

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 July 2019 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Robinson, Chair

Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Gildernew, Kearney, McKinney, D McPeake, S McPeake, Mullen, Quinn

Officers in Attendance

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

Others in Attendance

Applicant Speakers

LA09/2017/1452/F Richella Rooney
LA09/2017/1452/F Councillor McGinley
LA09/2018/0176/F Councillor B McGuigan
LA09/2018/0176/F Councillor B McGuigan
LA09/2018/0398/O Chris Cassidy

The meeting commenced at 7.03 pm

In the absence of the Chair, Councillor Mallaghan, the Vice-Chair Councillor Robinson took the Chair.

P071/19 Apologies

Councillors Glasgow and Mallaghan.

P072/19 Declarations of Interest

None.

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

P073/19 Chair's Business

The Planning Manager referred to the published Draft Guide on Travellers' Human Rights and advised that he had represented the Council and after careful consideration it was his opinion, there wasn't much guidance on how to proceed on the laying out of travellers' sites and how this can be achieved. He advised that a draft letter had been formalised to indicate that the design guide was not achievable.

The Planning Manager referred to two wind farms, one of which was Doraville Wind Farm and said that a response had been issued by the Head of Development Management opposing the windfarm stating that it would have a detrimental effect on the Mid Ulster area, even though it was in the Fermanagh and Omagh Council area. He advised that Mid Ulster would be representing their own area in the Planning Appeal process.

He referred to the second wind farm at Corlacky Road, Swatragh and advised that Mid Ulster District Council doesn't have any involvement regarding this one and it was a matter for the Department. He advised that if any member had any concerns they could raise issues on their own initiative and not on behalf of the Council.

The Planning Manager referred to Planning Statistics from last year up to April 2019. He said that he was disappointed to see that Mid Ulster had fallen behind on decision making from 14 weeks to 16.9 weeks but this was down to a resourcing issue and these are now being addressed. He said that he was pleased to say that Mid Ulster were still away ahead of other Councils with only Belfast and Newry, Mourne and Down being marginally ahead of us. He did raise concern regarding applications being down by 80 but felt that this was more to do with uncertainty concerning Brexit and people being cautious.

Referring to major developments, the Planning Manager advised that there were 17 recorded this year, which was down one from 18 the previous year, but compared to other Councils this was a positive outcome.

In relation to approval rates, Mid Ulster achieved 98.4% which was exceptional and one of the reasons for this was the processing times which helps people and give further time looking at applications. Mid Ulster Council managed to issue 1413 decisions to applicants and were 2nd highest on performance.

He said that there were no concerns regarding enforcement as targets were being met and was happy with performance to date.

The Planning Manager referred to a previous query from Councillor Cuthbertson regarding the retention of a telephone box at Dergenagh Road and advised that the Council would be keen to keep the box.

Councillor Cuthbertson advised that he had referred to the telephone box at Bovean Cottages at the Planning meeting and that the one at Dergenagh Road was raised at the full Council meeting.

The Planning Manager said that he had received a response back today from the Historical Buildings department indicating that a Preservation Notice be served for 6 months at telephone box at Dergenagh Road.

Councillor Cuthbertson advised that he had raised the issue of both telephone boxes and said that he had liaised with the Head of Development Plan & Enforcement to get them listed.

The Planning Manager said that there seemed to be some confusion and would prefer to seek clarification from Councillor Cuthbertson to make sure the right telephone box was referred to.

Councillor McKinney said that he wished to object to the retention of the telephone box at Dergenagh as it was all algae and that the community wished for it to be removed to make way for a site for a defibrillator.

The Planning Manager advised that this wasn't the arena for this type of discussion regarding an installation site for a defibrillator and because of the confusion regarding the 2 telephone boxes, he felt that a proper report be brought back for clarification. He said that it was up to the local community to decide on a way forward regarding the site for the defibrillator and not the remit of the Planning Department.

Proposed by Councillor S McPeake
Seconded by Councillor Gildernew and

Resolved That the Planning Manager bring back a report on way forward regarding retention of the aforementioned telephone boxes.

Councillor S McPeake felt that a press release should be issued to the public to highlight the successful statistics produced by Mid Ulster District Council Planning Department.

The Planning Manager sought approval to raise 2 issues under Confidential Business.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That the Planning Manager be given permission to raise 2 issues under Confidential Business.

