

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 July 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson and 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
Ms Largy, Council Solicitor
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

I/2012/0398/F	Guy Glencross
I/2012/0398/F	Bernadette McNally
M/2014/0148/F	Jim Maneely – Clarman
Architects	
LA09/2016/0433/F	Aidan Kelly – Architect
LA09/2016/0521/F	Martin Nugent – McKeown &
Shiels	
LA09/2016/0761/F	Chris Cassidy – CMI Planners
LA09/2016/1371/O	Chris Cassidy – CMI Planners
LA09/2016/1556/O	Niall Scullion – Newline
Architects	
LA09/2016/1617/F	Aidan Bradley – Manor
Architects	
LA09/2016/1650/F	Gemma Jobling – JPE Planning
LA09/2017/0074/O	Niall Scullion – Newline
Architects	
LA09/2017/0538/O	Chris Cassidy – CMI Planners
LA09/2016/0634/O	Chris Cassidy – CMI Planners
LA09/2016/0693/F	Aidan Kelly – Architect
LA09/2016/1307/F	Jim Maneely – Clarman
Architects	
Consultation Response	Andy Stephens – Matrix
Planning	
Castlecaulfield Presbyterian	
Church	

The meeting commenced at 7 pm.

P087/17 Apologies

None.

P088/17 Declarations of Interest

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

P089/17 Chair's Business

The Chair, Councillor Mallaghan said that he wanted to acknowledge the success for the Council on receiving the prestigious award at the RTPi ceremony in London for the architectural design of the Seamus Heaney Homeplace.

He said he wanted to pass on his thanks to the Planning Department on their hard work on making this possible as this was a huge accomplishment for Mid Ulster.

The Chair referred to the request for a meeting on Strategic Planning Policy, he said although the deadline had passed, it would be important to get a broader spectrum of a planning committee and would recommend that each party nominate one representative from their party, plus the Planning Manager to be involved. He asked that members pass their nominations to the Committee Section tomorrow.

The Planning Manager advised that official figures on planning were now available online and that it was interesting to know that Mid Ulster has the 3rd highest number of planning applications which was impressive.

The Planning Manager advised that items A10 and A22 were to be removed from the Agenda tonight until clarification is sought on accurate addresses.

Proposed by Councillor Reid
Seconded by Councillor McKinney and

Resolved: That items A10 and A22 be removed from the Planning Agenda until clarification is received on accuracy of addresses.

The Planning Manager referred to Drumglass House and advised that there were major concerns due to the dilapidated condition of the building with Building Control. He advised that a structural assessment was carried out on 30 May 2017 and the purpose of the inspection was to comment on the structural integrity of the existing building and to provide options for the future and to inform the way forward on whether de-listing should be requested. The comments were based on an external examination only of the building as access was not possible.

The findings of the survey found that the building was a 3 storey building of traditional stone construction and was in poor condition. The roof had collapsed, windows and

doors were long gone and the building was subject to the open elements. There was evidence of cracking over the window openings on the front elevation. Vandalism was also an issue.

Options were:

1. Demolish the entire building
2. Rebuild/re-roof the entire building
3. Brick up window and door openings
4. Prop the wall nearest the adjoining school building using a suitably designed system

It was felt that options 1 and 2 were the extreme, with options 3 and 4 being the minimum required. It was the view of the Planning Manager that the findings of the report would not support a request to DfC HED to have the building de-listed and that we would now revert to Building Control to consider the way forward.

Matters for Decision

P090/17 Planning Applications for Determination

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

I/2012/0398/F Retention of ‘as constructed’ 11kw Gaia Wind Turbine with an 18.4m hub height, at approx. 103m SW of 29 Crancussy Road, Cookstown for P McNally

The Chair advised that this application would be taken within Confidential Business due to personal circumstances surrounding it.

Resolved: That planning application I/2012/0398/F be taken within Confidential Business.

H/2013/0253/F 250kw Wind Turbine with 40m to hub height and 31m dia. Rotors at approx. 525m NW of 150 Tirkane Road, Maghera for Mr Peter McKenna

Ms Doyle ((SPO) presented a report on planning application H/2013/0253/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved: That planning application H/2013/0253/F be refused.

H/2015/0032/F 4 Dwellings and associated site works at land E of Manor Lane, Magherafelt for F.P. McCann

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

Proposed by Councillor Glasgow
Seconded by Councillor J Shiels and

Resolved: That planning application H/2015/0032/F be approved subject to conditions as per the officer's report.

