

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 9 April 2018 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present**

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, Mullen, Reid, 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 McKearney, Senior Planning Officer  
Ms McNally, Council Solicitor  
Miss Thompson, Committee Services Officer

**Others in Attendance**

**Applicant Speakers**

LA09/2016/0847/O

Mr Ross

LA09/2017/0846/F

Mr Stephens

The meeting commenced at 7.06 pm

**P050/18 Apologies**

Councillors McPeake and Robinson.

**P051/18 Declarations of Interest**

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

Councillor McKinney declared an interest in planning application LA09/2017/0528/O.

**P052/18 Chair's Business**

Councillor Reid stated he had been contacted in relation to phonebox at Ardtrea Crossroads and requested that Council use it's veto with a view to keeping the said phonebox. Councillor Reid advised that the phonebox is still working and is a landmark for the area.

The Planning Manager noted the Councillor's request and advised that the matter would be investigated and a report brought back to committee.

## **Matters for Decision**

### **P053/18 Planning Applications for Determination**

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

**LA09/2015/1288/F Regularisation of and amendments to 500kW anaerobic digestion (AD) plant previously approved under H/2011/0436/F adjacent to 1 Gortnaskey Road, Draperstown for Lodge Renewables**

The Head of Development Management presented previously circulated report on planning application LA09/2015/1288/F which was recommended for approval and highlighted addendum circulated to report which suggested some planning conditions to be amended.

Proposed by Councillor McKinney  
Seconded by Councillor Bell and

- Resolved** That planning application LA09/2015/1288/F be approved subject to conditions as per the officer's report and subject to the following amendments as below –
- Conditions 7 and 8 to refer to drawing No 03/2 bearing the date stamp 9 February 2018.
  - Conditions 12 and 13 are not required as NIEA have already approved a method of works statement and construction work has already been carried out.

**LA09/2016/0751/F Engineering Workshop and Offices at site NE and Adjacent to 1 Washingbay Road, Springisland Industrial Estate, Coalisland, for McGrath Engineering**

Members considered previously circulated report on planning application LA09/2016/0751/F which was recommended for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Clarke and

- Resolved** That planning application LA09/2015/0751/F be approved subject to conditions as per the officer's report.

**LA09/2016/0847/O Site for new Chalet Dwelling approx 150m SE of 22-24 Hanover Square, Coagh, for Mr Trevor Love**

Mr Marrion (SPO) presented a report on planning application LA09/2016/0847/O advising that it was recommended for refusal. Mr Marrion also highlighted addendum circulated to report which listed an additional reason for refusal in that the proposal is contrary to OS1 of PPS8 as the proposed development is within an area of open

space and it has not been demonstrated that there is an exceptional reason to allow the loss of this area of open space.

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 advised that this was an outline application for a modest dwelling within a village setting, he stated that the application site was within the development belt for the village and was an attractive site which would be enclosed by mature vegetation. Mr Ross stated he did not believe that the proposal would mean any trees would have to be removed. Mr Ross advised that the applicant had obtained planning permission for another dwelling along the river some years ago and that this dwelling was now built and occupied.

Mr Ross felt that the LLPA Policy was in a low order of importance and was essentially an extra layer of policy, he advised that the Ecologist report stated there were no issues in relation to bats and that an otter report could be completed if required. Mr Ross stated that, in the wider context of Coagh Village, this was a small development, he advised he had not heard about the additional reason for refusal regarding open space before tonight and asked that the application be deferred.

The Planning Manager reminded Agents that if requesting a deferral it was better to set out the reasons for this prior to the meeting as it saves time.

The Planning Manager stated that LLPA 1 Policy supported minor works however this application was not considered minor works and was not considered an exception owing to the loss of open space.

Councillor Glasgow proposed that the application be deferred for an office meeting.

The Planning Manager stated that the policy was clear and that he could not remedy a solution.

Councillor Bell referred to the comment by Mr Ross in which he stated that no trees would be removed as part of the development and felt that if this was set out as a planning condition there may be some wriggle room.