Councillor Cuthbertson referring to Councillor McKinney's objection to the telephone box at Dergenagh Road advised that the Council owns a property 150m down the road and felt that a community hub with a park was a proper place for the defibrillator.

The Planning Manager advised that the Council does not have the responsibility for the site for the defibrillator or the telephone box but only responsible for the issuing of the response.

The Council Solicitor said that it would be advisable for members to wait until a full report was collated by the Planning department and presented to Committee in order to ensure there was no confusion and that all the relevant considerations were considered in relation to both telephone boxes mentioned.

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 4.3 – LA09/2017/0642/F – Dwelling approx. 10m NE of 5 Glenville Terrace, Upperlands for Alan and Brian Paul – (Deferred)

Agenda Item 4.4 – LA09/2017/1452/F – Storage extension to the rear of building at 12 William Street, Cookstown for Andrew McConnell (Deferred)

Agenda Item 4.5 – LA09/2018/0290/F – Retention of agricultural livestock building. 190m NW of 66 Annagher Road, Dungannon for Cathal Nugent (Deferred)

Agenda Item 4.6 - LA09/2018/0592/F - Off site car parking facilities to accommodate 385 cars to service the lake Torrent Motorsport Facility at land adjacent to A45 Service Station, 212 Ballynakilly Road, Dungannon for BDJ Management Ltd (Withdrawn)

Agenda Item 4.7 – LA09/2018/1569/F – 40 two storey houses with landscaping and associated site works (amendment to part of development approved under H/2006/0494/F and H/2013/0066/F) at lands to the SW of 12, 14, 15, 16 and 18 Woodland Grove, Draperstown for Augusta Homes (Deferred)

Agenda Item 4.8 – LA09/2019/0017/O – Dwelling and garage 100m SW of 48 Tirgan Road, Carnose, Moneymore for P O'Neill and C Hall (Deferred)

Agenda Item 4.13 – LA09/2019/0334/F – One year permission for temporary dwelling at 24 Derryveen Crescent, Granville, Dungannon for Mr Ronnie Smyth (Deferred)

Agenda Item 4.14 - LA09/2019/0380/O Dwelling and domestic garage/store at 130m NW of 27 Tirnaskea Road, Pomeroy for the personal rep of Clare Quinn (Deferred)

Agenda Item 4.17 – LA09/2019/0527/O – Infill dwelling opposite 15 Ballymaguigan Road, Magherafelt for Eugene Murphy (Withdrawn)

Agenda Item 4.18 – LA09/2019/0530/O – Infill dwelling adjacent to 19 Ballymaguigan Road, Magherafelt for Eugene Murphy (Withdrawn)

Agenda Item 5.8 - LA09/2018/0925/O - Dwelling and domestic garage 50m SW of 27 Letteran Road, Moneymore for Desmond Bell (Withdrawn)

Proposed Councillor Clarke
Seconded Councillor Bell and

Resolved That the planning applications listed above be deferred/withdrawn from tonight's meeting.

P074/19 Planning Applications for Determination

LA09/2016/1231/F Housing development consisting of 21 dwellings and private waste water treatment plant at lands immediately N of Chestnut Grove, Dungannon Road, Aughnacloy for Barrack Hill Quarries

Members considered previously circulated report on planning application LA09/2016/1231/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/1231/F be approved subject to conditions as per the officer's report.

LA09/2017/0339/O Light industrial development including site works and new access, adjacent and SW of 32 Coalisland Road, Lurganboy, Dungannon for M Clarke

Members considered previously circulated report on planning application LA09/2016/0339/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0339/O be approved subject to conditions as per the officer's report.

LA09/2017/0642/F Dwelling approx. 10m NE of 5 Glenville Terrace, Upperlands for Alan and Brian Paul

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0642/F advising that it was recommended for refusal.

Councillor McKinney said that this application would merit a site visit as this site was over 100 years old and an opportunity for members to see for themselves issues as the river was not far way.

The Planning Manager stated that sometimes maps submitted were not fully accurate and based on maps by the applicant this may be the case and would've been helpful if a Flood Risk Assessment was presented.

In response to a query, Ms McCullagh (SPO) advised that a Flood Risk Assessment was requested from the applicant but was never received.

The Planning Manager stated that every chance was given to the applicant to submit a Flood Risk Assessment to the Rivers Agency but would not be opposed to giving them one last chance to do so.

Councillor Bell enquired on whether the Applicant was aware of this or not.

