

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 June 2017 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present**

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow (8.48pm), Kearney, 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  
Ms Mullen, Council Solicitor  
Miss Thompson, Committee Services Officer

**Others in Attendance**

**Applicant Speakers**

LA09/2017/0496/O	Mr Cassidy
LA09/2017/0354/O	Ms Curtin
I/2014/0074/F	Mr Ryan
	Ms Fowley
	Mr Ross
I/2014/0246/F	Mr Ryan
	Ms Fowley
	Mr Ross
LA09/2016/1279/F	Mr Ross
Consultation response to LA09/2016/0232/F	Ms Stevens

The meeting commenced at 7.04 pm

**P070/17      Apologies**

None.

**P071/17      Declarations of Interest**

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

## **P072/17      Chair's Business**

The Chair, Councillor Mallaghan expressed his thanks to Councillor Clarke, the outgoing Chair, stating that matters were dealt with as smoothly as possible and that he would hope to continue in this vein for the coming year.

The Planning Manager advised on the following applications which were on agenda for determination –

### **LA09/2015/0523/F Retrospective application for retention of car park and pedestrian access via underground road tunnel in association with the Jungle NI, approx. 80m SE of 60 Desertmartin Road, Moneymore for Mr Robert Carmichael**

The Planning Manager suggested that having considered the latest submission in relation to this application the best way forward would be to arrange a site meeting.

Proposed by Councillor Reid  
Seconded by Councillor J Shiels and

**Resolved** That planning application LA09/2015/0523/F be deferred for a site meeting.

### **LA09/2016/1684/O Expansion of existing care home facility to provide 4 individual care units and a new dwelling and garage in connection with the existing business at lands immediately SW of 19 Rocktown Lane, Knockloughrim for Mr C Maynes**

The Planning Manager suggested that an office meeting be held for this application.

Councillor McPeake declared an interest in this application advising that he had intended to speak but was content for an office meeting to be arranged.

Proposed by Councillor Bell  
Seconded by Councillor McPeake and

**Resolved** That planning application LA09/2016/1684/O be deferred for an office meeting.

The Planning Manager referred to paper circulated around table in relation to consultations received for Council response and how these should be dealt with. The Planning Manager advised that consultations will be a standing item on the agenda going forward.

Consultations received from Fermanagh and Omagh District Council –

LA10/2016/1054/F

Location: From 175m North west of 110 Ballagh Road Fivemiletown BT75  
OLE travelling in a southerly direction towards the townland of

Doogary and then veering south east towards 149 Teiges Hill Road Brookborough BT94 4ES passing through the townlands of Kiltermon, Killybane, Cleen, Agheeghter, Aghavoory, Foglish, Derrynavogy, Tattenahishish, Tullykenneye, Derryintony, Doogary, Corlacky, Grogey, Curraghfad and Eshnasillo More.

Proposal: 33kv overhead line comprising of 12.3 km of 3x200mm AAAC overhead line on wood poles. (Alterations/amendments to route/location of line).

LA10/2017/0538/F

Location: From 165m East of 196 Omagh Road Garvaghy travelling in a south west direction towards Rarogan Road Garvaghy. Passing through the townlands of Garvaghy and Rarogan.

Proposal: 33kv overhead power line on wooden poles with 3x200mm AAC conductor and opoc fibre

The Planning Manager suggested that these two consultations be left for officers response stating that there were no issues with these applications.

Consultation received from Department of Environment –

LA09/2015/0292/F

Location: Land approximately 12km to the west of Draperstown Co Derry/Londonderry, 2 km to the north of Broughderg, adjacent to the B47.

Proposal: Erection of 33 wind turbines (comprising 10 turbines with a maximum tip height of 136m and 23 turbines with a maximum tip height of 149m), associated transformers and switchgear at the base of each wind turbine, hardstanding areas for erection cranes at each turbine, internal access tracks and site access, operations building and wind farm substation compound and building, on site electrical cables, a parking area, two temporary construction compounds, five permanent meteorological masts and all ancillary works including borrow pits, peat storage, spoil deposition, forestry removal and minor works to the public highway between site and Magherafelt to facilitate turbine delivery. (Amended proposal).

