

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 October 2016 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present** Councillor Clarke, Chair

Councillors Bateson, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McKinney, Mullen (7.04 pm), Reid, Robinson, J Shields

**Officers in** Dr Boomer, Planning Manager  
Mr Bowman, Head of Development Management  
Mr Marrion, Senior Planning Officer  
Ms McCullagh, Senior Planning Officer  
Ms McNally, Solicitor  
Miss Thompson, Committee Services Officer

**Others in Attendance**

**Applicant Speakers**

LA09/2015/0512/F	Mr Francey
LA09/2016/0598/O	Ms Gourley
LA09/2016/0828/F	Mr Hurrell

The meeting commenced at 7.03 pm

**P160/16 Apologies**

Councillors Bell and McPeake.

**P161/16 Declarations of Interest**

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

Councillor Kearney declared an interest in application LA09/2016/0164/F.

**P162/16 Chair's Business**

*Councillor Mullen entered the meeting at 7.04 pm.*

The Chair advised that the Planning Manager could provide performance statistics for the period 1 April to 30 June 2016.

The Planning Manager advised that Mid Ulster Council still continued to receive the highest number of planning applications with 365 being received between April and June, approval rates were still high at 95.7%.

The Planning Manager stated that targets were being met in relation to local applications, however there was room for improvement in relation to meeting targets for major applications, it was advised that poor performance in this regard could be

attributed to the number of inherited cases still to be worked through and a number of officers on long term sick leave. The Planning Manager advised that officers were looking at proposals for speeding up the process in relation to major applications.

In relation to enforcement cases the Planning Manager advised that Mid Ulster Council received the lowest number of enforcement complaints compared with other authorities. It was stated that performance in relation to enforcement was within targets however it was advised that the key priority was to resolve these type of cases properly.

The Planning Manager advised that the number of legacy applications had been reduced to 68.

Councillor Reid wanted to wish a speedy recovery to the employees on long term sick leave and asked if additional help could be brought in to ease the pressure on officers.

The Planning Manager advised that there was opportunity for temporary officers to be put in place at this time.

Councillor Reid stated there was a commitment to the public to work through applications as quickly as possible.

**P163/16      Confirm Minutes of the Planning Committee Meeting held on  
Tuesday 6 September 2016**

Councillor McAleer asked that her comment in relation to application LA09/2015/1287/F be amended to read –

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

Proposed by Councillor McAleer  
Seconded by Councillor Mallaghan and

**Resolved**      That the minutes of the meeting of the Planning Committee held on Tuesday 6 September 2016, (P149/16 – P155/16 & P159/16), were considered and, subject to the foregoing, signed as accurate and correct.

Councillor Glasgow asked if there was an update in relation to application LA09/2016/0981/F.

The Planning Manager advised that the Chief Executive had met with Roads Service and that amended plans had recently been received. Further consultation would now take place with TransportNI in relation to the application.

## **Matters for Decision**

### **P164/16      Planning Applications for Determination**

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

#### **I/2012/0293/F      Reclamation of former gravel pit/quarry at Brigh Quarry, Brigh Road, Stewartstown for MP Coleman Ltd**

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

Proposed by Councillor Mallaghan  
Seconded by Councillor Reid and

**Resolved**      That planning application I/2012/0293/F be approved subject to conditions as per the officer's report.

#### **M/2014/0572/O      Renewal of residential development (M/2007/0787/O), maximum of 210 units, with access onto Greers Road and Quarry Lane, Dungannon, 15m NE of 67a Donaghmore Road, Dungannon for Michael Herron Architects**

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/2014/0572/O be approved subject to conditions as per the officer's report.

#### **LA09/2015/0391/F      Housing development (12 semi and 2 detached houses), estates roads and foul water treatment plant at 92 Roughan Road, Newmills for Firtree Developments (NI) Ltd**

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 LA09/2015/0391/F be approved subject to conditions as per the officer's report.

#### **LA09/2015/0512/F      Extension to existing service centre for agricultural vehicles and machinery; and new access at 149c Drumbolg Road, Upperlands, Maghera for Andrew Armstrong**

The Head of Development Management presented a report on planning application LA09/2015/0512/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 Francey to address the committee.

Mr Francey advised that the application was for an extension to the existing shed which was approved in 2012 and stated that that approval established the principle for development. Mr Francey felt that there was an issue with existing policy in that it does not allow for extension of farm diversification applications.

Mr Francey advised that the business had grown and diversified since its inception in 2005. The business had a high turnover and the current proposal would provide extra employment in the area, Mr Francey stated that the applicants business was only one of two recognised centres in Northern Ireland for the servicing of specialist machinery.

