

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 December 2016 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Clarke, Chair

Councillors Bateson, Bell, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan (7.05 pm), McAleer, McEldowney, McKinney, McPeake, Mullen (7.30 pm), Reid, Robinson, J Shiels

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Mr Marrion, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Ms McNally, Solicitor
Miss Thompson, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2016/0918/F Ms Gourley
LA09/2016/0935/F Mr Cassidy

The meeting commenced at 7.03 pm

P185/16 Apologies

None.

P186/16 Declarations of Interest

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

Councillor Cuthbertson declared an interest in planning application LA09/2016/0173/CA, listed on paper H.

Councillor Robinson declared an interest in planning applications LA09/2016/1183/F and LA09/2016/1437/F, listed on paper B.

P187/16 Chair's Business

Councillor McPeake raised concern at the length of time TransportNI were taking to respond to consultations and provided several examples of applications from July/August of this year on which TransportNI have yet to respond. Councillor McPeake felt that these delays were unacceptable and that applicants were being punished.

Councillor Mallaghan entered the meeting at 7.05 pm.

The Planning Manager agreed with the Councillor's remarks and stated that these delays were also a concern for the planning department, he advised that the delays of TransportNI over the summer period were reflected in planning performance and that the Head of Development Management had already raised concern regarding a number of applications with TransportNI. The Planning Manager stated that if the committee were advising him of their concerns then he would also write to the Divisional Roads Manager in that regard.

Councillor McPeake stated he would welcome the Planning Manager writing to the Divisional Roads Manager to express the concern of the committee as he felt it was incumbent of the Council to highlight and seek address of the issue.

The Chair, Councillor Clarke requested that the delegated list be issued to Members on a weekly basis.

The Planning Manager agreed to have the delegated list issued to Members on a weekly basis.

P188/16 Confirm Minutes of the Planning Committee Meeting held on Tuesday 1 November 2016

Proposed by Councillor Bell
Seconded by Councillor Bateson and

Resolved That the minutes of the meeting of the Planning Committee held on Tuesday 1 November 2016, (P170/16 – P179/16 & P184/16), were considered and, subject to the foregoing, signed as accurate and correct.

Matters for Decision

P189/16 Planning Applications for Determination

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

H/2014/0019/F Sand and gravel extraction using dry screeners/loading shovel; access road including passing bays, wheel wash and welfare facilities; construction of a noise attenuation bund at lands to the rear of 5 Brackaghlistlea Road, Desertmartin for MEA

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

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved That planning application H/2014/0019/F be approved subject to conditions as per the officer's report.

LA09/2015/0465/F Filling station, vehicle wash, shop, restaurant and ATM at site of former Customs Station, Monaghan Road, Aughnacloy and adjacent to Blackwater River for Mr Leo Daly

Application listed for approval subject to conditions as per the officer's report. Mr Marrion (SPO) also drew attention to addendum circulated which advised that an Environmental Assessment had been carried out for this application, pre committee, with a nil determination.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2015/0465/F be approved subject to conditions as per the officer's report.

LA09/2015/0878/F 1 replacement semi-detached and 1 additional detached dwelling at 15 Empire Avenue Dungannon, for Mr Malcolm Symington

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

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application LA09/2015/0878/F be approved subject to conditions as per the officer's report.

LA09/2016/0057/F Extension to small plant and hand tool store and associated offices in connection with existing auction sales business at Unit 2, 25m NW of 1 Loves Hill, Castledawson for Noel and Marie Lennon

Application listed for approval subject to conditions as per the officer's report. Attention was again drawn to the addendum circulated which advised the case officer's report be duly amended to add: -

'PPS4: Planning and Economic Development – Policies PED 3 and PED 9' under 'Planning Assessment of Policy and Other Material Considerations.'

Proposed by Councillor J Shiels
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/0057/F be approved subject to conditions as per the officer's report.

LA09/2016/0082/F 627sq m daycare building with ancillary offices, staff areas, central external play area and parking; ancillary office accommodation with associated car/lorry turning/turning at lands adjacent to and SE of 54 Brackaville Road, Coalisland for Mr Sean O’Hanlon

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

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/0082/F be approved subject to conditions as per the officer’s report.

LA09/2016/0132/F Retrospective change of use from industrial business/storage to display and sale of vehicles at lands at 8 Ballymoghane Road, Magherafelt for Henry Brothers (Magherafelt) Ltd

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

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/0132/F be approved subject to conditions as per the officer’s report.