Councillor Cuthbertson felt the application should be deferred to allow the Agent time to address the additional reason for refusal raised tonight.

Councillor Bateson also felt the Agent should be afforded the opportunity to address the additional reason for refusal.

Councillor Reid seconded Councillor Glasgow's proposal to defer the application.

The Chair reminded the meeting that if changes to Planning Protocol are adopted at April Council meeting then there will be no opportunity to speak for a second time if the application is deferred and returned to Committee for a final decision.

**Resolved** That planning application LA09/2016/0847/O be deferred for an office meeting.

**LA09/2017/0918/O Replacement Dwelling, 120m E of 27 Mullaghbane Road, Dungannon for Brian Quinn**

Members considered previously circulated report on planning application LA09/2017/0918/O which was recommended for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor McAleer and

**Resolved** That planning application LA09/2017/0918/O be approved subject to conditions as per the officer's report.

**LA09/2017/1142/O Dwelling and garage approx. 5m E of 74 Kinnrush Road, Ardboe, for Ciara Curran**

The Head of Development Management (SPO) presented a report on planning application LA09/2017/1142/O advising that it was recommended for refusal.

Councillors Bell and Gildernew spoke on the application and felt the application would be in keeping with the area and would be sympathetic towards it.

The Planning Manager suggested a site meeting may be useful before making a decision on this application.

Councillor Gildernew proposed deferral of the application for a site meeting.

Councillor Bateson did not feel the application would have any detrimental impact and seconded Councillor Gildernew's proposal to defer for a site meeting.

In response to Councillor Reid's question the Head of Development Management advised that there were no consultee issues, including Roads Service.

**Resolved** That planning application LA09/2017/1142/O be deferred for a site meeting.

**LA09/2017/1206/O Dwelling and domestic garage/store approx 70m NE of 111 Bancran Road, Draperstown for Miss Caoimhe McCormack**

Members considered previously circulated report on planning application LA09/2017/1206/O which was recommended for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2017/1206/O be approved subject to conditions as per the officer's report.

**LA09/2017/1426/F**

**Retention of boundary wall and the alteration of ground levels to provide concrete finish to hardcored yard at 55 Knockanroe Road Cookstown, for Reid Engineering**

The Planning Manager asked that this application be deferred to allow time to investigate issues in relation to drainage flow and to explore whether height of wall can be reduced.

In response to Councillor Bell's comments the Planning Manager advised that the height of the wall on the resident's side was 3.7m. The Planning Manager stated that the objector to the application had raised an issue in relation to drainage which was reasonable to investigate. The Planning Manager also wanted to use the opportunity to defer the application to explore whether the height of the wall can be reduced and to try to broker an agreement to which both parties can live with.

Proposed by Councillor Glasgow  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2017/1426/F be deferred for an office meeting.

**LA09/2017/1464/F**

**Dwelling and detached domestic garage (substitution for LA09/2017/0488/F,) at new site location 30m E of 13 Mulnagore Road, Cookstown, for Mr & Mrs Fleming**

Members considered previously circulated report on planning application LA09/2017/1464/F which was recommended for approval.

Proposed by Councillor Reid  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2017/1464/F be approved subject to conditions as per the officer's report.

**LA09/2017/1490/F**

**Widening of existing laneway (amended description) adjacent to 50 Cookstown Road, Moneymore, for Mr Mark Hamilton**

The Planning Manager asked that this application be withdrawn from the schedule as amended plans had been received which show the as built scheme. Further consultation will now be required however if this is found to be acceptable it was proposed to deal with the application under the Scheme of Delegation.

Proposed by Councillor Glasgow  
Seconded by Councillor Cuthbertson and

**Resolved** That planning application LA09/2017/1490/F be withdrawn from schedule, if amended plans are found to be acceptable by consultees then application will be dealt with under Scheme of Delegation.