Mr Francey confirmed that the applicant had looked in to alternative locations for his business but to no avail and requested that the application be deferred to address issues of concern with planning officers.

The Planning Manager asked Mr Francey if it was his view that the application was not farm diversification but rather industrial development.

Mr Francey advised he had not been the initial agent for this application and was only brought in after the application had been made.

In response to the Planning Manager's question Mr Francey advised that the applicant would be prepared to review the design of the proposal. The Planning Manager also asked Mr Francey if the applicant would be prepared to cease the sale of car parts to which Mr Francey replied he would need to discuss this matter with his client.

The Planning Manager advised that if revised drawings were submitted the application may then satisfy Policy PED3 requirements.

Councillor J Shiels stated he was not aware that the business was only one of two recognised centres in Northern Ireland. The Councillor advised that the proposal was located in a rural area and would be sited mainly behind the existing shed or house, he did not feel there was any visual difference in this application and other farms with sheds. Councillor J Shiels proposed that the application be deferred for submission of revised drawings.

The Planning Manager asked if the applicant would be prepared to accept that all machinery is held within the proposed shed as part of approval conditions.

Mr Francey confirmed that the proposal will mean everything can be contained within the shed.

The Planning Manager referred to the debate as to whether the proposal was for a separate shed or extension of existing shed.

Mr Francey advised that the design of the proposal will confirm that the application is for an extension of the existing shed.

Councillor McKinney did not feel the proposal would be suited to an urban location and should be sited in a rural area. Councillor McKinney seconded Councillor Shiel's proposal.

**Resolved** That planning application LA09/2015/0512/F be deferred for submission of revised drawings.

**LA09/2015/0549/F Shed extension to supercede previously approved H/2012/0168/F at 23 Ballymacombs Road, Portglenone for Peter Donnelly**

The Head of Development Management presented a report on planning application LA09/2015/0549/F advising that it is recommended for refusal.

Councillor Kearney advised that his land marches the application site, he stated that the applicant was a friend of his but that he had not been approached by the applicant for representation. Councillor Kearney advised that the application site was an extremely busy industrial park and expressed his concern that there was no representation being made tonight, the Councillor asked what would happen next.

Councillor Bateson asked if there was any explanation as to why the area at the back of the site could not be utilised.

Councillor Gildernew asked if there was a reason as to why there was no representation regarding this application at the meeting.

Councillor Cuthbertson stated that perhaps the applicant was no longer interested in progressing the application.

The Planning Manager referred to previous applications and appeals associated to this site and advised that whilst it was accepted that a further two units could be accommodated within the industrial park they should not be at the scale proposed. The Planning Manager advised that the main issue regarding this application is visual intrusion and stated that Members may benefit from a site meeting.

Proposed by Councillor Gildernew  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2015/0549/F be deferred for site meeting.

**LA09/2016/0102/O Site for infill dwelling and domestic garage at 60m NE of 36 Drummuck Road, Maghera for Ciaran O'Hagan**

As per addendum circulated at meeting it was advised that this application had been withdrawn by the agent.

**LA09/2016/0540/F Replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation at 89 Tirkane Road, Maghera for Declan McKenna**

The Head of Development Management presented a report on planning application LA09/2016/0540/F advising that it is recommended for refusal.

Councillor McEldowney advised that she had spoken with the agent for the application and that a deferral had been requested.

*Councillor McEldowney declared an interest in this application.*

Councillor Mallaghan advised he had seen an example of the proposal carried out on a house between Donaghmore and Pomeroy (Old Kerrib School) and suggested that Members visit this site.

Councillor J Shiels felt that if the proposal was completed to a good standard it would be suitable in the area. Councillor Shiels proposed that the application be deferred for an office meeting.

Councillor Mallaghan seconded Councillor Shiel's proposal.

**Resolved** That planning application LA09/2016/0540/F be deferred for an office meeting.

**LA09/2016/0544/O 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.

Proposed by Councillor Mallaghan  
Seconded by Councillor Bateson and

**Resolved** That planning application LA09/2016/0544/O be refused on grounds stated in the officer's report.

**LA09/2016/0556/F Dwelling and garage (renewal of H/2011/0183/F) at rear of 3 Loughinsholin Park, Castledawson for Mark and Catherine Cooke**

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

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2016/0556/F be approved subject to conditions as per the officer's report.