The Planning Manager advised that Council had already made representation in relation to this application and that refusal was recommended, however, as revisions had now been made to the application it was advised that a report would be brought to a future committee meeting on this item.

Members were in agreement with the suggested administering of the above consultations.

The Planning Manager referred to the upcoming RTPI awards taking place in London in which it had been agreed at Council that the Chair and Vice Chair of Council would attend along with the Chair of the Planning Committee and the Planning Manager.

## **Matters for Decision**

### **P073/17      Planning Applications for Determination**

The Chair drew Members attention to the undernoted planning applications for determination, he advised of a change to the order of the agenda as requested by the agent for the application. The Chair stated that as there were circumstances for the requested change it would be accommodated on this occasion but advised agents that this would not be tolerated as a normal practice going forward.

#### **LA09/2017/0496/O Dwelling and domestic garage/store at approximately 40m SE of 49 Mullaghboy Road, Bellaghy for Gavin Breslin**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0496/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 Cassidy to address the committee.

Mr Cassidy advised that this application was submitted under Policy CTY2a (cluster) and meets all criteria of that policy.

Mr Cassidy referred to the officer's report which stated that the application is not associated with a local focal point and stated that there is an equestrian centre located opposite the application site thereby fulfilling this requirement. The case officer's report also stated that the proposal was not bounded on at least two sides and Mr Cassidy referred to aerial photography which showed development on north and west of site.

Councillor Clarke asked if cluster had to be on one side of road.

The Planning Manager advised that policy states there should be a suitable degree of enclosure and bounding on at least two sides with other development in the cluster. The Planning Manager felt that the proposed site was not that enclosed with a ribbon on one side of the road and an emerging ribbon on the other side but that this application could be developed based on rounding off. The Planning Manager questioned whether the application would make any obvious change to the neighbouring area stating that this would be a matter for Member's judgement.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved**      That planning application LA09/2017/0496/O be approved based on rounding off of current straight line of development. Conditions to be

attached in relation to access, planting and landscaping with a ridge height of 6m to be imposed.

**I/2014/0393/F      3 Pairs of semi-detached dwellings and 2 detached dwellings at 11 Killeenan Road, Cookstown for JDC Joinery**

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

Proposed by Councillor J Shiels  
Seconded by Councillor McPeake and

**Resolved**      That planning application I/2014/0393/F be approved subject to conditions as per the officer's report.

**LA09/2015/0523/F      Retrospective application for retention of car park and pedestrian access via underground road tunnel in association with the Jungle NI, approximately 80m SE of 60 Desertmartin Road, Moneymore for Mr Robert Carmichael**

Site meeting to be arranged in respect of this application as agreed earlier in meeting.

**LA09/2015/1075/O      Dwelling and garage 76m NE of 27 Tobermore Road, Draperstown for Teresa McNally**

Ms Doyle (SPO) presented a report on planning application LA09/2015/1075/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McPeake and

**Resolved**      That planning application LA09/2015/1075/O be refused on grounds stated in the officer's report.

**LA09/2015/1215/F      24 dwellings at lands N of 21 Magherafelt Road and N of 15 and 40 Fairlee Heights, Moneymore for A N Property**

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

Proposed by Councillor Bell  
Seconded by Councillor J Shiels and

**Resolved**      That planning application LA09/2015/1215/F be approved subject to conditions as per the officer's report.

**LA09/2016/0652/O      Apartment block at 10-12 Park Road, Dungannon for Bullock Bros.**

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

Councillor Cuthbertson stated that whilst he was not opposed to the application he did have some concerns in relation to the impact of development in a town centre and asked if this had been fully considered.