M/2014/0148/F 3 Storey Apartment Development with basement/ground floor parking at lands at the junction of Gortmerron Link and Brookfield Road, Dungannon for BDJ Management Ltd

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

Councillor Cuthbertson declared an interest in the above application as he was attended meetings within the legacy Dungannon Council in 2014.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved: That planning application M/2014/0148/F be approved subject to conditions as per the officer's report.

LA09/2016/0433/F Housing Development of 2 detached and 4 semi-detached dwellings at 47 Killyman Road, Dungannon for Aidan Kelly

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

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/0433/F be approved subject to conditions as per the officer's report.

LA09/2016/0521/F Detached chalet bungalow, retention of 2 domestic garages; 2 mobile homes, 3 static caravans and the grading, re-shaping and infilling of land on a brownfield site at 100m W and NW of 11 Derry Road, Coalisland for Mr William Whitehouse

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

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/0521/F be approved subject to conditions as per the officer's report.

Councillor Reid advised that work at this site was being carried out before the application was submitted and said that he would be concerned about where a member would stand if a person came forward with a complaint.

The Planning Manager advised that the objection letter submitted was only rehearsing issues which were previously raised.

The Chair stated that the objections have already been considered by the Planning Officers and that there was nothing additional to add to this application.

Councillor Reid advised that he was satisfied that everything was above board.

LA09/2016/0667/O Dwelling and garage 50m N of 5 Scotchtown Lane, Coagh for Mr Tom Workman

Ms Doyle ((SPO) presented a report on planning application LA09/2016/0667/O advising that it was recommended for refusal.

Proposed by Councillor Kearney
Seconded by Councillor McEldowney and

Resolved: That planning application LA09/2016/0667/O be refused.

LA09/2016/0761/F Extension to existing portacabin to provide storage and office accommodation 40m NW of 35 Moss Road, Ballymaguigan for Christopher Cassidy

Ms Doyle (SPO) presented a report on planning application LA09/2016/0761/F advising that it was recommended for refusal.

Ms Doyle (SPO) advised that additional information had been received from Department for Infrastructure – Roads Service advising that they couldn't be definitive with regards to the amount of hedge having to be removed partially due to its existing height. They have indicated however on measuring the distance the hedge is from the road edge and trying to superimpose it onto the plan the TNI felt that approximately 15-20m of hedge needs to be removed in order to deliver the sightlines to the West.

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

Mr Cassidy advised that the whole site and the current building on it area Planning Approved established commercial site.

He said that the case officer had stated in his report that the policy would therefore in principle allow for the potential expansion. There were no objections to the application. He said that it was his understanding the site was proposed to be zoned under the Mid Ulster Development Plan. Members are well versed on the site, on the business and the employment that is provided. The Planning Appeal Commissioner commented that the policy in principle allows for the potential redevelopment of the existing storage use for the proposed office use. He said that the removal of the roadside hedging is used to support the refusal under integration and build up. The removal of the hedge and the site lines are in place with no hedging needing removed. Transport NI were re-consulted and confirmed 15-20m needed removed.

Critically Transport NI did not visit the site and in a telephone conversation with Mr Sean Hackett has now agreed to visit the site and will do so tomorrow. He said that he would be confident that the visit would establish that the site lines are in place.

Mr Cassidy said that in that consideration to this application in his opinion, it falls short of what he expect of the Council and would invite the Members before reaching a decision to visit the site so they may see it and make their own informed decision.

Councillor Bateson felt that there was confusion over this application as there was nothing definitive within the plan and a site visit may clear this. He said that he knew the area well and would disagree that this would ruin the rural character of the area which was on the edge of Lough Neagh and that there was nothing else on down the stretch of road apart from businesses. He agreed that with Mr Cassidy that a site visit would be beneficial.

The Planning Manager stated that there was a need for Members to be careful in considering the application as Roads Service have measured the site from the hedge and re-measuring the area would make no difference.

The Planning Manager indicated that this application was being portrayed as a building not a portacabin to use for storage purposes by the Agent and would serious caution to take a different view from what is evident in the report. He advised Members that it has been decided to issue an Enforcement Notice and would finds it hard to understand why anyone would take a different view on this.

