

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 February 2019 in Council Offices, Ballyronan Road, Magherafelt

Members Present	Councillor Mallaghan, Chair Councillors Bell, Clarke, Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, D McPeake, S McPeake, Robinson
Officers in Attendance	Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Ms McCullagh, Senior Planning Officer Ms McKearney, Senior Planning Officer Mr Marrion, Senior Planning Officer Ms McNally, Council Solicitor Miss Thompson, Democratic Services Officer
Others in Attendance	Applicant Speakers LA09/2018/0213/O Mr Diamond

The meeting commenced at 7.03 pm

P014/19 Apologies

Councillor Mullen.

P015/19 Declarations of Interest

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

P016/19 Chair's Business

The Planning Manager tabled Planning Appeals Decision in relation to application I/2014/0399/F – Single wind turbine of up to 2.3 megawatts power output with a maximum overall blade-to-tip height of 92.5 metres, to complement a wind turbine allowed on appeal (2017/A0176) at Beltonanean Mountain, Cookstown. The Planning Manager stated that the appeal was considered afresh following quashing of previous appeal decision at High Court and advised that the reconsidered decision of the Deputy Chief Commissioner was to dismiss the appeal.

The Planning Manager tabled letter from Department for Infrastructure in relation to Public Inquiry for erection of 33 no. wind turbines at Doraville. The Planning Manager stated that whilst the application was not in Mid Ulster area, Members had previously took the view that the application should be refused on the basis of impact on amenity in Mid Ulster.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan and

Resolved That Mid Ulster District Council make representation at Public Inquiry in relation to wind farm at Doraville.

The Planning Manager tabled letter from Department for Infrastructure in relation to its opinion to refuse planning application LA09/2016/0232/F – 11 turbine wind farm accessed off Corlacky Road, Swatragh.

Councillor S McPeake stated that he had attended site meeting in relation to this application and felt that the proposal would blend in and would be acceptable.

The Planning Manager stated that further to discussions at Council in relation to this application a response had been issued which adopted a neutral stance but did not raise an objection.

In response to question from Councillor S McPeake the Planning Manager stated that a Member could make representation on the matter if they wished to do so.

The Chair, Councillor Mallaghan suggested that a holding letter be sent to the Department stating that Council would issue further response in the next few weeks.

The Planning Manager stated that a report on the matter would be brought to March Planning Committee.

The Council Solicitor reminded Members that those who wished to attend Planning Appeals and make representations did so on an individual basis and were not speaking on behalf of the Council or the Planning Committee. Members should make this clear at any such Inquiry etc. The Solicitor also urged caution in this Council making submissions or representations in that they should not be or seen to be suggesting a policy decision or position especially while the Council is still in the development stages of its Development Plan.

The Planning Manager tabled notification in respect of RTPI Awards for Planning Excellence 2019 and that Magherafelt Public Realm Scheme 2016-2017 had been shortlisted as a finalist in the Successful Economy category. The Planning Manager advised that the awards ceremony is to be held on 24 April 2019 in London and invited nominations for Members attendance at same.

The Council Solicitor reminded Members of Council protocol in respect of nominations to events.

Councillor Cuthbertson stated that as the awards ceremony is due to be held during the election period it may not be in order for Members to attend.

Councillor S McPeake stated he did not envisage a difficulty in Members attending the awards ceremony.

The Planning Manager stated that last year he, along with the Chair of Council had attended the awards ceremony.

Proposed by Councillor Clarke
Seconded by Councillor Kearney and

Resolved That the Chair of the Planning Committee and the Planning Manager attend the RTPI Awards for Planning Excellence Ceremony in London on 24 April 2019.

The Council Solicitor noted that she would consider whether there might be any issues with Members attending because of the timing of the event and in light of Councillor Cuthbertson's comments.

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

Agenda Item 4.2 – LA09/2017/0489/F – Farm shed 210m E of 96 Ballynakilly Road, Coalisland for Gavin Quinn.

