implications of this or to defer the application to allow for consideration of parking permission. The Planning Manager stated the latter of the three options would offer a win win situation for everyone.

Councillor Glasgow stated that the proposal would mean a loss of 12 car park spaces however, as stated tonight, there was the opportunity to gain 18-20 spaces which would rule out any concerns of TransportNI.

Councillor Robinson felt that a consistent approach was required in relation to TransportNI concerns however the potential to gain car parking spaces shed a different light on the matter.

The Planning Manager advised that notice would have to be served on Mr Patrick in relation to his parking permission therefore in order to do this he suggested that the application be deferred.

Councillor Robinson proposed that the application be deferred.

Councillor Reid stated that it was unfortunate the committee could not approve the application.

The Planning Manager explained that parking permission does not form part of the planning application at the moment and that it would be wise to defer the application to consider this detail.

Councillor McKinney seconded Councillor Robinson's proposal.

Resolved That planning application LA09/2016/1195/F be deferred for an office meeting.

LA09/2016/1300/O Dwelling at site 20m North East of 49 Brough Road and adjacent to Brough Road Crossroads, Castledawson for Mr Cathal McOscar

Ms Doyle (SPO) presented a report on planning application LA09/2016/1300/O advising that it is recommended for refusal.

Councillor McPeake advised he had been contacted by the agent who requested deferral of the application as he believed the proposal should be considered as part of a cluster following previous decision taken at a previous meeting to approve a neighbouring application.

Proposed by Councillor J Shiels
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/1300/O be deferred for an office meeting.

LA09/2016/1416/O Dwelling 60m North West of 70 Cullenrammer Road, Lisgallon, Dungannon for Sarah Morris

Mr Marrion (SPO) referred to the sensitive nature of the application and suggested that it be considered in confidential business.

Proposed by Councillor Bell
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/1416/O be considered under confidential business.

LA09/2016/1539/F Dwelling (amended drawing) North and adjacent to 20 Lisnagowan Road, Carland for Gary Devanney

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

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved That planning application LA09/2016/1539/F be approved subject to conditions as per the officer's report.

LA09/2016/1667/O Dwelling and domestic garage/store 78m North of 8 Shore Road, Ballinderry Bridge, Cookstown for Patricia McCusker

Application withdrawn to allow for consideration of additional information submitted.

**LA09/2016/1678/O Dwelling and garage at lands approx. 70m West of 73
Gorestown Road, Moy for Mr Paul Mallon**

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

Proposed by Councillor J Shiels
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2016/1678/O be approved subject to conditions as per the officer's report.

**LA09/2016/1680/A Retention of temporary mobile hoarding on a flatbed lorry,
for 12 months, at 95m East of 51 Castledawson Road,
Magherafelt for DMD Developments**

Ms Doyle (SPO) presented a report on planning application LA09/2016/1680/A advising that it is recommended for refusal.

Councillor McPeake advised that the agent for this application was unable to attend tonight's meeting however the purpose of the proposal is to assist with the marketing of a housing development at Tobermore Road, Magherafelt. Councillor McPeake advised that this marketing had been key to securing house sales and stated that the developer had already invested 5 million in the development to date with a further 4 million to be invested, the Councillor also referred to the employment which had been secured through working on the housing development. Councillor McPeake advised that TransportNI had no objections to the application and that the reason for refusal related to amenity however, the Councillor stated that such advertising was not unusual at entrance points to a town and was not out of place in the area.

Councillor McPeake withdrew to the public gallery.

The Head of Development Management provided clarification on the definition of advertising under policy AD1 and stated that the officers concerns are in relation to locality and that it was regrettable to have such a structure at the entrance to a town. The Head of Development Management advised that if this application is approved Council would not be able to control the future content of advertising and that Council could be put in a difficult position if further similar applications are received.

Councillor Cuthbertson expressed the need for consistency and referred to previous discussions regarding signage at Aughnacloy and Ballygawley. Councillor Cuthbertson proposed that the application be refused.