**LA09/2017/1582/F**                    **Remove/vary conditions 7 and 8 of LA09/2016/1165/F at lands opposite 270 Killyman Road, Killyman, Dungannon, for Boa Island Properties Ltd**

**LA09/2017/1583/F**                    **Remove/vary conditions 7 and 8 of LA09/2016/1617/F at lands opposite 274 Killyman Road, 4.12Killyman, Dungannon, for Boa Island Properties Ltd**

**LA09/2017/1584/F**                    **Remove/vary conditions 6 and 7 of LA09/2016/1166/F at lands W of 281 Killyman Road, Killyman, Dungannon, Boa Island Properties Ltd**

Mr Marrion (SPO) presented previously circulated reports on planning applications LA09/2017/1582/F, LA09/2017/1583/F and LA09/2017/1584/F which were recommended for approval.

Councillor Cuthbertson declared an interest in these items.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved** That planning applications LA09/2017/1582/F, LA09/2017/1583/F and LA09/2017/1584/F be approved subject to conditions as per the officer's report.

**LA09/2017/1659/O**                    **Dwelling, 120m NW of 83 Granville Road, Dungannon, for Peter O'Rourke**

Members considered previously circulated report on planning application LA09/2017/1659/O which was recommended for approval.

Proposed by Councillor Bell  
Seconded by Councillor Reid and

**Resolved** That planning application LA09/2017/1659/O be approved subject to conditions as per the officer's report.

**LA09/2017/1805/F**                    **Extension of public car park at 2 Moore Street, Aughnacloy (adjacent to Tramline Way Aughnacloy), for Mr Leo Daly**

Members considered previously circulated report on planning application LA09/2017/1805/F which was recommended for approval.

Proposed by Councillor McAleer  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2017/1805/F be approved subject to conditions as per the officer's report.

**LA09/2017/0528/O**                    **Site for dwelling and detached double garage adjacent to 41 Drumsamney Road, Desertmartin, for Andrew Moore**

Members considered previously circulated report on planning application LA09/2017/0528/O which was recommended for approval.

Proposed by Councillor Bell  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2017/0528/O be approved subject to conditions as per the officer's report.

*Councillor McKinney left the meeting at 7.45 pm.*

**LA09/2017/0846/F**                    **Cattle welfare unit including storage and proposed yard area for storage at 175m SE of 66A Kilnacart Road, Dungannon for Niall McCann**

Mr Marrion (SPO) presented a report on planning application LA09/2017/0846/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 Stephens to address the committee.

Mr Stephens stated that whilst the application is located away from the main farm group Policy CTY12 allows for exceptions to apply. Mr Stephens stated that it had been accepted that the topography of the area is 'undulating' and felt that with additional vegetation there would be no critical viewpoints and that the proposal would integrate.

Mr Stephens stated that the farm was active and established and that the proposal would be of benefit to the farm as current buildings are 60 years old with restricted access and that modern facilities were required. Mr Stephens advised that there were no suitable buildings at the proposed location and that in the rural context the proposal is small.

*Councillor McKinney rejoined the meeting at 7.48 pm during the above presentation.*

The Planning Manager referred to the point made that the farm was active and established and asked if this was correct.

Mr Marrion clarified that there is an established farm under Mr Hughes' name however the applicant is someone who has just been given a Category 3 Business ID which is for a hobby farm. Mr Marrion stated that the proposal is for a building larger than the needs of a hobby farm.

Councillor Gildernew stated that the farm is currently jointly owned but that the applicant wants a farm in his own name. The Councillor expressed some concern over the height and integration of the proposal.

The Planning Manager advised that the reasons for refusal relate to integration and felt that the size of the yard area was excessive. The Planning Manager asked if the applicant met the test to get a farm building.

Mr Marrion advised that the applicant did not meet the test on his own and was relying on someone else's Business ID. Mr Marrion stated it was unclear what the relationship was between the two and the number of animals being kept.

