

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 7 January 2019 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Glasgow, Chair

Councillors Bell, Clarke, Colvin, Cuthbertson, Gildernew, Kearney, McAleer, McEldowney, McKinney, D McPeake, S McPeake, Robinson, J Shiels

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McEvoy, Head of Development Plan and Enforcement
Ms McKearney, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McNally, Council Solicitor
Mrs Grogan, Democratic Services Officer

Others in Attendance

Councillors B McGuigan

Applicant Speakers

LA09/2017/0126/F	Gavin Smyth
LA09/2017/0126/F	Dermot Monaghan
	Michael Murphy
LA09/2017/1004/O	Toirleach Gourley
LA09/2017/1149/O	Chris Cassidy
LA09/2017/1447/F	Gavin McGill
LA09/2018/0414/F	Thomas Beattie
LA09/2018/0458/F	Chris Cassidy
LA09/2018/1093/F	Chris Cassidy
LA09/2018/1102/O	Liam Ward
LA09/2018/1156/F	Aidan Kelly
LA09/2018/1258/F	Chris Cassidy
LA09/2018/1293/O	Chris Cassidy
LA09/2017/0998/F	Mary B McKenna
LA09/2017/1241/O	Chris Cassidy
LA09/2017/1244/O	Joe Diamond
LA09/2017/1349/F	Chris Cassidy

The meeting commenced at 7.03 pm.

The absence of the Chair, Councillor Mallaghan, Councillor Glasgow, Deputy Chair took the Chair.

P001/19 Apologies

Councillors Mallaghan and Mullen.

P002/19 Declarations of Interest

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

P003/19 Chair's Business

No issues.

Matters for Decision

The Planning Manager referred to the below applications which were on the agenda for determination. The Chair sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting –

Agenda Item 4.6 – LA09/2017/1004/O - Dwelling and garage on a farm at land approx. 320m NW of 180 Caledon Road, Aughnacloy for Mr Adrian Robinson

Agenda Item 4.8 – LA09/2017/1149/O – Dwelling and domestic garage/store approx. 50m S of 20 Gortahurk Road, Brackaghlislea, Draperstown for Mr Peter Kelly

Agenda Item 4.12 - LA09/2018/0458/F – Relocation of recently approved dwelling and garage including site and access at 75m S.W. of 7 Glengomna Road, Draperstown for Mr Joe McGillian

Agenda item 4.14 – LA09/2018/0885/O – Farm dwelling and garage (renewal of approved LA09/2015/0292/O) at 20m SW of 9 Mackenny Road, Cookstown for Mrs Heather Moffett (withdrawn)

Agenda Item 4.15 – LA09/2018/1064/O – Dwelling and garage 230m SW of 7 Newline Road, Cookstown for Mr Oliver Heagney (withdrawn)

Agenda Item 4.16 - LA09/2018/1093/F – Dwelling and domestic garage/store, approx. 70m ESE of 7 Gortinure Road, Tamnymullan, Maghera for Mr Michael McEldowney

Agenda Item 4.21 – LA09/2018/1258/F – 2 Dwelling houses and garages between 39 and 41 Syerla Road, Dungannon for Farasha Properties Ltd

Agenda Item 4.22 – LA09/2018/1293/O – Dwelling and garage 40m N of 210 Shore Road, Ballymaguigan, Magherafelt for Mr Brian Boyle

Proposed by Councillor Bell
Seconded by Councillor J Shiels and

Resolved That the planning applications listed above be deferred/withdrawn from tonight's list for consideration for an office meeting.

P004/19 Planning Applications for Determination

LA09/2016/0470/F Retention of the change of use of existing industrial buildings from Re-Cycling Storage Facility to a General Engineering use at 111 Ballynakilly Road, Coalisland for Mr James Devlin

Members considered previously circulated report on planning application LA09/2016/0470/F which had a recommendation for approval.

Councillor Cuthbertson declared an interest in Planning Application LA09/2016/0470/F and LA09/2016/1223/F.

It was agreed that applications LA09/2016/0470/F and LA09/2016/1223/F be discussed together.

Councillor Cuthbertson raised concern regarding the two applications and advised that it was proposed to change the use of existing industrial building from a recycling storage facility to a general engineering use and the retention of 3 hard standing areas incidental to the use of the engineering workshop. He felt that this was moving closer to the residential area.