Mr Marrion (SPO) advised that the Area Plan for Dungannon allows for development in town centres provided it is in compliance with PPS7. Mr Marrion advised that this application had been fully considered against PPS7.

Councillor Cuthbertson stated that his main concern in relation to this application was with parking provision and advised that parking is limited on Park Road.

Mr Marrion advised that it was indicated in the proposal that internal parking would be provided however this was an outline application and further detail would be made in reserved matters application.

Proposed by Councillor Gildernew  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2016/0652/O be approved subject to conditions as per the officer's report.

**LA09/2016/1065/F 5 no.2 storey dwellings, extension of Castle Place Road and realignment of existing car parking at lands to the S of no's 9 and 14/16 Castle Place, Castlecaulfield for Choice Housing**

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 LA09/2016/1065/F be approved subject to conditions as per the officer's report.

**LA09/2016/1259/F Variation of conditions 3 & 4 of planning approval I/2000/0565/F adjacent to 46 Cookstown Road, Moneymore for Railway Hill Adventures Ltd**

The Chair referred to late request to speak against the application and felt that there had been adequate time to make this request. The Chair advised that the objectors concerns had been considered within the officer's report.

The Planning Manager advised that as there is a planning protocol in place it was difficult to make an exception.

Councillor Kearney advised he had received a phonecall in relation to this application and requested a deferral in order to provide an independent noise report, further to this, the objector also requested noise report compiled by Environmental Health department.

The Planning Manager advised that Environmental Health had verified that the modern type of karts proposed to be used emit less noise and that conditions have been attached in relation to the type and number of karts that can be used at one time. The Planning Manager advised that this application had been in the planning process for a long time and that a decision should now be made by Members.

In response to the Planning Manager's question Councillor Kearney advised that the independent noise report was not yet ready.

Councillor J Shiels felt that every point of concern had been dealt with in the officer's report.

Proposed by Councillor J Shiels  
Seconded by Councillor Bateson

To approve planning application LA09/2016/1259/F.

In response to Councillor Reid's question in relation to noise reports the Planning Manager advised that the Planning department had consulted with Environmental Health in relation to noise in respect of this application and that their advice had been taken on board in making a recommendation to approve with conditions.

**Resolved** That planning application LA09/2016/1259/F be approved subject to conditions as per the officer's report and additional condition listed in addendum to report as circulated –  
"Within 60 days from the date of this permission a 2 metre high sound barrier fence shall be erected at the locations identified on drawing number ..... date stamped.... and shall be permanently retained thereafter. Full details of this fence shall be submitted to Mid Ulster District Council and agreed in writing before the fence is erected."

**LA09/2016/1326/F 2 apartments at 84 Orritor Road, Cookstown for Bell Contracts**

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

Proposed by Councillor McKinney  
Seconded by Councillor J Shiels and

**Resolved** That planning application LA09/2016/1326/F be approved subject to conditions as per the officer's report.

**LA09/2016/1346/F Replacement of dwelling with building for 5 self contained apartments at 1 Westland Road South, Cookstown for Westland Property Enterprises Ltd**

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

Proposed by Councillor Reid  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2016/1346/F be approved subject to conditions as per the officer's report.

**LA09/2016/1609/F Amended design to approval M/2015/0166/F, including additional ground floor area for and off licence within the hop, a second storey over part of the scheme to provide staff facilities and offices and additional control booth for fuel pumps at Centra, 18-20 Augher Road, Clogher for McDade Retail Ltd**

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

Proposed by Councillor Gildernew  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2016/1609/F be approved subject to conditions as per the officer's report.

**LA09/2016/1684/O Expansion of existing care home facility to provide 4 individual care units and a new dwelling and garage in connection with the existing business at lands immediately SW of 19 Rocktown Lane, Knockloughrim for Mr C Maynes**

Office meeting to be arranged in respect of this application as agreed earlier in meeting.