Agenda Item 4.5.1 – LA09/2017/1196/A – Business signage; including signage on S & W elevations and free standing sign in front of building at 15-17 Church Street, Magherafelt for Danny Mulholland.

Agenda Item 4.5.2 – LA09/2018/1521/LBC – Business signage; including signage on S & W elevations and free standing sign in front of building at 15-17 Church Street, Magherafelt for Mid Ulster Back Care and Physiotherapy.

Agenda Item 4.9 – LA09/2018/0666/O – Replacement of existing mobile home with farm dwelling and garage at approx. 40m SE of 32a Mayogall Road, Gulladuff for Damon Brown.

Agenda Item 4.10 – LA09/2018/0800/O – Dwelling and garage at land between 20 & 26 Garrsion, Toberhead, Knockloughrim for Donna O'Kane.

Agenda Item 4.11 – LA09/2018/0944/O – Infill dwelling and garage approx. 90m SE of 43 Rocktown Road, Bellaghy for Mr David Arrell.

Agenda Item 4.12 – LA09/2018/1179/F – Replacement garage in relation to ex wedding car hire business at 39 Rocktown Road, Bellaghy for N I Wedding Cars.

Agenda Item 4.15 – LA09/2018/1450/F – Infill dwelling and domestic garage at site between 6 and 6A Carncoose Road, Moneymore for Mr Rodney Mitchell.

Agenda Item 4.18 – LA09/2018/1519/F – Farm dwelling at lands approx. 200m N of 65 Killyliss Road, Dungannon for Mr Magowan.

The Chair also sought approval for the following application to be deferred for further consideration as additional objections to the application had been received –

Agenda Item 4.13 – LA09/2018/1349/F – Cattle handling and isolation facility at lands to the front of and NE of 102 and 104 Ballygawley Road and S of 101 Ballygawley Road, Glenadush for Bernard McAleer.

Proposed by Councillor Gildernew
Seconded by Councillor S McPeake and

Resolved That the planning applications listed above be deferred from tonight's list for consideration.

Matters for Decision

P017/19 Planning Applications for Determination

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

LA09/2016/1703/O Change of use of waste management facility to a residential development of 6 semi detached and 2 apartments, at 89 Clady Road Portglenone for Martin Henry

Members considered previously circulated report on planning application LA09/2016/1703/O which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2016/1703/O be approved subject to conditions as per the officer's report.

LA09/2017/0489/F Farm shed 210m E of 96 Ballynakilly Road, Coalisland for Gavin Quinn

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

LA09/2017/0753/F Poultry house (8000 birds) manure store and feed bin at lands approx. 180m N of 60 Sessiagh Scott Road, Rock for Mr G McGorry

Members considered previously circulated report on planning application LA09/2017/0753/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Robinson and

Resolved That planning application LA09/2017/0753/F be approved subject to conditions as per the officer's report.

LA09/2017/0806/F 5 no. self catering holiday units at 9 Mill Road, Killucan, Cookstown for Kieran Small

Members considered previously circulated report on planning application LA09/2017/0806/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McAleer and

Resolved That planning application LA09/2017/0806/F be approved subject to conditions as per the officer's report.

LA09/2017/1196/A Business signage; including signage on S & W elevations and free standing sign in front of building at 15-17 Church Street, Magherafelt for Danny Mulholland

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

LA09/2018/1521/LBC Business signage; including signage on S & W elevations and free standing sign in front of building at 15-17 Church Street, Magherafelt for Mid Ulster Back Care and Physiotherapy

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

LA09/2017/1532/F Farm building 40m NW of 81 Killyliss Road, Dungannon for Mr Gary McCann

Councillor Cuthbertson declared an interest in this application.

Members considered previously circulated report on planning application LA09/2017/1532/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2017/1532/F be approved subject to conditions as per the officer's report.

LA09/2017/1776/O Dwelling and garage 25m W of The Manor House, Corchoney Lane, Cookstown for Mr Noel Corey

Members considered previously circulated report on planning application LA09/2017/1776/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2017/1776/O be approved subject to conditions as per the officer's report.