He advised that he attended a play facility at Ballynakilly with Council staff and he observed more than one person using these particular sheds.

The Planning Manager said that there seemed to be some confusion as the Councillor was not liable to make a declaration of interest unless he had a pecuniary interest in the land or was making a representation on a persons behalf.

Councillor Cuthbertson advised that he would be declaring an interest as he was part of the conversations with residents of the area.

Councillor Cuthbertson said that a sign at the playpark advertised Mac Cladding and that he was also aware of someone using it as a store and in relation to the 3 hard standing areas, this committee previously decided that this would bring them closer. He said that although he welcomed all the conditions applied to the workshop, he had concerns that so many businesses operate at the site and the 3 hard standing areas.

Mr Marrion (SPO) took members through the report and concerns raised by the Councillor.

Councillor Cuthbertson stated that he appreciated the clarification from the Case Officer but felt if conditions were put on Mr James Devlin regarding operating hours etc for recycling plant then this should be applied to the others.

The Planning Manager stated that if the Councillor declared an interest or wished to represent someone, he should withdraw to the public gallery or make a request to speak and take the podium.

He said that firstly it's for general engineering use and the plan shows the different units.

Proposed by Councillor S McPeake
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2016/0470/F be approved subject to conditions as per the officer's report.

LA09/2016/1223/F Retention of 3 hard standing areas incidental to the use of the Engineering Workshop at 111 Ballynakilly Road, Coalisland for Mr James Devlin

Members considered previously circulated report on planning application LA09/2016/1223/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2016/1223/F be approved subject to conditions as per the officer's report.

LA09/2017/0122/F Secure Garage for storage of vehicles at 140 Dungannon Road, Ballygawley for Barrack Hill Quarries

Members considered previously circulated report on planning application LA09/2017/0122/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/0122/F be approved subject to conditions as per the officer's report.

LA09/2017/0126/F Housing Development to include reduction of dwelling units to 37 no. units and alterations to house types from previous lapsed permission ref H/2008/0216/F at site at Magherafelt Road at junction with Drumard Road, Draperstown for Rea Developments

Ms McCullagh (SPO) presented previously circulated report on planning application LA09/2016/0470/F which had a recommendation for approval.

The Chair advised that request to speak had been received, one in favour and one against.

The Chair advised that Mr Murphy and his agent Mr Monaghan were in attendance to speak against the application and asked them to address the committee.

Mr Murphy advised that his reason for objecting to this application was that it would be inappropriate for his business. He said that his business was a hot dip galvanising company which was a proven way to protect steel from corrosion. He continued to say that Sperrin Galvanisers was a very high employer in the area which provided top salaries to manual labourers in the local community. His concern was that there is a high volume of lorries and other heavy type machinery including forklifts, heavy steel noise and hydrochloric acid 24 hours a day. He said that there have been complaints raised in the past from people who were not nearly as close in distance to this new development. He stated that there was a lack of amenity and would not wish to come into conflict with residents. He concluded by saying that he had no issue against the proposed new development but would ask that consideration be given to seeking an alternative site.

The Planning Manager pointed out the land was zoned for housing and asked was the objection about separating distance or was there another issue and asked where he thought the houses should be located on the plan on the overhead presentation.

Mr Monaghan felt that this was not an issue for his client to answer and more about getting a favourable solution which wouldn't impact on his client's business.

The Chair advised that Mr Gavin Smyth was in attendance to speak in favour of the application and asked him to address the committee.

Mr Smyth advised that he was here in support of the case officer's recommendation. He said that the site was consistent with planning protocol and consideration of the site was appropriate. He said that there was no major concerns raised when a noise impact statement was carried out in 2017 relating to traffic coming from the Magherafelt Road and was also supported by Environmental Health findings.

Mr Smyth advised that the objector applied for planning permission in 2017 for an extension to his yard and he didn't see any concerns to residents at that time and felt that the same should be applied here. He said that there were no other concerns raised and advised that all aspects had been considered to include double glazing and a dust and motor impact assessments carried out and most importantly there will be no prejudice to the objector's business.

In response to Councillor McKinney's query, Ms McCullagh (SPO) advised that the area was 1.5 hectares to accommodate 37 houses.