Councillor McKinney referred to the need for a business number to start farming and that this usually starts with a hobby farm and is then upgraded to a full number over time. In relation to concern over the size of the yard, Councillor McKinney felt that as tractors and machinery have got bigger over the years most farm yards were now too small and a bigger yard would be more practical nowadays.

The Chair, Councillor Mallaghan explained to Councillor McKinney that he was taking his contribution on the application as exercise of speaking rights because under Standing Orders he was unable to debate or vote on the matter as he had not been present for part of the presentation.

Mr Stephens advised that the applicant would reconsider the size of the yard and amended drawings could be provided.

Councillor Reid stated that in order to apply for a herd number a farm has to have adequate facilities in place (crush, pens etc).

The Planning Manager felt that the policy in relation to farm buildings was unduly strict however Members needed to be careful when setting policy aside. The Planning Manager stated that the application does not meet the policy test at this point in time but given that that applicant has worked previously with other farmers and now wanted to start out on his own he would be content for the Agent to submit further drawings in relation to the yard area.

Proposed by Councillor Gildernew  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2017/0846/F be deferred to allow for further drawings in relation to the yard area to be submitted.

In response to Councillor McKinney's comments the Planning Manager advised that criteria for Single Farm Payments had changed over the years and that other considerations were required to be taken into account.

Councillor Bateson felt there was no doubt that there was a genuine agricultural need for the proposal.



Councillor McEldowney stated that the reason the applicant made the proposal was because he had bought his own land and wanted to have his own farm business.

Councillor Bell felt that the large turning area was a good idea.

The Chair, Councillor Mallaghan again reminded the meeting of proposed changes to Planning Protocol which, if adopted, would mean there would be no further opportunity to speak on this application.

#### **P054/18      Receive Revocation Report**

The Head of Development Management presented previously circulated report which sought approval to proceed with formal Revocation proceedings of previous planning permissions.

Proposed by Councillor Clarke  
Seconded by Councillor Reid and

**Resolved**      That it be recommended to Council to proceed with formal Revocation procedures for applications I/2005/0118/O and I/2008/0310/RM.

#### **P055/18      Receive Planning Department Service Plan 2018-19**

The Planning Manager presented previously circulated report which provided the Planning Department's Service Improvement Plan for 2018-2019.

In response to Councillor Mallaghan's comments in relation to the budget detailed within the Service Plan the Planning Manager stated the figures showed the reliance on planning fees being received. The Planning Manager stated that the £192,383 detailed was the amount required to be put in by Council on top of planning fees received.

Councillor Glasgow referred to budgeted consultancy fees and asked what this amount will be used for.

The Planning Manager advised that the planning department have not used consultants to date but going forward it is proposed to utilise consultants for specialised areas of work such as a retail study. The Planning Manager also felt that consultants could help in verifying work as a critical friend.

Councillor Reid referred to pilot scheme in relation to processing of Roads consultations and asked how the planning department can handle this extra workload whenever it is already struggling in relation to staff complement. The Councillor also felt the department were taking on the work of another Government department. Councillor Reid asked what planning appeals cost Council.

The Planning Manager advised that Mid Ulster probably have the least number of planning appeals and to date Council has not paid anything in relation to planning appeals. In relation to Roads consultations the Planning Manager advised that this will entail 10-15 minutes work on site. In addition the Planning Manager advised that

it has been requested that a dedicated Roads Service engineer be located within Mid Ulster area.

Councillor Reid felt that Council should be seeking costs from Roads Service with regard to work being done on their behalf.

The Planning Manager felt that the proposed pilot would provide a better service to the public, he continued that he would like to see Council functions grow and that this was a starting point.

Councillor Reid stated he would agree with the Planning Manager's sentiments as long as appropriate finance was coming with the additional responsibility.

Councillor Clarke referred to the income from central funds and that this Council gets the same amount as other Councils who are only handling half the number of applications. Councillor Clarke felt that if the income from central funds was proportionate then this Council would not be looking at having to top up the planning budget.

The Chair, Councillor Mallaghan felt more information in respect of this would be useful.