**LA09/2016/1747/O Dwelling on a farm adjacent to 37 Gorestown Road, Dungannon for Mr Samuel Wylie**

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

Proposed by Councillor Cuthbertson  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2016/1747/O be approved subject to conditions as per the officer's report.

**LA09/2016/1789/O Dwelling adjacent to 69 Coole Road, Aughamullen, Coalisland for Patricia Dorman**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/1789/O advising that it was recommended for refusal.

Councillor McAleer proposed that the application to be deferred to allow further information to be submitted in relation to special circumstances for proposal.

Councillor Bell asked if there could be focal point (crossroads) attributed to this application.



The Planning Manager advised that the application did not meet clustering as there was not development on both sides of the proposed site. In respect of infill, it would be possible to get three plots from this site. The Planning Manager referred to the need to protect the countryside and that this development would erode rural character.

Councillor Kearney seconded Councillor McAleer's proposal to defer the application for an office meeting.

**Resolved** That planning application LA09/2016/1789/O be deferred for an office meeting

**LA09/2017/0050/F Restoration and extension to B listed Church and reinstatement of original access at St Patrick's Church, 98 Loup Road, Moneymore for Rev Fr M McArdle**

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

The Planning Manager advised that as this was a listed building application Council had to notify the Department of its intention to approve and that the application could not be approved outright tonight.

Proposed by Councillor J Shiels  
Seconded by Councillor Clarke and

**Resolved** That Department be notified of intention to approve planning application LA09/2017/0050/F subject to conditions as per the officer's report.

**LA09/2017/0086/F Extension to machine hire and repair business for to provide yard for storage of agricultural machinery, opposite 17 Moveagh Road, Cookstown for McCord Machinery**

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0086/F advising that it was recommended for refusal.

Councillor Reid proposed that the application be deferred for an office meeting as further information could be submitted in relation to second reason for refusal as per officer's report.

Councillor McKinney seconded Councillor Reid's proposal.

**Resolved** That planning application LA09/2017/0086/F be deferred for an office meeting.

**LA09/2017/0229/F 3 town houses adjacent to 37 Coolmount Drive, Cookstown for Mr Malcolm Thom**

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0229/F advising that it was recommended for refusal.

Councillor Bateson proposed the refusal of the application.

Councillor McKinney asked if the proposal could be amended to two houses instead of three.

The Planning Manager advised that officers have to make assessment on what had been applied for.

Councillor Bateson stated that applicants/agents have adequate time to make their case and should make an effort to attend planning meetings.

Councillor McEldowney seconded Councillor Bateson's proposal to refuse the application.

**Resolved** That planning application LA09/2017/0229/F be refused on grounds stated in the officer's report.

**LA09/2017/0315/O Dwelling and garage at 38m E of 90 Moneysharvin Road, Maghera for Mr and Mrs Scullion**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0315/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson  
Seconded by Councillor J Shiels and

**Resolved** That planning application LA09/2017/0315/O be refused on grounds stated in the officer's report.

**LA09/2017/0328/F Refurbishment, alteration to and extension of, (to include drive thru booths) at The Oaks Centre, Oaks Road, Dungannon for McDonald's Restaurant Ltd**

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

Proposed by Councillor McAleer  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2017/0328/F be approved subject to conditions as per the officer's report.

**LA09/2017/0354/O Infill site for 2 dwellings and garages between 15 and 17 Quilly Road, Moneymore for Mr E and C McGuckin**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0354/O advising that it was recommended for refusal. Ms Doyle advised that whilst the wrong site had been identified on the case officer report, the correct site had been assessed by the case officer.

Councillor McPeake proposed that the application to be deferred as the wrong site had been identified on the report.

The Planning Manager advised that the assessment of the site had been correct.

Councillor Cuthbertson proposed the refusal of the application.

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

Ms Curtin stated she was of the opinion that an office meeting should be accommodated in respect of this application because the wrong site had been identified in the report.