Councillor McKinney said that he was aware of another site approximately the same size which accommodated 20 houses and was quite tight. He said that he lives roughly 2 miles from the site and would be surprised if there wasn't any noise as it travels towards Desertmartin. He advised that he would find it hard to support the application as it was based in an industrial site.

The Planning Manager said that this was put through a public enquiry and was zoned for land and the definition was that it was for a housing site and not an industrial site and would ask that the remark be removed as it was proved that it was not an industrial site.

The Planning Manager enquired what the Objector's objection was, whether it was all its entirety as it would be unsustainable to say that it was not developable. He said that this was complicated and there was a need to be careful with assumptions about residential and development land, but that this doesn't mean to say that committee members cannot have concerns about the impact on neighbouring industry. He said that the case officer had addressed concerns through discussions with Environmental Health with regard to separating distances from work etc and they have come back to say that they are happy that this is adequate.

Councillor S McPeake said that he remained to be convinced and from the proposal and Councillor McKinney comments, he felt that it's unbelievable even to consider approving a development on this site. He said that Sperrin Galvanisers were a huge employer in the area, but with that came the noise and large plume of smoke coming through the area. He stated that it was incredible that IPI were looking over these complaints and if the application is passed tonight, this could leave us open down the line. He said that it was completely ludicrous if this is approved as it goes against all the good practice that this committee has learned.

In response to the Planning Manager's query, Mr Murphy advised that there was no change in operations since the facility became in existence.

The Planning Manager felt that it may be beneficial to defer the application and invite both parties to an office meeting to discuss concerns and see if a favourable can be achieved.

Proposed by Councillor McKinney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2016/0470/F to be deferred for an office meeting.

LA09/2017/0431/F Demolition of existing buildings and construction of 42 houses at 137 Mullinahoe Road, Ardboe for Forbes Furniture Group

Members considered previously circulated report on planning application LA09/2017/0431/F which had a recommendation for approval.

Proposed by Councillor J Shiels
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0431/F be approved subject to conditions as per the officer's report.

LA09/2017/1004/O Dwelling and Garage on a farm at land approx. 320m NW of 180 Caledon Road, Aughnacloy for Mr Adrian Robinson

Application agreed to be deferred earlier in the meeting.

LA09/2017/1007/F 5 Townhouses to rear of 46 Union Place, Dungannon for Geno Property Ltd

Members considered previously circulated report on planning application LA09/2017/1007/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/1007/F be approved subject to conditions as per the officer's report.

LA09/2017/1149/O Dwelling and domestic garage/store approx 50m S of 20 Gortahurk Road, Brackaghlistea, Draperstown for Mr Peter Kelly

Application agreed to be deferred for office meeting earlier in meeting.

LA09/2017/1447/F Residential development of 35 dwelling houses and garages at lands immediately N of Nos. 4, 6 and 8 Gallion Heights, Magherafelt Road, Moneymore (site access via Gallion Heights, Magherafelt Road, Moneymore) for McAlister Builders Ltd

Members considered previously circulated report on planning application LA09/2017/1447/F which had a recommendation for approval.

Proposed by Councillor Shiels
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1447/F be approved subject to conditions as per the officer's report.

LA09/2018/0212/F Extension of existing workshop at 135m NE of 11 Derryvale Park, Derry Road, Coalisland for Mr Pat O'Neill

Members considered previously circulated report on planning application LA09/2018/0212/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2018/0212/F be approved subject to conditions as per the officer's report.

LA09/2018/0414/F Extension to existing Carmean Quarry at 18 Carmean Road, Moneymore for Northstone Materials

Members considered previously circulated report on planning application LA09/2018/0414/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0414/F be approved subject to conditions as per the officer's report.

LA09/2018/0458/F Relocation of recently approved dwelling and garage including site and access at 75m S.W. of 7 Glengomna Road, Draperstown for Mr Joe McGillian

Application agreed to be deferred for office meeting earlier in meeting.

LA09/2018/0733/RM Infill dwelling and garage 30m W of 5a Dergenagh Road, Knockcloughrim for Mr Harold Leacock

Councillor McKinney declared an interest in planning application LA09/2018/0733/RM.

Members considered previously circulated report on planning application LA09/2018/0733/RM which had a recommendation for approval.