Councillor Gildernew stated that this application was not the same as signage at Aughnacloy and Ballygawley and highlighted that in relation to this application signage for nearby Lidl store would still be there after 12 month period had elapsed if this application was approved. Councillor Gildernew proposed that planning application LA09/2016/1680/A be approved.

Councillor McKinney seconded Councillor Gildernew's proposal.

Councillor Glasgow asked if there was a statutory body in relation to content of advertising.

Councillor Bateson commented that he travelled the road where this advertising is located everyday and that he had not noticed the lorry at the roadside.

Councillor Reid commented that housing developments usually do have some kind of hoarding type advertising.

Councillor Cuthbertson felt that if the application was approved then in theory anyone could make an application to secure advertising.

Councillor Bateson stated that the length of the advertising term could be shortened.

The Head of Development Management stated that this could be looked at however the impact would still be the same only for a lesser time.

Members voted on Councillor Gildernew's proposal to approve the application –

For – 11

Resolved That planning application LA09/2016/1680/A be approved with condition that signage be removed 12 months from date of approval.

*Meeting recessed at 9.00 pm and recommenced at 9.23 pm.
Councillor Gildernew did not return to the meeting.*

**LA09/2016/1682/RM Dwelling and garage at lands 15m West of 26
Drumkee Road, Dungannon for Mr Neil Kearney**

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 LA09/2016/1682/RM be approved subject to conditions as per the officer's report.

**LA09/2016/1700/O Farm dwelling 100m North East of 28 Thornhill Road,
Carland for John Donaghy**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/1700/O advising that it is recommended for refusal.

Councillor Mallaghan stated that this application was similar to LA09/2016/1678/O which was approved earlier in the meeting and felt that if the red line was extended for this application it would be identical to what was approved earlier.

The Head of Development Management advised that as the red line of this application cannot be extended then the same siting condition achieving a cluster attached to the earlier case cannot be achieved and that's what makes this application different to what had been approved earlier. He stated that the proposal was on a poorly chosen site and that other realistic opportunities were available.

Councillor Reid asked what the stipulated distance was in relation to clustering and stated that he was familiar with Thornhill Road and that there were a number of properties which accessed directly onto this road. The Councillor also felt that if the proposal was built too close to a farm complex that this can also raise problems. Councillor Reid felt that the agent had not informed the applicant that their application was up for refusal and proposed that the application be deferred for an office meeting.

Councillor McAleer seconded Councillor Reid's proposal.

The Head of Development Management advised that policy CTY10 does not state specific distances but advises that buildings should be grouped sensitively. He advised that there were other alternative locations for the proposal.

Resolved That planning application LA09/2016/1700/O be deferred for an office meeting.

**LA09/2016/1811/F Removal of condition 3 of planning approval
LA09/2015/0885/F, in relation to visibility splays approx.
350m South of the Dale Farm complex, 139 Moneymore
Road, Cookstown for Solar Farm DFD Ltd**

The Chair, Councillor Clarke proposed that this application be considered alongside LA09/2016/1816/F which is listed later in the schedule.

Seconded by Councillor Bell.

Resolved That planning application be considered alongside LA09/2016/1816/F later in schedule.

**LA09/2017/0035/O Dwelling and garage at lands adjacent to 231 Shore Road,
Ballymaguigan for Adrian Martin**

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

Proposed by Councillor Bateson
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0035/O be approved subject to conditions as per the officer's report.

LA09/2017/0039/O Reposition of previous approval H/2014/0161/O for replacement dwelling at lands 85m West of 12 Drumnacannon Road, Upperlands for Ian and Heather Millar

Ms Doyle (SPO) presented a report on planning application LA09/2017/0039/O advising that it is recommended for refusal.

The Head of Development Management stated that the applicant had not helped themselves by cutting existing vegetation however they could still submit a reserved matters application.

Proposed by Councillor Bateson
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2017/0039/O be refused on grounds stated in the officer's report.