Councillor McPeake said that reading through the comments on issues of screening and visibility, the key here was really the policy and in principle would allow for expansion for office use and if there was a policy in principle for storage, the applicant could go for that and make a change down the line. The emerging plan for the Ballymaguigan area and possible increase in provision there would be a few issues there. The report indicated that it should not be built at the site because there was not a proper transport infrastructure, and queried how a business in this rural area could survive if there was not one in place.

The Planning Manager advised that the Planning Appeals were harsh in their decision.

The key issue was office space within the countryside which was not permissible under the current policy and this had been confirmed by the previous PAC decision. In relation to a new plan, at this stage it was not possible to pre determine the outcome processor give any weight on whether at some future date this site may be brought into the settlement limit.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney

To refuse the application

Councillor Bateson said that 18 months down the line this application may have a different outcome and could not see the justice as it was based on the potential of

being detrimental to the rural character of the area. He asked that the committee have the opportunity to visit the site so they can make their own minds up.

Propose by Councillor Bateson
Seconded by Councillor McPeake

To arrange a site visit to the area so members can make their own mind up on the site.

The Chair put Councillor Cuthbertson's proposal to refuse the application to the vote:

For 7
Against 8

The Chair put Councillor Bateson's proposal to arrange a site meeting to the vote:

For 9
Against 6

Resolved: That a site meeting be arranged for planning application LA09/2016/0761/F.

LA09/2016/1047/F Granny flat extension to rear of existing dwelling at 75 Donaghmore Road, Dungannon for L McGuigan

Ms Doyle (SPO) presented a report on planning application LA09/2016/1047/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew
Seconded by Councillor Glasgow and

Resolved: That planning application LA09/2016/1047/F be refused.

LA09/2016/1371/O Infill site adjacent to and N of 61 Deerpark Road, Bellaghy for Mr Norman Leslie

Application to be withdrawn due to address query.

Resolved: That planning application LA09/2016/1371/O be withdrawn due to address query.

LA09/2016/1556/O Infill site for dwelling between 33 and 33b Tobermore Road, Draperstown for Teresa McNally

Ms Doyle (SPO) presented a report on planning application LA09/2016/1556/O advising that it was recommended for refusal.

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

Mr Scullion advised that committee that the proposed site was for the applicant's daughter to live beside her to provide care for her mother. He said that the proposal would include an 18m frontage which was in line with other dwellings within the area. He said that the dwellings would not be an infill as it has a common frontage with other dwellings on the Tobermore Road and was not squeezed within back lands within the development. He asked members to consider the proposal and felt that an office meeting may be beneficial.

Proposed by Councillor Clarke
Seconded by Councillor McAleer and

That planning application LA09/2016/1556/O be deferred for an office meeting.

LA09/2016/1617/F Amendment to previously approved housing scheme to replace 4 detached dwellings and 6 semi-detached and change of house type for 6 semi-detached dwellings at lands opposite 374 Killyman Road, Dungannon for Boa Island Properties Ltd

Mr Marrion (SPO) advised that application was listed for approval but that there was additional information presented tonight.

He advised that planning permission had recently been granted for two developments beside this development and development had already commenced on the site. He said that changes to the conditions were made as follows:

Condition 1: proposed should be changed to read:

The decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011 –

Reason: This is a retrospective application.

Condition 4: insert 'to be carried out within 12 weeks of this decision' instead of 'prior to commencement of any other development permitted'.

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

Mr Bradley advised the committee that this site was known in the past for its anti-social behaviour and in previous years four detached dwellings were approved with the construction of supermarket and stores. Recently lands to the West of 281 Killyman Road, proposed housing development comprising the replacement of the previously approved supermarket with 3 blocks of semi-detached dwellings and exclusion of previously approved right turning lane. This development site would have two entrances and would result in reduction in traffic and in relation to other traffic, traffic management has agreed with the application.

Councillor Cuthbertson said that it was great to see the site being developed but that there was some confusion as he felt that Transport NI were obviously not aware of the volume of traffic which was going to access the development. He said that it was

his understanding that the 3 block of houses on the left were accessing out onto the lower side.

Councillor Reid advised that this was a dangerous stretch of road with a high volume of traffic and that it would be essential that this issue be investigated again.

Councillor Cuthbertson felt that this application should be put on hold until everything is put in place by Transport NI and issues based on these circumstances should be more open and transparent.

Councillor McAleer withdrew her proposal.

Councillor Cuthbertson stated that Transport NI accessed their proposal on previous drawings.