Proposed by Councillor J Shiels
Seconded by Councillor S McPeake

Resolved That planning application LA09/2018/0733/RM be approved subject to conditions as per the officer's report.

LA09/2018/0885/O Farm dwelling and garage (renewal of approved LA09/2015/0292/O) at 20m SW of 9 Mackenny Road, Cookstown for Mrs Heather Moffett

Application agreed to be withdrawn earlier in the meeting.

LA09/2018/1064/O Dwelling and garage 230m SW of 7 Newline Road, Cookstown for Mr Oliver Heagney

Application agreed to be withdrawn earlier in the meeting.

LA09/2018/1093/F Dwelling and domestic garage/store approx. 70m ESE of 7 Gortinure Road, Tamnymullan, Maghera for Mr Michael McEldowney

Application agreed to be deferred for office meeting earlier in meeting.

LA09/2018/1097/F Pedestrian accesses – a stepped access from New Row to school entrance and a level access from Chichester Avenue to school entrance; Installation of automated vehicle barrier on school driveway at 43 New Row, Castledawson for New Row Primary School

Members considered previously circulated report on planning application LA09/2018/1097/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/1097/F be approved subject to conditions as per the officer's report.

LA09/2018/1099/F Change of use from existing runway to commercial yard at 260m SE of 151 Mullanahoe, Ardboe for Mr Gary Campbell

Members considered previously circulated report on planning application LA09/2018/1099/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1099/F be approved subject to conditions as per the officer's report.

LA09/2018/1102/O Site for dwelling approximately 60m S of 91A Aughrim Road, Magherafelt for Edmund Ferguson

Ms McCullagh (SPO) presented report on planning application LA09/2018/1102/O advising that it was recommended for refusal.

The Chair advised that a request to speak in favour of the application had been received and invited Mr Ward to address the committee.

Mr Ward advised that planning policy was a subjective matter and that although we weren't the authors of the policy we had some degree of activity to this. He said that the one key aspect is the shed which is on the southern boundary of the site and would integrate with Policy CTY 2a where it can be seen as a suitable proposal for a cluster development.

He asked that fairness be applied as there was similarities with previously approved applications. He said that the infill related to the cluster to the north side and shed to the southern side and space between the shed and the site and would ask Councillors to look at accessing the shed for planning approval.

The Planning Manager said that the planning permission was not granted for the shed which shows that it was an unauthorised building.

Mr Ward advised that the policy does not set a test to see if it was authorised and this type of shed would be approved regardless.

The Planning Manager said that this was why his desk was littered with these kind of things and said that when consideration was given to buildings, they needed to be authorised otherwise there was no clear status. He said that the crossroads has an

orange hall and in an area which could be known as a cluster and because the shed is not authorised significant weight cannot be put to it.

Councillor S McPeake said that given the nature of the cluster he felt that it was stringent to refuse this and that it was not that often there was a clear cut focal point before us like an orange hall and a house at the crossroads.

The Planning Manager felt that there could be an issue of more sheds being built on neighbouring fields if this was the case and said that he would like to focus the committee on the reasons outlined tonight for refusal.

Councillor McKinney said that there was a fine line on whether it was a cluster or not and would be happy to approve the recommendation.

Councillor J Shiels said that he would also be happy to second the recommendation as he knows the road well and said that this was on a large hill and from the other road it cannot be seen in fairness. He said that this application was similar to another in Slaughneil with a focal point.

Councillor Bell said that if the committee was going to use the stringent letter of the law, there were two fields on the right side and that going forward someone coming in would not get an opportunity as the cluster would be confined to the left hand side.

The Planning Manager said that there were some issues which needed to be considered carefully otherwise this could result in unauthorised sheds being built in neighbouring fields.

Councillor Gildernew said that he would have no problem approving this application and without taking into consideration the shed.

The Council Solicitor advised that before a decision can be taken, the report in front of members has to be carefully considered as it outlines the reasons for refusal. She advised that if members were minded to go against the officer recommendation then clear reasons for doing so based on planning considerations need to be provided. She said that it struck her that there appeared to be the suggestion that the word “unlawful” development could be read in to or implied in the relevant policy. However, she said that she didn’t think that would be an appropriate interpretation of policy and it would appear reasonable that the development must be lawful and that this did not appear to be the position in respect of the shed.