LA09/2018/0123/F Extension to existing supermarket and relocation of Off-Sales at Springisland Supermarket, 2 Washingbay Road, Coalisland for Mr Peter Rice

Members considered previously circulated report on planning application LA09/2018/0123/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2017/0123/F be approved subject to conditions as per the officer's report.

LA09/2018/0666/O Replacement of existing mobile home with farm dwelling and garage at approx. 40m SE of 32a Mayogall Road, Gulladuff for Damon Brown

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

LA09/2018/0800/O Dwelling and garage at land between 20 and 26 Garrison, Toberhead, Knockloughrim for Donna O'Kane

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

LA09/2018/0944/O Infill dwelling and garage approx. 90m SE of 43 Rocktown Road, Bellaghy for Mr David Arrell

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

LA09/2018/1179/F Replacement garage in relation to ex wedding car hire business at 39 Rocktown Road, Bellaghy for N I Wedding Cars

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

LA09/2018/1349/F Cattle handling and isolation facility at lands to the front of and NE of 102 and 104 Ballygawley Road and S of 101 Ballygawley Road, Glenadush for Bernard McAleer

Application agreed to be deferred for further consideration earlier in meeting.

LA09/2018/1355/F Single garage (semi-detached to neighbours existing garage) at 6 Parkmore Gardens, Magherafelt for Mr R and Mrs C Rainey

Members considered previously circulated report on planning application LA09/2018/1355/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1355/F be approved subject to conditions as per the officer's report.

LA09/2018/1450/F Infill dwelling and domestic garage at site between 6 and 6A Carnose Road, Moneymore for Mr Rodney Mitchell

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

LA09/2018/1458/O Dwelling 50m SW of 55 Kanes Rampart, Derryloughan for Owen Campbell

Mr Marrion (SPO) presented a report on planning application LA09/2018/1458/O advising that it was recommended for refusal.

Councillor Bell referred to picture that was within papers and picture being shown tonight as part of presentation and felt it was difficult to get a proper view of how the whole site sits and as a result did not feel fully informed enough to make a decision. The Councillor also felt there was some further debate to be had around focal points and requested that the application be deferred.

The Planning Manager stated that as concerns centred around the visual assessment of the site he suggested a site meeting may be best in this instance.

Councillor Glasgow stated he was not disputing that a site meeting be held but that the last site meeting that was requested only three Councillors attended which was disappointing.

The Planning Manager stated he was happy to host an office meeting but it was for Members to decide how they wanted to proceed.

Councillor McKinney stated that if a site visit is requested then the proposer and seconder of the recommendation should at least attend.

Councillor Clarke stated that Members were only getting a small picture of what the area was like and more detail was needed.

Councillor Cuthbertson asked if it was possible to get imagery ie. from Google Earth which could be used to assist making a decision tonight.

The Chair, Councillor Mallaghan referred to Members concerns in relation to imagery in reports and stated that the images being provided were not adequate to make a decision if a Member was not familiar with the area.

Councillor Kearney referred to last site meeting held and that a lot can be learned from being on site however whenever only two or three Members attend it can put a lot of responsibility on those Members.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2018/1458/O be deferred for an office meeting.

LA09/2018/1464/F Retrospective application for retention of general office/shelter, store building and control tower at 250m W of 7A Ballymoghlan Lane, Magherafelt for Mr Robert Brown

Members considered previously circulated report on planning application LA09/2018/1464/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/1464/F be approved subject to conditions as per the officer's report.

LA09/2018/1519/F Farm dwelling at lands approx. 200m N of 65 Killyliss Road, Dungannon for Mr Magowan

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

LA09/2018/1542/F Widening of existing forest park entrance for two way traffic access with controlled access bollards, erection of pay stations in car park and introduction of passing bays along internal access road at Davagh Forest Park, Omagh for Mid Ulster District Council

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

Members considered previously circulated report on planning application LA09/2018/1542/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/1542/F be approved subject to conditions as per the officer's report.