Proposed by Councillor Bell
Seconded by Councillor Bateson

Resolved: That planning application LA09/2016/1617/F be approved subject to conditions as per the officer's report.

LA09/2016/1650/F Extension of the existing dairy and factory facility to provide additional cold storage warehousing; reconfiguration of dispatch bay; new palletising line and relocation of powder store (Approved under I/2013/0124/F) at lands at 139 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd

Councillor Robinson declared an interest in the above application.

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

Proposed by Councillor Glasgow
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/1650/F be approved subject to conditions as per the officer's report.

LA09/2016/1685/F Change of house type and road layout from previously approved application I/2003/1097/F to provide 22 dwellings at land adjacent to Carryview, Urbal Road, Coagh for Sydney Brown & Son Ltd

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

Proposed by Councillor McAleer
Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/1685/F be approved subject to conditions as per the officer's report.

LA09/2016/1750/F Non-hazardous waste transfer station at Drumcoo Recycling Centre, Coalisland Road, Dungannon for Mid Ulster District Council

All members declared an interest in the above application.

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

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/1750/F be approved subject to conditions as per the officer's report.

LA09/2016/1797/F Change of house type and re-siting of dwelling to previously approved I/2008/0310/RM at land 50m E and SE of 20 Loughdoo Road, Cookstown for Shauna Loughran

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

Proposed by Councillor McAleer
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/1797/F be approved subject to conditions as per the officer's report.

LA09/2016/1809/O Detached single storey dwelling adjacent to 84 Hillhead Road, Creagh, Toomebridge for Noel Nugent

The Chair, Councillor Mallaghan declared an interest in the above application and vacated the Chair.

The Vice Chair, Councillor Wills Robinson took the Chair.

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

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/1809/F be approved subject to conditions as per the officer's report.

LA09/2017/0074/O Dwelling (infill) at site adjacent to 61a Brough Road, Castledawson for Mary Scullion

The Chair, Councillor Mallaghan returned to the Chair.

Councillor McPeake declared an interest in the application.

Ms Doyle (SPO) presented a report on planning application LA09/2017/0074/O advising that it was recommended for refusal.

Councillors Glasgow and Reid left the meeting at 8.05 pm.

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

Mr Scullion asked for an office meeting so investigations can take place regarding cluster issues.

The Head of Development Management said that due to unusual circumstances regarding frontage he would be happy for members to seek a deferral for an office meeting.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2017/0074/O be deferred for an office meeting.

LA09/2017/0308/O Off site replacement dwelling and domestic garage/store, 55m North West of 53 Tirgan Road, Carncose, Moneymore for Mr Mark Moran

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

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/0308/O be approved subject to conditions as per the officer's report.

LA09/2017/0409/O Demolition and clearance of existing forestry school and rebuild of new forestry building at 56 Pomeroy Road, Tandragee Road, Pomeroy for Mid Ulster District Council

The Chair, Councillor Mallaghan declared an interest in the above application and vacated the Chair.

The Vice Chair, Councillor Robinson took the Chair.

Councillor Gildernew declared an interest in the above application.

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

Proposed by Councillor McAleer
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2017/0409/O be approved subject to conditions as per the officer's report.

LA09/2017/0472/F Provision of a new surfaced walking route with associated lighting. Adventure trail play equipment, refurbishment of existing play area safety surfacing, provision of 1.2m high spectator fencing and associated hard standing to existing football pitch, seating and planting at Drumgose Road, Benburb for Benburb and District Community Association

The Chair, Councillor Mallaghan returned to the Chair.

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

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2017/0472/F be approved subject to conditions as per the officer's report.

LA09/2017/0538/O Two-storey dwelling and garage 65m S of 61 Deerpark Road, Leitrim, Castledawson for Norman Leslie

Application to be withdrawn due to address query.

Resolved: That planning application LA09/2017/0538/O be withdrawn due to address query.

LA09/2016/0634/O Replacement of existing filling station, shop and car wash to incorporate, alongside it, the construction of mixed use units (including a filling station, classes A1 and classes B2) and associated car parking and landscaping (amended description) at 132 Drum Road, Cookstown for Seamus Molloy

The Chair, Councillor Mallaghan declared an interest in the above application and vacated the Chair.

The Vice Chair, Councillor Robinson took the Chair.