Councillor S McPeake suggested that it would be beneficial to have a site meeting so that members can see for themselves and felt that a condition could be implemented to enhance the area through additional planting.

The Planning Manager agreed that a site meeting was a good idea and felt that any interested member should attend so a decision can be made without putting the planners in a situation.

Councillors McKinney and Gildernew withdrew their proposals.

Proposed by Councillor S McPeake
Seconded by Councillor McAleer

Resolved: That planning application LA09/2018/1102/O be deferred for a site meeting.

LA09/2018/1156/F 2 dwelling houses and garages between 39 and 41 Syerla Road, Dungannon for Farasha Properties Ltd

Members considered previously circulated report on planning application LA09/2018/1156/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That planning application LA09/2018/1156/F be approved subject to conditions as per the officer's report.

LA09/2018/1258/F Storage building and infilling of land approx. 110m NE of Portafill International Ltd, Dungannon Business Park, Killyliss for Acrow Formworks NI

Application agreed to be deferred earlier in the meeting.

The case officer circulated addendum to advise of NIEA determination being carried out.

LA09/2018/1293/O Dwelling and garage 40m N of 210 Shore Road, Ballymaguigan, Magherafelt for Mr Brian Boyle

Application agreed to be deferred for office meeting earlier in meeting.

LA09/2018/1324/F High quality natural stone paving, formal parking bays, carriageway resurfacing, street furniture, landscaping, signage, street lighting, festive lighting and drainage at Main Street, The Square, Dungannon Road, Barrack Street, Lineside, Barrack Square, Stewartstown Road, Station Road and Washingbay Road, Coalisland for Mid Ulster District Council

All Members present (Councillors Bell, Clarke, Cuthbertson, Gildernew, Kearney, Mallaghan, McAleer, McEldowney, McKinney, D McPeake, S McPeake, Mullan, Robinson, J Shiels) declared an interest in this application.

The case officer circulated addendum to advise of letter of objection not being considered within the report.

Members considered previously circulated report on planning application LA09/2018/1324/F which had a recommendation for approval.

Proposed by Councillor J Shiels
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/1324/F be approved subject to conditions as per the officer's report.

LA09/2018/1377/F Conversion of existing building to dwelling with side extension, new lane and associated site works adjacent to 19 Killycolpy Road, Stewartstown for Mr Gary Campbell

Mr Marrion (SPO) presented report on planning application LA09/2018/1377/F advising that it was recommended for refusal.

Councillor Gildernew enquired what defines it as important whether a shed or stone building as this could be a far reaching effect due to it being an old building but still in tact.

Councillor S McPeake said that in the past conversions were approved and so were old stone buildings and enquired if there was a change to the policy.

The Planning Manager referred to CTY4 policy and said that there was confusion over whether this was a conversion or an old barn. He said that there could be an argument that the proposal was bigger and higher compared to the original building and may not fail the test on principle.

Councillor Gildernew said that with regard to old buildings, there were roofs pitched like this for a long time

Proposed by Councillor S McPeake

To defer until a formal agreement on the design is carried out.

The Planning Manager said that in his view the design and along with the point of principle it didn't fail the test. The planning manager had the design presented to members.

Councillor S McPeake said that if the Planning Manager was of the opinion that the design meets the test he would be happy to approve the application but if he wasn't then we should defer until clarified.

Proposed by Councillor Gildernew

To approve the application as he felt that worse applications have been passed.

Seconded by Councillor McAleer

To approve the application.

The Planning Manager said if the committee were content working towards seeing the application being approved, he would suggest deferring the application for an office meeting to address concerns raised.

Councillor Gildernew withdrew his proposal.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That planning application LA09/2018/1102/O be deferred for an office meeting.

LA09/2016/1040/F Retrospective application for the retention of the single storey portal frame shed and associated site works at lands opposite 8 Ballyheifer Road, Magherafelt for Mr Nicky Brown

Ms McCullagh (SPO) presented report on planning application LA09/2016/1040/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2016/1040/F be refused on grounds stated in the officer's report.

LA09/2016/1793/F Housing development of 18 detached dwellings, associated site works and landscaping (Onsite WWT plant details included), at lands opposite (SE) of 17-31 Benburb Road, Moy for Chris Traynor

Members considered previously circulated report on planning application LA09/2016/1793/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/1793/F be approved.