Ms Curtin advised that the proposed site comprises of the entire gap between 15 and 17 Quilly Road which includes an established mobile home and associated laneway. Ms Curtin advised that neighbouring plot sizes vary considerably and that the proposal respects the existing development pattern and would integrate into the surrounding landscape.

In response to the Planning Manager's question, Ms Curtin advised that the mobile home referred to was established as detailed in case officer's report.

The Chair felt that as there were concerns in relation to the wrong site being identified it may be best to defer this application in order for the committee to be transparent.

In response to Councillor J Shiels question, Ms Doyle advised that the correct site had been assessed and that it was only the officers report in which the wrong site had been identified.

Councillor J Shiels seconded Councillor Cuthbertson's proposal to refuse the application.

Councillor McAleer seconded Councillor McPeake's proposal to defer the application for an office meeting.

The Planning Manager advised he was content to further explore the context of the application.

Members voted on Councillor Cuthbertson's proposal to refuse the application –

For – 2

Against – 11

**Resolved** That planning application LA09/2017/0354/O be deferred for an office meeting.

**LA09/2017/0367/O Dwelling at 51 Drum Road Cookstown for Mr and Mrs Glackin**

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0367/O advising that it was recommended for refusal.

Councillor Clarke proposed that the application be deferred for an office meeting as there were medical grounds associated to the application.

The Planning Manager advised that if there were medical grounds other options could be explored at an office meeting.

Councillor Gildernew seconded Councillor Clarke's proposal to defer the application.

**Resolved** That planning application LA09/2017/0367/O be deferred for an office meeting.

**I/2013/0194/F 4 semi-detached dwelling, 1 detached dwelling and widening of archway to the rear of 65-69 Oldtown Street, Cookstown for Malcolm Thom**

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

Proposed by Councillor McKinney  
Seconded by Councillor Reid and

**Resolved** That planning application I/2013/0194/F be approved subject to conditions as per 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 Ltd**

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

*Councillor Reid declared an interest in these applications and withdrew to the public gallery.*

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

Members were advised of further response from Environmental Health as circulated at meeting and reminded that the applications had been given an adequate hearing at April Planning Committee. Members were advised to make their decision based on planning issues only.

The Planning Manager stated he would like to hear from the solicitor representing the objectors as to the legal arguments why the applications are unsound.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Ryan to address the committee in the first instance.

Mr Ryan stated that, if approved, these applications would have a negative impact on rural character and amenity of local residents. It was stated that the business had now outgrown its current site, that the decision made on the 2010 application was finely balanced and proposals now were excessive. Mr Ryan advised that the applications were contrary to PED3 and PED9 of PPS4 and referred to planning appeal decisions taken in respect of other applications. Members were asked to consider the inescapable impacts of the applications and the concerns of local residents.

Ms Fowley stated that objectors felt let down by the planning system and was failing the people it was designed to protect. Ms Fowley stated that the business had disregarded its 2010 approval and if these applications were also approved it would be seen that there is no deterrent to such action. Ms Fowley referred to discussion at April meeting in that if the applications were refused the business would close, Ms Fowley contended that the business would not close and could still build to proposal approved in 2010. Ms Fowley stated that the applications were contrary to planning policy and that local residents would be at a detriment if approved. Ms Fowley urged Members to refuse the applications.

The Planning Manager advised Members to consider the information before them and form their own view. He advised that the Committee were not held to approve this application because of the previous approval, however, they did need to take into consideration the history on the site before reaching a decision. The Planning Manager explained that these applications could be considered as minor and that Heffron Judicial Review referred to was for a much bigger extension.