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

Mr Cassidy advised that after deferment at the February Committee meeting a site visit was arranged where it was assumed after altering the scheme that it was acceptable. He said that he was surprised that after no further communication from the Council it was recommended for refusal again.

He said that this was an Outline Planning Permission which was generally used to find out whether or not a proposal was likely to be approved by the planning authority, before any substantial costs were incurred. This type of planning application allows fewer details about the proposal to be submitted. The submitted concept plan was for indicative purposes only.

Policy PED2 Economic Development in the Countryside is relevant and allows for the redevelopment of an established economic use in compliance with PED4. A proposal would only be permitted under this policy where it is demonstrated all the following criteria can be met.

Part A states it is acceptable where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area; in this case there is no increase in the site area and the structures to be replaced are a disused filling station, a house, two garden centre structures, a car wash and tyre sales sheds. All these buildings are in a fairly dilapidated state. Any scheme on this site has to be planning gain.

Part B requires there would be significant environmental benefits as a result of the redevelopment. The Council has added no weight this dilapidated sites, on the main road between Cookstown and Omagh being redeveloped. He said that he would suggest that the environmental benefits as being significant.

Part C requires the redevelopment scheme deals with the full extent of the existing site and addresses the implications of the remainder of the site.

Part D requires that the overall visual impact of the replacement buildings would not be significantly greater than that of the buildings to be replaced. The current structures on site amount to shop and fillings station measuring 155m² floor area, a tyre sales shed measuring 250m², two polytunnels measuring 205m², a car wash building measuring 36m² and a house measuring 100m². The total floor area of buildings to be replaced is 846m². Proposed buildings have a footprint of 700m² thus are approx.. 150m² less than that what currently exists.

He said that the Council had raised concern regarding car parking which may provide a negative visual impact of hard standing on a roadside site but this already exists unregulated. The proposal surely will be more visually pleasing than currently exists.

The Council also has concerns regarding impact negatively on the amenities of the adjoining residential properties. However, experts in the field, namely Environmental Health have replied in their consultee stating they would have no objections to this proposal subject to conditions. Road Safety issues have also been raised, but consideration should be given to the current state of the site. The current uses and previous approvals provides for an unfettered use of the yard, the building and significantly its present access to the public road thus permitting unrestricted use of it for any vehicle. There is no history of accidents at these premises.

The scheme proposes to regulate and improve this site on one of the main gateways entering Cookstown. The new site has the potential for significant job creation. Any

concerns which the Council may have can be met with suitably worded conditions and that he would request that members approve the scheme.

Councillor Clarke stated that this site has been here for over 50 years and it seemed strange that when a business was in existence for such a long period of time and there's an opportunity for redevelopment that this should be encouraged and would propose that a site meeting be held to see where to site and what could come out of it.

The Planning Manager advised that the committee had already recommended this application for an office meeting and not a site meeting as this proposal was for a small retail park type development and that traders in Cookstown would not be happy with retail units in the countryside. He said the applicant had been advised that there were no objections to the redevelopment of the petrol filling station or tyre fitting element, however additional shops and offices give rise to policy concerns. Mr Cassidy advised that there was a potential client for the proposal and after investigations he found that no-one was against the scheme.

The Planning Manager stated what was discussed and recommended was done, but that major units were out of character for the area.

Councillor Cuthbertson advised that this application was on the deferral list and to protect the Council he would recommended refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels

To refuse the application.

Councillor McPeake stated that this was a major industrial proposal and it merits a further discussion and suggested modifications be made to try and remedy the situation.

The Planning Manager advised that the application was for shop and office units and one large shop unit connected to the garage. If the applicant wanted to amend the application into a light industrial unit, this should be more acceptable given what was on the site.

Councillor McPeake said that it was unfair to get agreement tonight from the Agent and that it would be wise to give him time to investigate issues raised.

The Planning Manager said that it was up to Members to make the decision on the application.

Councillor Clarke said that he was disappointed that when he had comments to make, that they were rubbish and as he didn't see any objections to the application, he had merely only made a suggestion on a proposal on whether it should be accepted or not. He advised that he felt under minded by the Planning Manager and made a proposal to have a site meeting as he did not have the

opportunity to attend the office meeting. He said that the site may be in the open countryside, but the site was always there in the first instance.

Proposed by Councillor Clarke
Seconded by Councillor McPeake

To hold a site meeting so members have an opportunity to make their own mind up.