LA09/2017/0968/F Replacement storey and a half dwelling at 10 Minterburn Road, Caledon for Mrs M Murphy

The Planning Manager advised that planning application LA09/2017/0968/F had been deferred for 1 month.

LA09/2017/0998/F Retrospective application for top dressing of existing laneway; widening of sight splays at road entrance; widening of chicane, piping approx. 20m of open sheugh at land fronting onto Keerin Road approx. 625m W of 129 Broughderg Road, Omagh for Mr John O'Neill

Councillor Clarke declared an interest in planning application LA09/2017/0998/F.

The case officer circulated addendum to advise of a typing error on page 3 of the report. Application refs should read I/2011/0461/F and LA09/2016/0681/NMC. Members to note 7 late objections received.

Ms McCullagh (SPO) presented previously circulated report on planning application LA09/2017/0998/F which had a recommendation for approval.

The Chair advised a request to speak against the application had been received and invited Mrs McKenna to address the committee.

Mrs McKenna advised that this was built without planning permission for a roadway. She said that the first use of the laneway resulted in heavy industrial vehicles carrying turbines to the construction site resulting in this now becoming an industrial laneway rather than an agricultural one. She said that there was an increase of traffic flow on small country roads, increase in noise and dust, health and safety implications, dangers to young people and harm to sensitive peatland with protected designated site, lack of public consultation in local newspapers.

Mrs McKenna stated that this has resulted in the construction of industrial laneway with no planning permission sought which meant that the applicant was making false representation for financial gain regardless of habitat or other items of importance. She said that concerns had been raised relating to the historic context of the site and implications of approving development which would damage the sensitive designated areas and especially the harm to local archaeological features within the site. Concerns regarding damage to areas of sensitive peatlands and peat extractions were also raised. She concluded by saying that the community would not have raised any objections if things had been carried out accordingly.

The Planning Manager said that the application was in front of committee members tonight and that he would have no doubt what Mrs McKenna was saying regarding the accommodation of vehicles. He enquired however, was the objection related to the laneway, the turbine or the laneway with the construction vehicles.

Mrs McKenna said that the objecting was to all as the description of the truth was not accurate as the laneway was being used as an industrial laneway rather than an agricultural one.

Councillor Cuthbertson declared an interest in application LA09/2017/0998/F as he had been approached by the objectors.

Proposed by Councillor Robinson
Seconded by Councillor J Shiels

To accept the officer's recommendation of approval as he said that he listened to the objector and planners tonight and was happy to agree.

Councillor S McPeake said that there was no planning permission sought for the laneway agriculture or otherwise. He said that there was a laneway there previously and it is somewhat confusing without photographic evidence to get a clear picture. He stated that there could have been a permissible laneway there previously.

Proposed by Councillor McPeake

Seconded by Councillor Bell

To defer for a site meeting.

With regard to the laneway increasing in width to 11m, Councillor Robinson advised that agricultural vehicles were increasing in size and it would be understandable if a farmer wishes to get a larger laneway.

The Planning Manager said that if the members were concerned about the visible impact the site may have, it may be beneficial to those interested to arrange a site meeting.

Councillor McPeake agreed that a site meeting would clarify some issues.

The Chair said that he agreed with Councillor Robinson but that it was for the members to decide on the outcome.

The Chair put Councillor McPeake's proposal to the vote:

For	8
Against	5

The Chair put Councillor Robinson's proposal to the vote:

For	5
Against	8

Resolved That planning application LA09/2016/1793/F be deferred for a site meeting

In response to Councillor McKinney's concerns, the Planning Manager advised that the application was neither agreed or refused at this stage and spending a little extra time clarifying concerns raised through a deferral would not result in someone losing out but merely an opportunity to save arguments.

Councillor Robinson said that he understood what the Planning Manager was saying but that members had sat here tonight going round and around the same issues and not taking into consideration why things were not addressed at the time and that was why he recommended approving the application.

The Chair advised that the application was neither approved or refused and encouraged members to attend the site meeting so that a final decision can be made at the next meeting.

The Chair advised that he would have to retire from the Committee meeting for personal reasons and left the meeting at 9.07 pm.

Proposed by Councillor McPeake
Seconded by Councillor Bell and

Resolved That Councillor Clarke take the Chair.