LA09/2016/0457/O Two dwellings to replace one existing dwelling and outbuildings at 34 Empire Avenue, Dungannon for Mr Stephen Kelly

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

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/0457/O be approved subject to conditions as per the officer’s report.

LA09/2016/0788/F Stables and midden at lands approx. 160m SE of 41 Knockanroe Road, Dungannon for Mrs Lisa Reid

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0788/F advising that it is recommended for refusal.

The Chair, Councillor Clarke advised that a request to speak on this application had been received but had been withdrawn today.

In response to Councillor Reid’s question the Planning Manager advised that the application did raise a series of questions not only on the grounds of policy but also

that the applicant had submitted a planning application for stables but yet did not own any horses (horse passports were requested from applicant but could not be provided). The Planning Manager also felt that the proposal was of a large scale for stables and highlighted that the applicant and their agent had been given the opportunity to attend tonight's meeting but that they withdrew their request today.

Councillor Glasgow noted the agent had not attended tonight's meeting. He proposed the refusal of the application given the application did not own horses.

The Planning Manager stated that as the application could go to planning appeal it was important to note that the fundamental reason for refusal was due to policy.

Members agreed that the reason for refusal be based on Policy CTY1 only and that CTY13/14 and concerns in relation to integration would be difficult to sustain at any appeal.

Councillor Bateson seconded Councillor Glasgow's proposal.

Resolved That planning application LA09/2016/0788/F be refused on grounds solely related to Policy CTY1 of PPS21.

LA09/2016/0911/A Fence mounted sign at 62 Church Street, Magherafelt for Mr B Hughes

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

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That planning application LA09/2016/0911/A be approved subject to conditions as per the officer's report.

LA09/2016/0918/F Single storey dwelling and garage 50m N of junction of Blackrock Road and Corvanaghan Road, Dunamore for Des Keenan

Councillor Mallaghan declared an interest in this application and proposed that it be heard in confidential business due to personal circumstances.

Councillor Gildernew seconded Councillor Mallaghan's proposal.

Resolved That planning application LA09/2016/0918/F be heard in confidential business.

LA09/2016/0935/F Dwelling approx. 180m N of 5 Doon Avenue, Aghamullan, Dungannon for Martin McCaliskey

The McCullagh presented a report on planning application LA09/2016/0935/F advising that it is recommended for refusal.

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

Mr Cassidy advised that this application had been submitted under policy CTY8 which looks for a minimum of three buildings in a row. Mr Cassidy advised that Council had accepted that there are three buildings but that not all of these have a common frontage. Mr Cassidy advised that policy states that the three buildings do not have to share a common frontage and that recent appeals have also dictated that a house and garage can be considered as two buildings.

In relation to refusal reasons three and four – contamination and flooding – Mr Cassidy advised that consultees have not refused on these grounds and that necessary assessments can be provided.

The Planning Manager advised that the planning department can only find lawful record for two buildings at this location, he stated there was also a history of enforcement at the site and that the department were also considering enforcement action on another building. The Planning Manager advised that the department can only consider buildings which are lawful.

Councillor Mullen entered the meeting at 7.30 pm.

Councillor Reid proposed that the application be deferred.

Councillor Bell stated there needed to be clarity on whether this was a gap site.

The Planning Manager stated that three buildings were required for a gap site however there was only lawful record for two at this location.

Councillor Reid asked if a deferral would make any difference in this case.

The Planning Manager advised that the person making the application was familiar with planning and its requirements. The Planning Manager stated that the reason for policy was to protect rural character but he felt that in relation to this application, this was being thwarted.

Councillor Gildernew proposed that planning application LA09/2016/0935/F be refused.

Councillor McKinney seconded Councillor Gildernew's proposal.

Councillor Reid withdrew his proposal.

In response to Councillor Reid, Ms McCullagh highlighted to Members the location of buildings and what is under enforcement action on the site.

Resolved That planning application LA09/2016/0935/F be refused on grounds stated in the officer's report.

LA09/2016/0955/F 2 storey HQ building and associated landscaping and parking at site at the corner of Kilcronagh Business Park and Sandholes Road, Cookstown for CDE Global Ltd

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

Proposed by Councillor Glasgow
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/0955/F be approved subject to conditions as per the officer's report.

LA09/2016/0960/O Single dwelling and garage at lands 50m S of 24A Lisgallon Road, Dungannon for Milo Skeffington

Mr Marrion (SPO) presented a report on planning application LA09/2016/0960/O advising that it is recommended for refusal. Mr Marrion went on to highlight the addendum circulated and advised that one late objection had been received in relation to this application following publication of the committee schedule.