The Chair put Councillor Clarke's proposal to hold a site meeting:

For 8
Against 4

Resolved: That planning application LA09/2016/0634/O be recommended for a site meeting.

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

The Chair, Councillor Mallaghan returned to the Chair.

Councillor McAleer declared an interest in the above application.

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

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

Mr Kelly addressed the committee and advised that following an office meeting after the September 2016 meeting conditions were applied to the application which were adhered too and that his clients welcomed that. He advised that the objectors live at 4 White's Road and that they are concerned that the garage would have a significant overshadowing effect on their sunroom as it is stated the sunroom requires the light to provide heat and light and that the ground floods where the garage is proposed may result in it being raised up and this would further dominate the house.

Councillor McAleer said that she was in agreement with the Objector as the Applicant's house is away from the garage and the Objector's house is in close proximity.

The Planning Manager stated that the applicant has already been asked and has moved the shed to increase the distance from the sun room. How far the sun lounge the garage should be is purely a subjective manner, and in this case the officer feels the distance is now adequate.

Councillor McAleer enquired if this means there is conditions on the site and that the Objector has not disagreed to the shed and was only asking for 3m the other way which she found reasonable.

Councillor McAleer felt if this was a residential building that this wouldn't be case and as it's a shed it doesn't impact on a person's life but this isn't the case.

Councillor Gildernew said that he was concerned about one neighbour putting restrictions on another and enquired when overshadowing usually occurs at the site.

The Head of Development Management said that across the road a hill would possibly result in early morning and late autumn overshadowing.

The Planning Manager in answer to Councillor McAleer said that the applicant may be agreeable to a condition that no development takes place in the area between the garage and curtilage next to the sunroom and that he would explore this.

Proposed by Councillor Gildernew
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/0693/F be deferred until further consideration is given.

Returned from Confidential Business

1/2012/0398/F Retention of 'as constructed' 11kw Gaia Wind Turbine with an 18.4m hub height, at approx. 103m SW of 29 Crancussy Road, Cookstown for P McNally

Proposed by Councillor Gildernew
Seconded by J Shiels

Resolved: That planning application 1/2012/0398/F be approved subject to conditions as per the officer's report.

P091/17 Report on application LA09/2016/1307/F – Motorsport Racetrack at Coalisland

Ms McCullagh (SPO) presented a report on planning application LA09/2016/1307/F in accordance with Mid Ulster Council's 'A Best Practice Guide for the processing of major planning applications in Mid Ulster', where it states the Council will provide an interim report to the Planning Committee where members views are needed to help progress the application. This will also provide an update to the Planning Committee on the status of the above major planning application proposal.

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

Mr Maneely wanted to thank the Council and especially the Planning Department for all their help to date. He outlined the benefits for the Mid Ulster area if the Motor track at Coalisland is progressed. He advised that the mix of business elements on the old clay quarry site would create a significant number of jobs over the next 3-5 years within many different sectors. On the periphery of the site, a link road would provide a long-needed bypass for Coalisland, with vehicles avoiding the centre of the

town and significantly reducing congestion and pollution within the town itself. Depending on the mix of business elements as agreed with the planning authorities, the focal point ie. The circuit itself, would create a large number and full-time and part-time jobs (not just specifically for racing related activities, but also service operators and those operating concerts and markets etc.).

Mr Maneely stated that facilities such as a health centre, offices and buildings with the potential for use by the community may be included if there is sufficient interest. A large number of industrial units would be constructed to encourage small and medium sized enterprises to form a business park. A training centre is envisaged which would service the needs of engineering, plastics and metal finishing related businesses. The derelict site, currently an eyesore to the side Coalisland, would be regenerated and incorporate community access to upgraded site and facilities. Different aspects of the site would appeal to the schools and youth groups; from driver training in a controlled environment to bird watching and photography etc. creating opportunities for further education for many years to come.

Walkways and cycle paths would offer other potential usage such as cross country running an off-road cycling, creating opportunities to improve the general health and wellbeing of the area. The lakes would be stocked with fish, and sailing, windsurfing and other boating activities would be available to the general public. Lake Torrent believe each of the above activities and new business would draw people to Coalisland and the surrounding area bringing in additional revenues for local businesses including shops, restaurants and accommodation providers. This additional revenue would in turn create further employment to the local community and surrounding areas.

The Chair, Councillor Mallaghan thanked Mr Maneely for his presentation and enquired what he would like the Council to do to progress this.