Ms McCullagh (SPO) advised that the Applicant was contacted last September to see if he would submit something and to date nothing has been received.

In response to Councillor S McPeake's query on whether the submission of Flood Risk Assessment would guarantee the site being approved, Ms McCullagh (SPO) stated that this was the only reason for refusal of this application.

Councillor S McPeake said that it may be beneficial to giving the applicant another chance and request robustly that a Flood Risk Assessment be submitted or else the application would not be considered otherwise.

In response to Councillor McKinney's query, the Planning Manager advised that it was the applicants who submit the Flood Risk Assessment and also up to them to submit the relevant information required.

Proposed by Councillor Bell
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/0642/F be deferred for 1 month for submission of additional information.

LA09/2017/1452/F Storage extension to the rear of building at 12 William Street Cookstown for Andrew McConnell

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0642/F advising that it was recommended for refusal.

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

Ms Rooney advised that her family resided at No. 14 and referred to the proposed storage extension to the rear of the applicant's building and advised that previous circulated photographs showed previous extension works which created a long building which runs adjacent to the back of her house casting a dark shadow to the rear of their garden and to other neighbouring residents' gardens. She said that the new build proposed to have its gable wall to the line which was right at the bottom of the garden.

She said that if the application was approved, this would result in a huge negative financial impact on her dwelling as her husband spent a lot of time and money renovating the house to make it the perfect family home to raise their family. She also stated the stress of the whole situation was having a major impact on the family due to possibility of taking away from them a basic lifestyle what they are used to.

She referred to the photo which showed a good example of the shadow overcasting the garden and house as it was a similar size of building the applicant proposes to build on their site. She said it was also important to note that the building would be closer to the back of her house than it was to other residential houses as they were

proposing to bring the two-storey building right over to the green line which was indicated in the photo.

Ms Rooney reiterated the drastic effect that this extension would have on her family life and asked that the Committee take a sympathetic view to their situation.

The Council Solicitor asked members to remember that matters such as loss of property value are not material considerations and cannot form part of the decision making process in this application. However, other issues raised such as loss of amenity are material to the planning merits.

The Chair advised that a request to speak had been received from Councillor McGinley and invited him to address the committee.

Councillor McGinley thanked the Chair for the opportunity to speak and advised members that he wasn't here tonight to speak in favour or against the application. He said that he accepted the concerns that residents have and that it was his understanding that the Planners liaised with the applicant but that he didn't want to enter into any discussions regarding a consideration. He said that he had been contacted by the applicant seeking a deferral to see if anything can be achieved.

The Planning Manager advised that he made it crystal clear to the applicant on concerns which were evident, advising him on a way forward but he chose not to adhere to them. He said that the Head of Development Management had also tried to intervene advising him on a possible way forward as the Planning Department were all for trying to give people a chance but he wasn't interested.

Councillor Bell felt that if the applicant was willing to seek a deferral then he must be willing to compromise.

Councillor S McPeake felt if the Planning Manager liaised with the applicant and made it abundantly clear that things had to adhere to then this could have a positive outcome for everyone concerned.

The Planning Manager asked the members if he was authorised by the committee to issue a refusal if nothing has been forthcoming in one month.

Councillor Colvin agreed that it may be worthwhile deferring the application for one month to see if progress can be made.

Proposed by Councillor S McPeake
Seconded by Councillor Colvin and

Resolved That application LA09/2017/1452/F be deferred for 1 month for the submission of a substantial design amendment otherwise it would be brought back to Committee with the same recommendation for refusal.

LA09/2018/0290/F Retention of agricultural livestock building, 190m NW of 66 Aghnagar Road, Dungannon for Mr Cathal Nugent

Application deferred for 1 month due to incorrect address on Committee Agenda.

Application to be brought back to next committee meeting for consideration.

LA09/2018/0592/F Off site car parking facilities to accommodate 385 cars to service the lake Torrent Motorsport Facility at land adjacent to A45 Service Station, 212 Ballynakilly Road, Dungannon for BDJ Management Ltd

Application agreed to be withdrawn earlier in the meeting.

LA09/2018/1569/F 40 two storey houses with landscaping and associated site works (Amendment to part of development approved under H/2006/0494/F and H/2013/0066/F) at lands to the SW of 12,14,15,16 and 18 Woodland Grove, Draperstown for Augusta Homes

Application deferred earlier in the meeting to allow time for consultation with DfI Roads.