Councillor McAleer proposed that this application be deferred as the agent was currently unavailable.

Councillor Gildernew stated he would second Councillor McAleer's proposal as the agent for the application had contacted him today advising he was currently in England.

Mr Marrion advised that he had also been contacted by the agent for the application today and advised that no additional information was put forward for consideration.

Councillor Gildernew stated that the agent had advised him today that there may be a way around the reasons for refusal.

The Planning Manager advised Members that when they enter into discussions regarding applications they are taking on the role of representative and that this can sometimes be misconstrued and have repercussions. The Planning Manager advised that if there was something to investigate it would be a different matter but that was not the case for this application.

Proposed by Councillor Gildernew
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2016/0960/O be refused on grounds stated in the officer's report.

LA09/2016/0993/F 2 dwellings and garages at lands immediately NW of 60 Crievelough Road, Dungannon for Mr John Carey

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

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/0993/F be approved subject to conditions as per the officer's report.

LA09/2016/1183/F Single storey gable extension to provide disabled facility grant extension at 270 Newtownsaville Road, Augher for Mark and Wendy Robinson

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

Proposed by Councillor Reid
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/1183/F be approved subject to conditions as per the officer's report.

LA09/2016/1437/F 33kv electricity sub-station with entrance via existing laneway at site 740m NE of 18 Shantavny Road, Shantavny Scotch, Ballygawley for Tyrone Wind Energy

The Chair, Councillor Clarke withdrew to the public gallery for this item, stating that he wanted to speak on the application.

Councillor J Shiels took the Chair.

Councillor McAleer declared an interest in this application and withdrew to the public gallery.

Councillor Cuthbertson advised that he had asked that this application be brought before committee in October however he stated he did not think this would happen for six months yet the application had been turned around in six weeks. Councillor Cuthbertson asked what statutory bodies had been consulted in relation to this application.

The Planning Manager asked if Councillor Cuthbertson was declaring an interest in this application.

Councillor Cuthbertson advised he had received a phonecall in relation to the application.

Councillor Cuthbertson declared an interest in the application and withdrew to the public gallery.

The Chair, Councillor J Shiels confirmed with Councillor Robinson his earlier declaration of interest in this application as he had also received a phonecall.

Mr Marrion (SPO) presented a report on planning application LA09/2016/1437/F advising that it is recommended for approval.

Councillor Clarke asked if this sub station had already been built.

Mr Marrion advised that in relation to this application, nothing had yet been built.

Councillor Clarke stated there appeared to be some discrepancy in relation to the location of this application and the location of a previous application.

The Planning Manager stated that there seemed to be inaccuracies in relation to the location of a previous application however the decision on this had already been made. The Planning Manager advised that the location address for this application was correct.

Councillor Clarke asked if this inaccuracy of location would invalidate the previous application.

The Planning Manager advised that the only thing that would invalidate the application was if it was revoked.

Councillor Bell stated the need for clarity and asked if this discrepancy was something that could be come back on.

The Planning Manager advised that the address for the application before Members tonight was correct.

Councillor Cuthbertson stated he had no objection to the application but wanted to ensure everything was clear. The Councillor advised that this application was validated on 10 October and that he had requested that it be brought before Committee, 6-7 weeks later the application now had a recommendation for decision. Councillor Cuthbertson advised that he had viewed the planning portal in relation to the previous application which was brought in April and decided upon in August, the Councillor stated the planning portal showed that no statutory bodies were consulted upon in relation to that application and it was not clear if statutory bodies had been consulted in relation to the application before Members tonight. Councillor Cuthbertson asked for clarification on who had been consulted.

The Planning Manager stated he found it difficult that the planning department were being criticised at the start of the meeting for not dealing with applications quickly enough and now the department was also being criticised for dealing with applications too quickly.

The Planning Manager advised that there were concerns in relation to the application and that statutory consultations had not taken place. The Planning Manager stated that in these circumstances the application should be removed from the schedule and be presented back to committee once these consultation responses are

received. The Planning Manager advised Members to direct persons with concerns in relation to a planning application to write to the planning department to express these.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2016/1437/F be removed from the schedule to allow statutory consultations to take place.

Councillor Cuthbertson asked why the consultations had not taken place.

The Planning Manager advised that the case officer had acted reasonably not to seek statutory consultations but on listening to the concerns raised tonight it was equally reasonable to now seek statutory consultations.

Councillors Clarke, Cuthbertson and McAleer rejoined the meeting with Councillor Clarke retaking the Chair.