Councillor Clarke took the Chair.

LA09/2017/1241/O Site for 2 storey dwelling and domestic garage 30m N of 38 Airfield Road, Toomebridge for Centum NI Ltd

Ms McCullagh (SPO) presented report on planning application LA09/2017/1241/O advising that it was recommended for refusal.

Proposed by Councillor McKinney
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2017/1241/O be refused.

LA09/2017/1244/O Site for dwelling and domestic garage 90m W of 16 Derrynoid Lane, Draperstown for Mr Brendan McCullagh

Ms McCullagh (SPO) presented report on planning application LA09/2017/1244/O advising that it was recommended for refusal.

The Chair advised that a request to speak had been received from Councillor B McGuigan and asked him to address the committee.

Councillor B McGuigan advised that the case officer had made several points regarding other lands owned by the applicant, namely at an outlying farm at Dunmurry Road some 3 – 4 miles away, as noted previously these lands now cannot be accessed by the applicant for a new dwelling due to ownership issues.

A site was previously passed on this farm for the applicant's other son with the permission for all the owners of the lane; this was for one dwelling to serve the lands on this location. The applicant does not own the lane and with the third party owners refusing to give permission to allow additional traffic on the lane to serve another dwelling, this then rules out these lands as an option for the applicant.

The case officer states that in the context of the policy doesn't fulfil the criteria, it would be the opinion that this land at Dunmurry Road should not even be considered, there is no public road frontage to it therefore the applicant cannot gain direct access, all parts of the farm are unsuitable for any further domestic properties.

This application has been lodged so the applicant can have a site on the lands for his other son who also works on the farm, as stated in the case officers report the site chosen is not prominent in the landscape would not result in the creation or addition to

ribbon development due to the existing mature vegetation resulting in a well-integration site on the best available alternative land available to the applicant.

Ms McCullagh (SPO) in response to a query regarding previous planning approval advised that this was 10 years ago and not 8 years ago.

The Planning Manager referred to the integration and said that within the case officer's report it stated that the proposed site didn't integrate.

Councillor B McGuigan advised that it does because there is adequate vegetation and hedges around the site.

Ms McCullagh advised that a degree of integration could be achieved due to the high trees.

The Planning Manager advised there was an issue of visual linkage on the laneway and an argument that this cannot be ignored.

Councillor S McPeake said if the committee can get over the premise that there is a site on the farm can we not get a site that is accessible. He said that to him that this was a site within a farm and was aware of lots of people not being able to get access on a laneway and felt that this application meets the integration purposes and would be supportive of the application.

Councillor McAleer left the meeting at 9.20 pm.

The Planning Manager enquired what evidence was being presented to prove that the applicant could not get access on the laneway i.e. legal documentations etc.

Councillor S McPeake said that it would be very difficult to go to a neighbouring house and ask them to provide a letter advising that access was being denied on their laneway.

The Planning Manager asked that the agent provide appropriate legal documentation to indicate that the applicant is being denied access on the laneway so that clarification on concerns are addressed and suggested deferring the application until the submission of additional information.

Proposed by Councillor S McPeake
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/1244/O be deferred for submission of additional information.

**LA09/2017/1349/F Animal isolation and farm machinery storage shed
approx. 120m SE of 37 Rocktown Lane, Knockloughrim
for Robert Edward Scullion**

Application agreed to be deferred for one month until the Department give consideration to any new information it has received.

LA09/2017/1494/F Infill dwelling at lands between 125 and 125A Sixtowns Road, Draperstown for Michelle McNamee

Councillor Gildernew left the meeting at 9.30 pm.

Ms McCullagh (SPO) presented report on planning application LA09/2017/1494/F advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2018/1102/O be refused on grounds stated in the officer's report.

LA09/2018/0233/O Dwelling and detached domestic garage approx 60m NW of 62 Annaghmakeown Road, Dungannon for Connor McGurk

Members considered previously circulated report on planning application LA09/2018/0233/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2018/0233/O be approved subject to conditions as per the officer's report.

LA09/2018/0261/O Semi-detached dwelling and alterations to existing dwelling including removal of attached garage at land to side and rear of 45 Lissan Road, Cookstown for Gary McIvor

Members considered previously circulated report on planning application LA09/2018/0261/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0261/O be approved subject to conditions as per the officer's report.