Mr Ross stated he respected the comments of objectors but felt it was the job of the solicitor to frustrate the process, not offer solutions. Mr Ross advised that consultees had been consulted over and over again in respect of these applications and felt it was unfair for comparisons to be made in how other applications were dealt with. Mr Ross highlighted that these applications were brought as approvals in April and were coming back with the same recommendation tonight. Mr Ross stated he appreciated the work that had been undertaken in respect of the applications by the applicant, planning officers and consultees and felt the right decision was being taken. Mr Ross stated that the business was a continuing success which provides employment and asked objectors to engage in the process.

Councillor McKinney asked if there was any breach of PED3 and PED9 of PPS4.

The Planning Manager advised that actions had been taken to improve the design of the application. He also advised the Committee that an Enforcement Notice had been served and therefore if the application was refused and the shed was not taken down legal action would need to be taken against the applicant for non-compliance. The Planning Manager referred to the masterplan application which will be considered in due course on its own merits and stated that Members had all information related to the applications and encouraged them to make a determination.

Councillor Kearney proposed that both applications should be refused, that it was right to undertake a site visit regarding these applications which helped to confirm the objectors view – that the rural area had been harmed and that of neighbouring residents. Councillor Kearney felt that not enough action had been taken by the applicant and that previous Ministerial/PAC decisions should carry weight.

The Planning Manager asked Councillor Kearney if he was making a representation in relation to these applications and should declare an interest.

Councillor Kearney stated he was not making a representation but was expressing his opinion.

Councillor Robinson stated that he had attended the site meeting and proposed that both applications be approved as recommended.

Councillor McKinney seconded Councillor Robinson's proposal.

The Planning Manager stated that as this was a finely balanced case he would be content and was willing to defend whatever decision the committee made.

Councillor Mullen seconded Councillor Kearney's proposal to refuse both applications.

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

For – 10  
Against - 3

**Resolved** That planning applications I/2014/0074/F and I/2014/0246/F be approved subject to conditions as per the officer's report.

*Councillor Reid rejoined the meeting.*

**LA09/2016/0158/O Infill site for dwelling and garage, 40m W of 15a Tullyheran Road, Maghera for Ms Megan McGarvey**

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

Proposed by Councillor J Shiels  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2016/0158/O be approved subject to conditions as per the officer's report.

**LA09/2016/0783/F Retrospective application for car parking area, with existing entrance and new access onto Lissan Road, at lands at rear of 2-12 Moneymore Road, Cookstown for LCC Group Ltd**

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

Proposed by Councillor Robinson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2016/0783/F be approved subject to conditions as per the officer's report.

**LA09/2016/1034/F Change of house type from previously approved 2 storey dwelling and garage to 2 no. semi-detached units within same curtilage at 75 Killyliss Road, Dungannon for Mr Gary McCann**

Mr Marrion (SPO) presented a report on planning application LA09/2016/1034/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2016/1034/F be refused on grounds stated in the officer's report.

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

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

Proposed by Councillor McKinney  
Seconded by Councillor Cuthbertson and

**Resolved** That planning application LA09/2016/1195/F be approved subject to conditions as per the officer's report.

**LA09/2016/1279/F 2 no. semi-detached dwellings at 89 Moneysallin Road, Kilrea for Mr David Gordon**

Ms Doyle (SPO) presented a report on planning application LA09/2016/1279/F 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 Ross to address the committee.

Mr Ross stated he would welcome feedback as to why it was felt the application was not acceptable under policy CTY4, that there was a building there which the proposal would not change the look or character of.

The Planning Manager stated that this application was similar to an application which was refused earlier in the meeting.

Councillor McPeake referred to the similarity with other application but felt that as there was only a footprint for one house in this case then this application could be considered differently. Councillor McPeake stated he was loathed to see the application being refused as the building was already there, in relation to housing need, the Councillor advised that the proposal was located closed to Gulladuff and Clady and that there would be housing demand in those areas.

The Planning Manager stated that there was no suggestion that the current building be knocked down however there appeared to be an intention to maximise rental potential and these instances were not happening by accident. The Planning Manager indicated that a test on interpretation of policy was required by Planning Appeals in order to assist Council in making future similar decisions. The Planning Manager advised that the house could be used for living in as is as long as it was not an HMO.