**LA09/2016/0581/F Variation of condition 11 of planning approval I/1977/0071/F – retention of scrap associated with and to be reused in the maintenance of existing mineral development plant and quarry at site 230m W of 29 Crancussy Road, Cookstown for Core Aggregates**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0581/F advising that it is recommended for approval. Ms McCullagh also drew attention to the addendum circulated which provided the following information which was omitted from the officer's report under policy assessment –

*The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of 'A Planning Strategy for Rural NI – Policies MIN1-MIN8' are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area. There is no conflict between the policy on Minerals in SPPS and the retained policies.*

Proposed by Councillor Glasgow  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2016/0581/F be approved subject to conditions as per the officer's report.

**LA09/2016/0593/LBC Replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation at 89 Tirkane Road, Maghera for Declan McKenna**

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

Proposed by Councillor J Shiels  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2016/0593/LBC be deferred for an office meeting.

**LA09/2016/0598/O Off-site replacement dwelling SW of and adjacent to 73 Derryvale Road, Coalisland for Dominic Halligan**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0598/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 Ms Gourley to address the committee.

Ms Gourley advised that the building to be replaced had all four walls intact, the building also had a concrete floor and a red brick chimney breast and hearth. Ms Gourley advised that a fireplace would not have been commonplace in a byre in

years gone by for the purpose of keeping animals warm, such a fireplace would only have been constructed if the building was to be used as living quarters. Ms Gourley also went on to advise of written statements from two elderly locals who confirmed that the property was lived in by a farm worker in previous years.

Ms Gourley advised that Council had not disputed the statements of locals and had not presented any evidence to establish any previous non residential use of the building. Ms Gourley felt that the local statements and pictures submitted prove there was little doubt that the building had a previous residential use.

Ms Gourley referred to statement by Minister Attwood which used a building that was not as intact as the one in this proposal as an example of good practice. Ms Gourley advised that the proposal was in the spirit of PPS21 and that like will be replaced with like. Ms Gourley concluded that the proposal will provide a home for a rural dweller.

Councillor Cuthbertson felt that the photographs demonstrated that there was no doubt that the building would have been a used living accommodation at some stage. The Councillor also stated that by looking after the building over the years the applicant may now be being treated unfairly. Councillor Cuthbertson proposed the approval of the application.

Councillor Gildernew concurred with the comments of Councillor Cuthbertson and stated that the photographs show the fireplace had been well used in the past.

In reference to house numbering Councillor Gildernew advised that numbering only took place in past years and that the building demonstrates the way living accommodation would have looked in the past. Councillor Gildernew seconded Councillor Cuthbertson's proposal to approve the proposal.

Councillor Mallaghan felt that the pictures and submissions made clearly indicated that someone lived in the building in the past and stated that the committee had approved other applications in the past that were not as clear cut.

Councillor McAleer also referred to previous applications that were not as clear, the Councillor felt that consideration also needed to be given to the written submissions of locals.

The Planning Manager urged some caution and felt that a more sensible approach would be to suggest that the current building be converted to a dwelling.

Ms Gourley advised that her client would have some concerns regarding conversion on a working farmyard and that it would give no opportunity for expansion in the future.

Councillor Gildernew felt that conversion would only mean added expense for the applicant when the application would be approved anyway.

The Council Solicitor advised that it was important to concentrate on the policy requirement and it would be prudent to note the "essential characteristics" of the



dwelling being relied upon and also the information presented if a decision was taken that the application does satisfy Policy CTY3.

The Planning Manager advised that in his view it was reasonable for Council to take into account the following matters:-

- The building may have been used as a dwelling and was sufficiently substantial in size with all four walls intact
- If the proposal was for a conversion to a dwelling then in provincial this would be acceptable
- The policy can facilitate the replacement of a non-residential building in an offsite location if there are environmental benefits
- Providing a better environment than within the farm yard could provide environmental justification for an off-site replacement

In light of the above Members could conclude that although policy compliance could be challenged it was reasonable to consider that the proposal was in the spirit of the policy and to give the applicant the benefit of doubt.

On the basis of Councillor Cuthbertson's proposal to approve the application which was seconded by Councillor Gildernew it was agreed that planning application LA09/2016/0598/O be approved.

In relation to attaching conditions to the approval it was -

Proposed by Councillor Mallaghan  
Seconded by Councillor J Shiels and

**Resolved** That planning application LA09/2016/0598/O be approved subject to conditions, which the Committee resolved to delegate to the Planning Manager.

**LA09/2016/0771/F Extension and alterations to existing commercial premises to create rear single storey entrance lobby, additional shop floor and storage area at 17-19 Main Street, Bellaghy for Hugh Graham**

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

Proposed by Councillor Kearney  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2016/0771/F be approved subject to conditions as per the officer's report.