LA09/2019/0017/O Dwelling and garage 100m SW of 48 Tirgan Road, Carncose, Moneymore for P O'Neill and C Hall

Deferred earlier in the meeting for an Office meeting.

LA09/2019/0276/RM Chalet house at site to rear of Nos 93 and 93a Granville Road, Dungannon for Mr Kevin McVeigh

Members considered previously circulated report on planning application LA09/2019/0276/RM which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/0276/RM/F be approved subject to conditions as per the officer's report.

LA09/2019/0279/F Change of use from hot food outlet to amusement/gaming venue at 12 Union Road, Magherafelt for MDD Leisure (NI) Ltd

Members considered previously circulated report on planning application LA09/2019/0279/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/0279/F be approved subject to conditions as per the officer's report.

LA09/2019/0312/F Single storey extension to rear of existing dwelling at 51 Main Street, Benburb for Richard and Claire Burton

Members considered previously circulated report on planning application LA09/2019/0312/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/0312/F be approved subject to conditions as per the officer's report.

LA09/2019/0314/LBC Single storey extension to rear of existing dwelling at 51 Main Street, Benburb for Richard and Claire Burton

Members considered previously circulated report on planning application LA09/2019/0314/LBC which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/0314/LBC be approved subject to conditions as per the officer's report.

LA09/2019/0334/F One year permission for temporary dwelling at 24 Derryveen Crescent, Granville, Dungannon for Mr Ronnie Smyth

Deferred earlier in the meeting for an office meeting.

LA09/2019/0380/O Dwelling and domestic garage/store at 130m NW of 27 Tirnaskea Road, Pomeroy for the personal rep of Clare Quinn

Invalid planning application and waiting on necessary information from Agent to make it valid.

LA09/2019/0465/F New access to 25 Tullyheran Road, Maghera for Ms Kathleen Madden

Members considered previously circulated report on planning application LA09/2019/0465/F which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2019/0465/F be approved subject to conditions as per the officer's report.

LA09/2019/0495/F Alterations to existing dwelling, 2 storey extension to SE Gable and alterations to site entrance at Annaghmore Road, Coalisland for Mr John Joe Canavan

Members considered previously circulated report on planning application LA09/2019/0495/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/0495/F be approved subject to conditions as per the officer's report.

LA09/2019/0527/O Infill dwelling opposite 15 Ballymaguigan Road, Magherafelt for Eugene Murphy

Application has been withdrawn earlier in the meeting.

LA09/2019/0530/O Infill dwelling adjacent to 19 Ballymaguigan Road, Magherafelt for Eugene Murphy

Application has been withdrawn earlier in the meeting.

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

Members considered previously circulated report on planning application LA09/2017/086/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Colvin and

Resolved That planning application LA09/2017/086/F be approved subject to conditions as per the officer's report.

LA09/2017/1082/F Retention of existing commercial shed and yard at 30a Derrygonigan Road, Cookstown for Mr Sean McCullagh

Ms McCullagh (SPO) presented a report on planning application LA09/2017/1082/F advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor Colvin and

Resolved That planning application LA09/2017/1082/F be refused.

LA09/2017/1101/O Dwelling and domestic garage/store on a farm at approx. 165m SW of 73 Ballyscullion Road, Bellaghy for Mr Gavin Breslin

Members considered previously circulated report on planning application LA09/2017/1101/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/1101/O be approved subject to conditions as per the officer's report.

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

Members considered previously circulated report on planning application LA09/2017/1149/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1149/O be approved subject to conditions as per the officer's report.

LA09/2017/1284/O Dwelling and garage approx. 160m NW of 35 Mullaghmarget Road, Aghakinsallagh, Glebe, Dungannon for Padraig Donnelly

Members considered previously circulated report on planning application LA09/2017/1284/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1284/O be approved subject to conditions as per the officer's report.

LA09/2018/0176/F Retrospective shed for the storage of boats and working of nets, to the rear of 140 Kilmascully Road, Dungannon for Martin O'Neill

Mr Marrion (SPO) presented a report on planning application LA09/2018/0176/F advising that it was recommended for refusal.

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

Councillor B McGuigan stated that the applicant was a licenced fisherman and only one of 20 fishermen operational in Mid Ulster and inherited his fishing licence from his

father and his father before him. He said that the shed was a short distance from the lough and that Planning Officers agreed that there was a need for the shed accepting as appropriate the design and location.