Councillor McKinney asked if HMO was a planning issue.

The Planning Manager advised that traditionally houses could have up to six people paying rent however current planning law was not specific and was based on relationships. The Planning Manager advised that HMO was a big issue in Mid Ulster.

Councillor Bateson asked what precedent would be set in determining this application.

The Planning Manager advised that the manner in which the house was designed indicated that there was an intention to develop additional units. The Planning Manager stated that this application should go to appeal and that that decision would help to set precedent for the future.

*Councillor Glasgow entered the meeting at 8.48 pm.*

Councillor Bateson asked what the implications were of approving the application.

The Planning Manager stated that if this application were to be approved he felt there would be a lot more of this type of application in the future.

Councillor Kearney felt that Councillor McPeake had made a good case and that there would be housing need in the nearby area.

The Planning Manager advised that figures on housing need were received from Housing Executive and that this was indicated to be zero within the application area. The Planning Manager went on to explain policies CTY1 and CTY4.

Councillor Bateson felt that some clarification was required on how to determine this type of application.

The Council Solicitor urged the committee to be cautious and consider the implications of overturning the recommendation of the planning officer.



Proposed by Councillor Bateson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2016/1279/F be refused on grounds stated in the officer's report.

**LA09/2017/0053/O Dwelling and garage 150m SW of 283 Pomeroy Road, Lurganeden, Dungannon for Mr Colin Moore**

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

Proposed by Councillor Clarke  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2017/0053/O be approved subject to conditions as per the officer's report.

**P074/17 Response to Consultation from Fermanagh & Omagh District Council on application LA10/2017/0365/F – sand and gravel extraction at Shantavny Road, Omagh**

Members considered previously circulated report in relation to Council's response to Fermanagh and Omagh District Council's consultation on planning application LA10/2017/0365/F.

Proposed by Councillor Robinson  
Seconded by Councillor Reid and

**Resolved** That Council issue response to Fermanagh and Omagh District Council stating that –  
“Mid Ulster District Council have no concerns in relation to the long term visual impacts of this development provided a robust and properly detailed restoration plan is agreed and conditioned for implementation within 2 years of the development commencing.”

**P075/17 Response to consultation from Department for Infrastructure on application LA09/2016/0232/F – Corlackey Wind Farm**

The Head of Development Management presented previously circulated report in relation to Council's response to Department for Infrastructure's consultation on planning application LA09/2016/0232/F.

The Chair advised the committee that a request to speak on the consultation had been received and invited Ms Stevens to address the committee.

Ms Stevens advised that the proposal is compliant with PPS6 and will have limited visibility within the Sperrin AONB. It was felt that the relationship with nearby Brockaghboy wind farm would help to cluster the development. Ms Stevens stated that monuments in the area would not be to any detriment through development of this wind farm. Members were advised of a significant community package

associated with the proposal and the rateable income over the lifetime of the project. Ms Stevens sought the support of the Committee for the proposal.

Councillor McEldowney stated that Brockaghboy Wind Farm was more visual than what Corlackey Wind Farm will be, she advised that the community were in support of the application and would benefit from reduced electricity costs.

The Planning Manager urged caution in relation to proposed community package associated to the application and that to approve an application on this basis would be *ultra vires*. The Planning Manager stated he would have some concern in stating that the Council were in support of the application.

Councillor McPeake advised he had attended site meeting for this application and felt there would be no significant additional impact to what already was there. The Councillor also felt there would be no negative impact on nearby monuments and stated he could not support the wording of the proposed response as circulated. Councillor McPeake felt that the fact there were no local objections to the application spoke for itself and that benefits to the local community should not be lost sight of.

Councillor McKinney asked if it was within the remit of the Committee to make a determination on the application.

The Planning Manager advised that determination of this application rests with the Department but that Council can submit a response to the consultation with an opinion in favour, against or neutral.