Councillor Kearney stated it was good to see the proposed pilot being brought forward and request to site a roads engineer within the District as it was what had been promised at the beginning of transition.

Proposed by Councillor Bateson  
Seconded by Councillor Clarke and

**Resolved** That it be recommended to Council to agree the Service Plan for Planning Department for 2018/19.

#### **P056/18 Planning Programme for Elected Members**

The Planning Manager presented previously circulated report which sought nominees to engage in the NILGA Local Planning Programme for Elected Members.

The Chair, Councillor Mallaghan proposed Councillor McPeake to participate in the Programme.

Councillor Reid proposed Councillor Glasgow to participate in the Programme.

Councillor Glasgow advised there would be a meeting of NILGA on Friday in which it could be ascertained the number of spaces left on the Programme and that this item be brought back.

The Chair, Councillor Mallaghan stated that as there was no agreement between parties as to nominations he proposed the further nominee be taken as per D'Hondt and advised that Sinn Féin would provide the name of the second nominee.

Councillor Bell seconded Councillor Mallaghan's proposals.

It was agreed that Councillors Glasgow, Kearney and Robinson names be forwarded to NILGA to be included on the reserve list for the Programme.

- Resolved** That it be recommended to Council that –
- (I) Councillor McPeake and an additional nominee from Sinn Féin be nominated to engage in the NILGA Local Planning Programme.
  - (II) Other interested nominees (Councillors Glasgow, Kearney and Robinson) be forwarded to NILGA to be included on the reserve list for the programme.

### **Matters for Information**

#### **P057/18 Minutes of Planning Committee held on 6 March 2018**

Members noted minutes of Planning Committee held on 6 March 2018.

#### **P058/18 Receive Appeal Decision**

The Head of Development Management presented previously circulated report which advised on a recent Planning Appeal decision.

Members noted the content of the report.

The Chair, Councillor Mallaghan asked if the planning appeal decision made any specific comment on the Dark Skies Project at Davagh Forest.

The Head of Development Management advised that the appeal decision did refer to Davagh Forest and tourism but did not specifically mention the Dark Skies Project.

The Planning Manager stated that the planning appeal decision made clear that an application should be decided on its own merits. The Planning Manager stated that the appeal decision gave weight to the AONB and the height of the turbine and also gave weight to neighbouring amenity.

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

Proposed by Councillor Clarke  
Seconded by Councillor McAleer 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 P059/18 to P063/18.

**Matters for Decision**

P059/18 Receive Enforcement Reports

**Matters for Information**

P060/18 Confidential Minutes of Planning Committee held on 6  
March 2018

P061/18 Enforcement Case Liveload

P062/18 Enforcement Cases Opened

P063/18 Enforcement Cases Closed

**P064/18 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 9.13 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## ADDENDUM TO PLANNING COMMITTEE AGENDA

**FOR PLANNING COMMITTEE MEETING ON: 9 April 2018**

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	<p>Suggested Planning Conditions to be amended as follows: Conditions 7 and 8 to refer to drawing No 03/2 bearing the date stamp 9<sup>th</sup> Feb 2018</p> <p>Conditions 12 and 13 are not required as NIEA have already approved a method of works statement and construction work has already been carried out.</p>	Members to Note
4.3	<p>Additional reason for refusal to be added: The proposal is contrary to Policy OS1 of PPS8 as the proposed development is within an area of open space and it has not been demonstrated that there is an exceptional reason to allow the loss of this area of open space.</p>	Members to note
4.7	<p>An additional condition to be added: Prior to the yard being concreted, the drainage proposals, as indicated on drawing No 02/1 bearing the stamp dated 22 FEB 2018, shall be fully installed and permanently retained in an operational condition. Reason: To prevent any risk of surface water flooding.</p>	Members to note
4.9	<p>Amended plans have been received showing the as built scheme.</p>	Remove from schedule, if this is acceptable it will be dealt with under the scheme of delegation