LA09/2018/0751/F Replacement for foundations and associated works under approval H/2008/0398/RM for alternative site for dwelling and garage in substitution for previous approval at 20m N of 2 Lisgorgan Lane, Upperlands, Maghera for Shane and Katrina Kelly

Members considered previously circulated report on planning application LA09/2018/0751/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0751/F be approved subject to conditions as per the officer's report.

LA09/2018/0805/F Dwelling and attic accommodation and integrated garage with loft at 1.2Kw SW of 64 Alderwood Road, Crockacleaveen, Fivemiletown for Markus Fuchsenthale

Members considered previously circulated report on planning application LA09/2018/0805/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2018/0805/F be approved subject to conditions as per the officer's report.

P005/19 Receive Report on Consultation from DfC HED

The Head of Development Plan and Enforcement presented report to provide members with background and draft response to a consultation by Department of Communities, Historic Environment Division (DoC HED) regarding their consideration to list Telephone Kiosks in our District at:

- Tirkane Post Office, Slaughtneill, Maghera
- 120 Lough Fea Road, Cookstown
- 40 Megargy Road, Magherafelt
- Rockdale Road, The Rock

Councillor Cuthbertson said that this all escalated from the kiosk at the Bush and asked if the Council listed this themselves and if others could be added to the list.

The Planning Manager said that at the second stage of the plan, all villages would be appraised and additional phone kiosks may be identified at that time.

Proposed by Councillor McKinney
Seconded by Councillor Cuthbertson and

Resolved To note the contents of the report and agree that the previously circulated response be issued to DfC HED to support the listing of all four telephone boxes.

Matters for Information

P006/19 Minutes of Planning Committee held on 4 December 2018

Members noted minutes of Planning Committee held on 4 December 2018.

Councillor S McPeake asked if there was any update on correspondence received from Jude Henderson from Cleaver Fulton regarding approved permission in March.

The Planning Manager advised the Council is currently seeking legal advice and it is anticipated that a resolution can be achieved this month.

Local Government (NI) Act – Confidential Business

Proposed by Councillor J Shiels

Seconded by Councillor S McPeake 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 P007/19 to P012/19.

Matters for Decision

P007/19 Receive Report on Previously Approved Application

Matters for Information

P008/19 Confidential Minutes of Planning Committee held on 4 December 2018

P009/19 Receive Update on Local Development Plan

P010/19 Receive Enforcement Report

P011/19 Enforcement Cases Opened

P012/19 Enforcement Cases Closed

P013/19 Duration of Meeting

The meeting was called for 7 pm and concluded at 22.25 pm.

Chair _____

Date _____



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 7 Jan 2019

Additional information has been received on the following items since the agenda was issued.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.21	Nil EIA determination has been carried out.	Members to note.
4.23	Letter of objection not considered in case officer report	Members to note the attached addendum to the case officers report
5.4	Typing error on page 3 of report, Application refs should read I/2011/0461/F and LA09/2016/0681/NMC.	Members to note.
	7 late objections received	Members to note.

Item 4.23

LA09/2018/1324/F - Addendum to case officer report

Two letters of representation have been received to this application. One from Michael Herron Architects was non-committal, which asked a couple of questions in relation to traffic.

The second letter was a letter of objection from Raymond O'Neill acting as Secretary to the Coalisland Traders Association. He has raised a number of concerns in relation to potential congestion problems following the introduction of a one-way system. In response to this DfI Roads have not raised any concerns in relation to this matter. There is a new bus layby shown on Lineside, which will reduce any traffic congestion that may happen at school times, and a loading bay is to be provided on Main Street to discourage HGV lorries from blocking the carriageway or parking on footpaths when unloading. This will help to ease any current congestion issues.

Mr O'Neill refers to business closures and rates affect which will lead to poverty. However, I have no evidence to prove the proposed works will lead to any business closures. Nor have I any evidence to prove there will be a direct impact on the rates of the District and I attach very little weight to these assertions.

With regards to access for those people with Special Needs a site walkover was undertaken with the Mid Ulster Disability Forum and Shopmobility Mid Ulster. The final design has been agreed with the views of these groups to the forefront to allow better access for those citizens with additional needs.

Having considered the issues raised in these letters the recommendation to approve stands.