In response to Councillor McPeake's question, the Planning Manager advised that if Council wish to submit an opinion in favour of the application then further detail as to why it should be approved would have to be included based on planning grounds. If the opinion of Council is that the application should be refused then the reasons as circulated in report could be submitted. The Planning Manager stated that Council could also offer a neutral opinion to the application.

Councillor McAleer proposed that Council submit a neutral response to the consultation to LA09/2016/0232/F.

Councillor Bateson stated that wind farm proposals usually create hostility which is not the case for this application and felt that this should be highlighted in the response.

The Planning Manager stated that by submitting a neutral response then Council would not be raising any objections.

The Planning Manager suggested wording for response stating that Council notes the application and that no objections have been raised against it. The Council is also raising no objection to the application and therefore leaves the determination of the application to the Minister.

Councillor Kearney seconded Councillor McAleer's proposal to submit a neutral response.

Councillor McPeake asked if a comment supporting the application in principle could be included.

The Planning Manager stated that to support the application in principle Council would have to set out its reasons why and could be held to account in the future. The Planning Manager stated that a neutral response would indicate that Council had no objection to the application.

Councillor McKinney asked if comment in relation to community benefit could also be included within response.

The Planning Manager suggested wording stating that if the Department is minded to approve the application then associated community benefit package should be delivered upon.

The Chair suggested that wording for response be brought to June Council meeting for consideration.

Members were in agreement that wording for a neutral consultation response being made to application come back to June Council meeting.

**Resolved** That wording for neutral consultation response in relation to LA09/2016/0232/F – Corlackey Wind Farm be brought to June Council meeting for consideration.

*Meeting recessed at 9.23 pm and recommenced at 9.43 pm.  
Councillors Gildernew and Mullen did not return to the meeting.*

#### **P076/17      Planning Performance Indicators**

The Planning Manager presented previously circulated report which sought approval on the Planning Performance Management Framework for NI.

The Planning Manager suggested that the Council response should also be sent to NILGA.

Proposed by Councillor Clarke  
Seconded by Councillor Bell and

**Resolved** That Council submit response to Department for Infrastructure as per paper previously circulated regarding Planning Performance Indicators. Council response to also be sent to NILGA.

## **Matters for Information**

### **P077/17 Minutes of Planning Committee held on Tuesday 2 May 2017**

Members noted minutes of Planning Committee held on Tuesday 2 May 2017.

### **P078/17 Verbal update on Local Development Plan**

The Head of Development Plan and Enforcement advised that work was progressing on Local Development Plan and sought approval to hold a special Planning Committee meeting on 15 August 2017 to present report on consultations received related to Local Development Plan.

Councillor Bell proposed that special committee meeting be held on 15 August.

Councillor Cuthbertson asked if the content of this proposed meeting could be incorporated into the normal monthly committee meeting in August as there was not usually as full an agenda over the summer months.

The Planning Manager stated that depending on the schedule of applications to be brought to the August meeting it may be possible to include the consultation report on the agenda for the normal monthly planning committee, however, as adequate time and consideration would need to be given to the consultation report a decision would be taken nearer the time.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McKinney and

**Resolved** That consultation report for Local Development Plan be brought, if possible, to normal monthly Planning Committee to be held on 1 August.

## **Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor Bell  
Seconded by Councillor Robinson 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 P079/17 to P085/17.

### **Matters for Decision**

P079/17 Receive report on Listed Building  
P080/17 Receive Enforcement Cases

### **Matters for Information**

P081/17 Confidential Minutes of Planning Committee held on Tuesday 2 May 2017

P082/17	Verbal update on unauthorised peat extraction
P083/17	Enforcement Live Caseload
P084/17	Enforcement Cases Opened
P085/17	Enforcement Cases Closed

**P086/17      Duration of Meeting**

The meeting was called for 7.00 pm and ended at 10.08 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_