LA09/2017/0040/O Two storey dwelling and garage at site adjacent to Maghera Granite Works and showroom at 20 Falgortrevy Road, Maghera for Matthew O'Kane

Councillor Kearney advised he had been contacted by the applicant's mother who stated they only became aware that the application was up for refusal the day before and that the agent was not aware of the protocol of the Council. On this basis a deferral was requested.

The Head of Development Management stated that if further information could be provided this would be beneficial.

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved That planning application LA09/2017/0040/O be deferred for an office meeting.

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

Application withdrawn by applicant.

LA09/2016/1811/F Removal of condition 3 of planning approval LA09/2015/0885/F, in relation to visibility splays approx. 350m South of the Dale Farm complex, 139 Moneymore Road, Cookstown for Solar Farm DFD Ltd

LA09/2016/1816/F Extension of existing vehicular lane to provide access to the approved Dale Farm Solar Farm (LA09/2015/0885/F) at Dale Farm, Moneymore Road, Cookstown for Solar Farm DFD Ltd

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

The Planning Manager advised that following discussion at last month's meeting planning application LA09/2016/1816/F was deferred for one month for all parties to come together to try to reach a favourable outcome in relation to objections raised. The Planning Manager advised that he was in receipt of correspondence which stated that objections in relation to this application were now withdrawn and thanked all parties for reaching an agreement.

Councillor McKinney asked if the conditions attached previously had been a waste of time.

The Planning Manager advised that conditions attached previously were in relation to access and that all parties were written to in this regard. The Planning Manager advised that everyone was now agreed on a way forward and felt that the process had been useful.

In response to Councillor Glasgow's questions the Planning Manager advised there was no longer any dispute regarding access and confirmed with the applicant's agent that they did not want to withdraw any of their applications. The Planning Manager advised that conditions would be applied in which one or other access could be used, but not both.

Councillor Mallaghan stated that both applications meet planning requirements.

Councillor Reid felt that the access used should be that applied for at the start.

Councillor Cuthbertson asked what had changed from last month when Members were advised access could not go onto a protected route.

The Planning Manager advised that TransportNI recommended approval as traffic movements were so small that intensification was not an issue.

Councillor Cuthbertson stated that it appeared someone was biding for time.

The Planning Manager stated that if Councillor Cuthbertson was making an accusation against him he was entitled to ask for this in writing.

Councillor Mallaghan stated that when the application was discussed last month Members were advised there would be no impact on traffic and that issues related to objections raised. The Councillor stated that Councillor Cuthbertson's comments were scandalous.

The Planning Manager asked if Councillor Cuthbertson wanted his comments retracted from the minute.

Councillor Cuthbertson stated he had nothing to hide.

Councillor Mallaghan stated that perhaps Councillor Cuthbertson's comments should be included in the minutes and that if the Planning Manager felt there was defamation of his character he could take the matter further.

Councillor McPeake stated he was deeply concerned at Councillor Cuthbertson's comments which appeared to be directed towards the top table.

The Planning Manager stated that the agreement by objectors was separate to anything the committee had done.

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved That planning applications LA09/2016/1811/F and LA09/2016/1816/F be approved subject to conditions as per the officer's report.

P047/17 Response to Antrim and Newtownabbey Council POP Consultation

The Head of Development Plan and Enforcement presented previously circulated report in relation to Council's response to Antrim and Newtownabbey Borough Council's Local Development Plan Preferred Options Paper consultation.

Resolved That Council issue response to Antrim and Newtownabbey Borough Council in line with the contents of the circulated report.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Shiels
Seconded by Councillor Mallaghan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider part of item P046/17 and items P048/17 to P052/17.

Matters for Decision

- P046/17 Planning Applications for Determination – Item deferred from Open Business
- P048/17 Enforcement Case
- P049/17 Verbal Report on the procedure for issuing closure letters in respect of enforcement cases – At the January 2017 Planning Committee it was agreed that we would write to the applicant when an enforcement case is resolved.

Matters for Information

- P050/17 Live Caseload
- P051/17 Cases Opened
- P052/17 Cases Closed

P053/17 Duration of Meeting

The meeting was called for 7.00 pm and ended at 10.35 pm.

Chair _____

Date _____