LA09/2018/1554/F Change of house type (from planning ref H/2007/1142/F) to chalet bungalow with detached garage and stable block at 64 Glenshane Road, Knockloughrim, Magherafelt for Mr M O'Kane

Members considered previously circulated report on planning application LA09/2018/1554/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2018/1554/F be approved subject to conditions as per the officer's report.

LA09/2018/1557/RM Chalet bungalow and detached garage 40m N of 64 Glenshane Road, Knockloughrim for Mr and Mrs S Kane

Members considered previously circulated report on planning application LA09/2018/1557/RM which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2018/1557/RM be approved subject to conditions as per the officer's report.

LA09/2016/0690/F Retrospective application for beauty salon and car sales area with associated office and valet facility at lands adjacent to 3 Killymuck Road, Upperlands, Maghera for Brian McCloskey

Members considered previously circulated report on planning application LA09/2016/0690/F which had a recommendation for approval.

Proposed by Councillor McAleer
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2016/0690/F be approved subject to conditions as per the officer's report.

LA09/2016/1122/F Farm dwelling 40m NE of 48 Waterfoot Road Magherafelt for Mr Henry J Walls

Members considered previously circulated report on planning application LA09/2016/1122/F which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2016/1122/F be approved subject to conditions as per the officer's report.

LA09/2017/1055/O Dwelling and garage at approx. 30m S of 77 Gulladuff Hill, Moyagall, Gulladuff for Joe Hurley

Members considered previously circulated report on planning application LA09/2017/1055/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2017/1055/O be approved subject to conditions as per the officer's report.

LA09/2018/0213/O Site for dwelling and domestic garage at 60m SE of 101 Bancran Road, Draperstown for Mr Oliver Bradley

Ms McCullagh (SPO) advised that this application would be taken 'In Committee' due to the personal circumstances associated with the case.

LA09/2018/0495/O 2 storey dwelling and garage at site adjacent to 22 Carnamam Road, Gulladuff for Liam Duggan

Members considered previously circulated report on planning application LA09/2018/0495/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2018/0495/O be approved subject to conditions as per the officer's report.

LA09/2018/1238/F Retention of existing agricultural storage shed approx. 20m SW of 31 Culbane Road, Portglenone for Mr McPeake

Councillor Kearney declared an interest in this application.

Members considered previously circulated report on planning application LA09/2018/1238/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/1238/F be approved subject to conditions as per the officer's report.

Matters for Information

P018/19 Minutes of Planning Committee held on 7 January 2019

Members noted minutes of Planning Committee held on 7 January 2019.

P019/19 Notification of RAMSAR designation – Teal Lough

The Planning Manager presented previously circulated report which advised of NIEA decision to designate an area of wetlands at Teal Lough as a RAMSAR site.

The Chair, Councillor Mallaghan felt that the RAMSAR designation of Teal Lough would add to the tourism project at Davagh.

Councillor Clarke stated that the designation was positive and in referring to Black Bog of which some of the bog is located in the Mid Ulster area, the Councillor stated that Council should be encouraging protection of such sites.

Proposed by Councillor Clarke
Seconded by Councillor Colvin and

Resolved That Council respond to notification stating that it would support the designation of Teal Lough.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Robinson
Seconded by Councillor D 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 item P017/19 (In Committee Item) and items P020/19 to P025/19.

Matters for Decision

- P017/19 Planning Applications for Determination (In Committee Item)
- P020/19 Receive Consultation on Draft Regional Spatial & Economic Strategy
- P021/19 Receive Enforcement Report
- P022/19 Other Business

Matters for Information

- P023/19 Confidential Minutes of Planning Committee held on 7 January 2019
- P024/19 Enforcement Cases Opened
- P025/19 Enforcement Cases Closed

P026/19 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.12 pm.

Chair _____

Date _____