He said as there was no policy to accommodate fishermen for a boat shed, it was unfair as farmers can have a shed for farming as outlined in CTY12 "Development in the Countryside" to include Forestry and agricultural sectors etc. He said that there was a dire need for this shed and the planning department were content with the location as it can integrate into the surroundings and adheres to PPS4 and does not harm the character of the area. He asked that the committee take into consideration that less than 20 fishermen operate in Mid Ulster and that it was up to the Council to look at solutions to help our fishermen as they are the Custodians of the Lough. Councillor B McGuigan concluded by saying that the shed was a necessity and not a luxury and asked that the committee take into consideration his comments before refusing the application.

Councillor Quinn said that he knew the family well and they were a long-established fishing family, but had noted that in the Area Plan there was a policy for the provision of a dwelling for a fisherman but no policy for sheds. He felt that if strict conditions were placed on the application that this could be considered for approval.

Councillor Cuthbertson advised that this application was previously raised and from memory a discussion ensued about the activity relating to the proposed shed as it wouldn't be used solely for fishing matters and enquired how far the lough was from the shed.

Mr Marrion advised that the distance from the proposed shed to the lough was half a mile.

The Planning Manager said that there were issues which were factually incorrect as there weren't just 20 fishing licences in Mid Ulster and the reason for taking the policy forward taking into consideration sheds etc. He said that if the Area Plan was in place and was statutory that this could be approved if there were no objections to the application, but we do have objections and colleagues within the Department do not want to proceed resulting in a public enquiry process.

He said that Officers can not make policy up on the hoof as this was a statutory process and there was a need to be careful. He stated that there was a recognition in Mid Ulster there was a need for a shed for fishermen but that this has been disputed and whilst this could be argued, there has been evidence that lorries has been parked at the house. He stated that a lot of disputes happen to people and on inspection he felt that this was one of the cleanest fishing sheds that he had ever seen. He felt that we could try and weaken the consequence of the agricultural policy as it was quite complex and we can see in this instance the person has a fishing licence and they do fish and this makes the whole situation quite tricky, resulting in an Officer not being able to make a decision on the information we have got and cannot twist policy with something that it was not.

The Planning Manager advised that he was fuming when he found out that the applicant had approached the Press raising the spotlight on the Council, resulting in the proper consideration for the policy being made into a discussion.

He said that if there were any special circumstances which could be taken into account that this could be considered as there was an onus on the Council to not treat people differently.

Councillor Quinn said that the applicant was a fisherman with a long heritage line, operating for a long while at a prime location and felt that this application should be considered for approval only on the basis of strict conditions being adhered to regarding the parked lorries and if not then overturn the approval.

The Council Solicitor reminded the committee that there needs to be clear reasons to overturn the recommendation on what would be exceptional circumstances. She said there was an onus on the Council to make ensure the policy tests have been met and if not, outline planning reasons why it should be treated as an exception and if after all that, the Committee is still minded to approve then conditions would need to be carefully considered.

Councillor McGinley said that the applicant had held the licence for 12 years plus and in terms of the lorry being parked at the site, the applicant had indicated that he was selling the lorry to concentrate solely on his fishing employment and would be willing to meet any conditions laid out.

The Planning Manager enquired if there were any exceptional circumstances not submitted previously to the committee which should be taken into consideration as at the moment nothing jumps out to convince him otherwise.

Mr Cassidy said that when he was asked to open the shed for the Planning Officer there were 3 boats and nets inside which indicates that this shed was being used for fishing purposes.

The Planning Manager advised that the Mr Cassidy indicated that there were exceptional circumstances and advised the committee that there were 3 options as follows for members to consider:

- 1) Refuse the Officer's recommendation, with the Applicant having the right to Planning Appeal
- 2) Approve application with strict conditions attached to avoid the lorry situation for fishing or farming
- 3) Defer the application to give the applicant the opportunity to submit further information to clarify what is actually going on at the site and what he wishes the committee to consider

Councillor Bell stated that fishing on Lough Neagh was a dying art and that this was something right across Mid Ulster and wouldn't like to see it evaporate into thin air and would like to encourage more people to fish. He said that there could be an argument that these were special conditions.

Councillor McKinney said that he would be happy to agree to a deferral as he felt that fishermen were being hard done by and not being treated the same way as Farmers were. He said that one way of seeing if the lorry was being moved was to look at the grass and weeds around the lorry to see if they had been disturbed.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

To defer the application until further consideration is made available.