Mr Maneely said that there is 18 various consultancy bodies involved i.e. noise pollution, traffic management etc. and this takes time to bring everything on board. There is an onus for technical approval for safety of cars and motorcycling which would take racing off the roads and onto the racetrack. Funders need to be in place and this is can only happen when approval is in place, assessments and consultancy issues and maintaining funding is essential due to Brexit and when international programme is took into consideration.

The Chair, advised the committee that this application was unique for this area and was significantly important to try and encourage it the best way possible.

The Planning Manager said that there was a problem with major applications due to the length of time it takes which can hold up funding. The purpose of the interim report was to inform the committee of progress and to allow members to express any initial thoughts on the proposal.

A lot of issues relating to traffic management, Transport NI have stated that they can work through these and related parking issues. There is currently no licencing system for car parking in relation to key race days. Race days could be potentially a noise nuisance to the Coalisland area and these issues would need to be taken into

consideration. The Planning Manager advised that race days would be inevitably noisy. However this could be acceptable as under permitted development motor sports can take place on land up to 14 days per year and that Environmental Health would indicate the acceptability of noise level.

The Planning Manager went on to advise the meeting that in his view the principal of the recreation use was acceptable in policy terms.

The Solicitor advised there was a need to be cautious as there were objections to the application and if the Objectors choose to make a representation they should have that opportunity. She stated that a decision should not be taken tonight, as this could be detrimental for members.

Councillor Gildernew stated that if Mid Ulster was serious about tourism, then this was a fine example for the route to go and would see this kind of venture of as being a huge success.

Councillor Bell agreed with Councillor Gildernew's comments and given the special circumstances around Brexit and funding opportunities, would ask that the Chair instruct Council Officers to work with consultees and interested parties to try and speed the process up.

Councillor Cuthbertson agreed that the proposal was very impressive, but said that there was a need for the committee to be cautious due to the objectors to the application. He said that if this was approved then there would be serious problems relating to the A45 and this needs to be addressed with the private developers and government departments to remedy the situation as this could be a recipe for disaster.

Mr Maneely advised members that traffic management plan was part of the application and this would be put in place.

The Planning Manager said that he would be keen to progress the application but that there was a need to be careful and give full consideration beforehand as there was no clear indication from statutory agencies.

Councillor McPeake agreed with comments regarding Objectors and other legal issues and suggested a letter of comfort be provided to Mr Maneely within reason on a regular basis for funding opportunities for his investors.

The Planning Manager said that there was a need to reassure ourselves that the issues are addressed.

Councillor McAleer advised if motorsport was taken off the roads, this would decrease road fatalities

The Planning Manager advised that the proposal was impressive and given past performance on a month he was confident that issues would be sorted out quickly.

Resolved: Members to note the information given.

P092/17 Consultation response to Department for Communities, Historical Environment Division on the listing of the Presbyterian Church, 69 Main Street, Castlecaulfield

The Head of Development Plan and Enforcement drew attention to addendum item 7 and presented previously circulated report to provide members with background and draft response to a consultation by Department for Communities, Historic Environment Division (HED) regarding their consideration to list the Presbyterian Church, 69 Main Street, Castlecaulfield BT70 3NP.

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

Mr Stephens advised that committee that a condition report in 2012 highlighted a number of problems. Mr Stephens stated that damp, wet rot and dry rot were all identified.

He said that damp was a general feature in the walls of the church, both externally and internally. Some areas were particularly badly affected especially the wall plaster at the rear of the church, the porch and the choir area and is affecting the church building as a whole. Wet rot was also a feature and this had rotted the floor boards. The floor had to be repaired twice in the past year, some of the areas had timber replaced in the past five years and have already rotted within this time. The floorboards and floor joists have also shown signs of woodworm infestation, a problem that also is particular prevalent in the organ and choir area. Another issue within the choir area is that the walls are stained due to moisture running down them whilst mould growth is evident in the internal corners. Finally, there is also evidence of dry rot, this is evident in the condition of the back seats of the Church. These problems have all been noted in the Architect's 2012 condition report and over time this is progressively getting worse.

The Chair, advised that this was a difficult one to deal with as it involves the Historic Environment Division.

Councillor Cuthbertson advised that the Representatives from the Church approached him and that he wasn't aware if was confidential business, he said that he went back to the representatives to contact Council. He said that after listening to the Agent it would be fair to go with option 3 to all people and let them see what their proposals are and ask the Department for Communities to delay their planning process.