**LA09/2016/0787/A Hotel signage adjacent to the junction of Tullylagan Road and the A29 for Mr A Martin**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0787/A advising that it is recommended for refusal.

Councillor Mallaghan proposed the refusal of the application stating that the applicant would be entitled to brown signage and that if approved it would leave Council in a difficult situation going forward.

Councillor Glasgow did not feel the signage would be a distraction to road users as it would not be illuminated, the Councillor felt that the proposal would blend in to local surroundings.

Councillor Gildernew advised that if the signage is placed on lands belonging to TransportNI then they are free to remove the signage if erected. Councillor Gildernew seconded the proposal to refuse the application.

Ms McCullagh clarified that there would be static lighting of the signage.

Councillor Reid suggested that the application be deferred for one month to look at alternative locations for the signage. The Councillor stated that most hotels had signage and he did not feel there would be any distraction caused by the application.

The Planning Manager stated he was not comfortable with overriding concerns raised by TransportNI in relation to road safety, he advised that should the applicant appeal a decision to refuse it would be up to TransportNI to justify their concerns. The Planning Manager also felt that the committee needed to be careful going forward with regard to visual amenity and that consideration should also be given to land ownership issues.

Councillor Reid felt that TransportNI did not always get things right and that the proposal could still be accommodated.

Councillor Robinson stated he believed that there already was brown signage for this hotel.

The Council Solicitor advised that land ownership issues were not a material consideration in this application. In relation to road safety issues, Members can take a view on that, however, in the absence of any evidence or information to the contrary of what TransportNI were saying, they need to base such alternative views on evidence.

Councillor Mallaghan felt that brown signage creates uniformity and that other hotels could make a similar argument for signage as like this proposal.

Members voted on Councillor Mallaghan's proposal to refuse the application as follows –

For – 7  
Against - 0

**Resolved** That planning application LA09/2016/0787/A be refused on grounds stated in the officer's report.

**LA09/2016/0816/O Site for dwelling and domestic garage at 30m SSE of 68 Moneyhaw Road, Drumullan, Moneymore for Daniel McCloy**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0816/O advising that it is recommended for refusal.

Proposed by Councillor Mallaghan  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2016/0816/O be refused on grounds stated in the officer's report.

**LA09/2016/0828/F Single storey dwelling and associated works at lands 10m NE of 111 Back Lower Road, Killycolpy, Dungannon for Emmet Hurrell and Terri Ryan**

The Chair proposed that this item be considered 'in committee' as there were personal circumstances related to the application.

Agreed

**LA09/2016/0843/F 1 free range poultry sheds with 2 feed bins and standby generator building at lands approx. 85m NE of 117 Aghnagar Road, Galbally for Mr Dominic Rafferty**

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

Proposed by Councillor Gildernew  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2016/0843/F be approved subject to conditions as per the officer's report.

**LA09/2016/0995/F Enlargement of site area, relocation of house with minor amended design and detached double garage at 55m S of 8 Reenadeery Road, Aughamullan for Paul and Claire Envy**

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 LA09/2016/0995/F be approved subject to conditions as per the officer's report.

**I/2013/0370/O Residential development incorporating the retention of existing garage at lands to rear of 9 Adair Gardens, Cookstown for R&F Developments**

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

Proposed by Councillor Mallaghan  
Seconded by Councillor Robinson and

**Resolved** That planning application I/2013/0370/O be approved subject to conditions as per the officer's report.

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

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

Proposed by Councillor Mallaghan  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2015/1117/O 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 terraced dwellings at 50 and 52 Moore Street, Aughnacloy for Martina O'Hanlon**

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

In response to Councillor Reid's question it was advised that all issues regarding the application had been addressed.

Proposed by Councillor Gildernew  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2015/1287/F be approved subject to conditions as per the officer's report.

**LA09/2016/0164/F Replacement dwelling and garage at 17 Tobermore Road, Magherafelt for Mr O'Neill**

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

Proposed by Councillor McKinney  
Seconded by Councillor McAleer and

**Resolved** That planning application LA09/2016/0164/F be approved subject to conditions as per the officer's report.

**Matters for Information**

**P165/16 Report of Delegated Decisions Issued in August 2016**

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

## **CONFIDENTIAL BUSINESS**

Proposed by Councillor Reid  
Seconded by Councillor Mallaghan and

**Resolved** That final item under P164/16 and items P166/16 to P168/16 be taken as confidential business.

### **P169/16 Duration of Meeting**

The meeting was called for 7.00pm and ended at 9.15 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_