Councillor Cuthbertson said that it's the same month after month when a list was presented, rather than going for the officer recommendation, it is brought back for an office meeting and deferred time and time again. He said that he attended the legal training on HMO's and that the solicitor advised that Councillors were being required to provide the affidavits for judicial review proceedings. If people are unhappy with the decision they can either challenge us by way of judicial review or the applicant can proceed to planning appeal process.

Councillor Gildernew advised that members were not saying that they were going to approve the application but only deferring it until further considerations are made.

Councillor Quinn asked what the special circumstances referred to? A local fisherman putting down a shed on his own area?

The Planning Manager said that there was nothing in the policy to describe what a special circumstance was. He said that the applicant needed to come clean and that it was up to the committee to decide.

He said that what we clearly have was a battle between 2 political parties and an applicant running to the press, but it's the planning committee which makes the decision and not the press. He said that he agreed that Councillor Cuthbertson was right in his thinking that we are making policy on the hoof and some of what has been said tonight regarding the applicant running to the press saying that this would cause considerable hardship was not the right process.

The Council Solicitor said that any exceptional or special circumstances would need to be exceptional to the applicant and this application. Members needed to exercise caution as this could set a precedent for future cases and leave this Council exposed to challenge.

Resolved That planning application LA09/2018/0176/F be deferred for further consideration.

**LA09/2018/0398/O Dwelling and garage 30m NE of 8a Rogully Road,
Ballyrogully, Moneymore for Thomas McVey**

Ms McCullagh presented a report on planning application LA09/2018/0398/O advising that it was recommended for refusal.

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

Mr Cassidy advised that this was a full working farm which was in existence for over 60 years and policy states that this site should be located elsewhere on the farm. He said that the farm had increased in size to having a herd of 161 cows and when money becomes available there was an ambition to expand the business.

He said that the farm was passed to another son and that the only land being made available for a house for the applicant and his family was at the site proposed. He said that due to health and safety dangers of farming and agricultural machinery it was an ample site to rear his family.

He said that the new house would not be prominent and would integrate into the cluster and would request that approval be granted so as to allow a young family man to live and work on the farm he was reared.

The Planning Manager said that the policy was somewhat right and visually lined to the farm as it is. He said that all the fields could be visually lined and all the fields had access to the road and suggested that Mr Cassidy's client withdraws this application and work out another site more appropriate.

Mr Cassidy advised that the applicant had no involvement in the farm and preferred not to be in close proximity due to health and safety concerns relating to his family.

Councillor McKinney said that where the existing said was, there was a possibility for an infill and could understand the concerns where the farmer was coming from as it is important regarding the grazing cattle and health and safety concerns for his family.

The Planning Manager said that he felt that the applicant needed to compromise and a reasonable argument would be that he goes across the road away from the farmyard to allow room for the farm to expand.

Councillor Cuthbertson asked if there would be any merit in holding the application for a week to give the applicant an opportunity to withdraw it.

The Planning Manager advised that an opportunity was given previously.

Proposed by Councillor Cuthbertson
Seconded by Councillor Brown and

Resolved That planning application LA09/2018/0398/O be refused.

**LA09/2018/0925/O Dwelling and domestic garage 50m SW of 27 Letteran Road,
Moneymore for Desmond Bell**

Application agreed to be withdrawn earlier in the meeting.

Matters for Information

P075/19 Minutes of Planning Committee held on 4 June 2019

Members noted minutes of Planning Committee held on 4 June 2019.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor Colvin 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 P076/19 to P081/19.

Matters for Decision

P076/19 Receive LDP Retail and Leisure Study
P077/19 Receive Consultation Response on Monaghan County Council
Draft Climate Change Adaptation Strategy

Matters for Information

P078/19 Confidential Minutes of Planning Committee held on 4 June 2019
P079/19 Enforcement Cases Opened
P080/19 Enforcement Cases Closed
P081/19 Any other Business

P082/19 Duration of Meeting

The Meeting commenced at 7.03 pm and concluded at 9 pm.

Chair _____

Date _____



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 2nd July 2019

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.7	Defer to further consider Roads issues submitted by objector.	Members to note
4.11 & 4.12	Amended drawings received that confirm no change to the existing windows to the front of the dwelling	Members to note