The Planning Manager said that looking at the Church, it was a simple building with nothing special which it makes it more attractive. He said that the graveyard at the front enhances the landscape in such architectural merit. He felt that there was no need for this to be a listed building.

Councillor Cuthbertson said that listening to the Planning Manager he felt that there was an opportunity to object to this consultation and enquired if this was the sentiments of the Planning Manager.

The Planning Manager advised the Condition Survey Report needed to be taken into account and the views of the congregation and the Council. He felt that the committee could take the view that this building should not be listed although no significant weight should be given to the economic argument that it should demolish the Church, but this is up to the HED to make that statutory decision.

The Chair, felt that the views of the Committee should be known and that objection be made to having the Church classed as a listed building.

Proposed by Councillor Bateson
Seconded by Councillor Robinson and

Resolved: To object to Department for Communities proposal of classing Castlecaulfield Presbyterian Church as a listed building.

Meeting recessed at 10.10 pm and recommenced at 10.30 pm.

P093/17 Consultation response to Department for Infrastructure on planning application LA09/2017/0301/F – sand and gravel extraction at Lough Neagh

The Head of Development Plan and Enforcement presented previously circulated report to provide members with an overview and a draft reply to the consultation from the Department for Infrastructure (DFI) on planning application LA03/2017/0310/F for extraction, transportation and working of sand gravel from Lough Neagh and also to a consultation from the PAC on an updated and amended Environmental Statement submitted for planning appeals for the alleged unauthorised working of materials – Land at Lough Neagh, Co. Antrim, Co. Armagh, Co. Down, Co. Tyrone and Co. Derry.

Councillor Bateson said that it should be noted that the environmental statement invested into this venture. He said that two groups were directly affected by this, the Lough Neagh Fishermen and the Sand Extractors and that the committee should reflect that the report commissioned by the body which has a vested interest should be approached with caution.

The Planning Manager said that there was always a risk with kind of statement and that is why there is a long process of auditing the report by the various statutory consultees. Drainage assessments, environment and design statements are required to identify problems arising and to consider if mitigation can overcome these. He said that planners have been non-committal because they would like to see sand extraction and fishing and there would be an onus on the planning department to see there is not harm to wildlife or fish.

Councillor Bateson advised that Lough Neagh Fishermen had been in the area for over 50 years.

The Head of Development Plan and Enforcement advised that her report is a summary of the non-technical summary of the ES and that there was more detail on each on each of the points in report within the ES.

Proposed by Councillor Kearney
Seconded by Councillor Bateson and

Resolved: That it be approved that:

- 1) Members to note the contents of the report and that a response be issued to the PAC to thank the PAC for their consultation and to await the outcome of the planning appeal.
- 2) A response be issued to DFI to state that we have no comment to make on the planning application consultation since the application is being decided by DFI and to note that the responsibility for checking the probity of the ES documents rests with them.

Matters for Information

P094/17 Minutes of Planning Committee held on Tuesday 6 June 2017

Members noted minutes of Planning Committee held on Tuesday 6 June 2017.

P095/17 The Planning (Environmental Impact Assessment) Regulations (NI) 2017

The Head of Development Plan and Enforcement advised that the purpose of the report was to provide members with an overview of the new Environmental Impact Assessment Regulations, made by the Department of Infrastructure (DfI) on 16th May 2017. These new regulations, known as The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 cover the assessment of the effects of certain public and private projects on the environment and revoke the 2015 regulations.

P096/17 Consultations Received

- i) Consultation on Derry & Strabane District Council Local Development Plan, Preferred Options Paper (consultation period closes on 22nd August 2017)
- ii) Consultation on Mid & Antrim Borough Council Local Development Plan, Preferred Options Paper (consultation closes on 6th Sept 2017)

Members noted the previously circulated information.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor J Shiels
Seconded by Councillor Kearney 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 items P097/17 to P101/17.

Matters for Decision

P097/17 Receive Enforcement Case

Matters for Information

P098/17 Confidential Minutes of Planning Committee held on
Tuesday 6 June 2017

P099/17 Enforcement Live Caseload

P100/17 Enforcement Cases Opened

P101/17 Enforcement Cases Closed

P102/17 Duration of Meeting

The meeting was called for 7.00 pm and ended at 10.55 pm.

Chair _____

Date _____