LA09/2016/1474/F Public Art piece as part of Magherafelt Public Realm and town improvement scheme at 3 Spires Roundabout, Magherafelt for Mid Ulster District Council

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1474/F advising that it is recommended for approval. Mr McCrystal also highlighted addendum which provided photograph of proposed art piece.

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McAleer, McElDowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shiels declared an interest in this application.

Councillor McKinney referred to health and safety and road safety issues associated with the application and proposed that this application be deferred until TransportNI submit their consultation response. Councillor McKinney also enquired as to the rights of a third party in relation to rights of way at the proposed location.

The Council Solicitor advised that rights of way would not be a planning consideration.

The Planning Manager advised that the application should be considered on the basis of its planning merits and that issues of ownership need to be dealt with separate to planning. The Planning Manager suggested that the planning application be approved subject to a favourable response being received from TransportNI.

Councillor McKinney asked how long someone has to object to an application.

Mr McCrystal (SPO) advised that this application was advertised in press on 3 November and neighbour notified on 2 November therefore the 3 week window for objections to be received had now passed.

Councillor Gildernew asked why Members had not been informed about this proposal beforehand.

Councillor J Shiels advised that the matter had been brought before the Development Committee and ratified by Council in previous months.

Councillor Glasgow seconded Councillor McKinney's proposal to defer the application until TransportNI submitted their written response.

Councillor Bell stated that Members had not been consulted on the design of the art piece.

Councillor J Shiels advised that the designs of the piece came from the community and the matter had been progressed through Development Committee 3-4 months ago.

The Planning Manager advised Members not to confuse their roles in respect of this application and to assess what was before them the same way they would for any other application.

Councillor Reid stated that if the art piece had received Council approval then there was little that could be done now. Councillor Reid proposed that the planning application be approved subject to favourable written response being received from TransportNI.

Councillor McPeake stated he would not be content to approve the application tonight as he did not recall sketches of the proposed piece coming before Members. The Councillor also questioned if the art piece had been equality proofed.

Councillor J Shiels stated he still had email which he received on 27 July which contained pictures of sketches of the art piece.

The Planning Manager stated that Members were getting into a debate which was not based on planning merit.

Councillor McPeake proposed that the final design of the art piece be brought through Good Relations Working Group.

The Planning Manager stated it was not the role of planning committee to be arbiters of taste and advised that on the basis of concerns raised that the application be deferred to until TransportNI submit their written response and attempt to resolve other issues of concern in the meantime.

Councillor Cuthbertson, as Chair of Environment Committee advised that this matter had been discussed at Environment Committee the previous evening and no issues had been raised.

The Council Solicitor stated that Members needed to base their decision on planning issues and not on non material considerations to the application before them.

Members appeared to have a number of options that were alluded to, namely grant the application subject to TransportNI response, defer the application until TransportNI response received or refuse the application but solely if based on planning considerations.

Councillor Bell stated he understood the point of the Council Solicitor but that Members had not been consulted fully in respect of the design of the application. On this basis he did not feel Members could make a decision tonight.

Councillor Glasgow asked how quickly a written response could be received from TransportNI.

Councillor Mallaghan proposed that the application be deferred for one month to allow TransportNI response to be received and to raise concerns relating to design of art piece at Council meeting next week.

Councillor Gildernew seconded Councillor Mallaghan's proposal.

Mr McCrystal (SPO) advised that TransportNI did give a verbal response stating that subject to TAS approval they would approve the application.

Councillor Cuthbertson advised that the public realm scheme in Magherafelt was complete bar some snagging. Councillor Cuthbertson seconded Councillor Reid's proposal to approve the application subject to favourable written response from TransportNI.

Councillor McPeake suggested that it may be helpful to contact council officers dealing with the art piece tonight to alleviate concerns.

Councillor J Shiels advised that he had just sent previously referred to email of 27 July to Members which contained pictures of the art piece.

Councillor Robinson stated he would be happy to approve the application based on planning merit.

Councillor Mallaghan advised that he had looked at the email sent by Councillor Shiels and stated that the pictures contained within the email and the picture attached to the addendum circulated were not the same.

The Planning Manager stated that Members were not being asked to approve the design of the structure but rather the frame of the structure as per the planning application drawings.

Councillor Bateson felt that as there was some confusion regarding this application and its design he suggested that Members take time out to discuss and consider it further and reconvene discussion after recess of meeting.

Agreed That planning application LA09/2016/1474/F be discussed further after meeting recess.

LA09/2016/1506/LBC Provision of timbered and painted sliding sash windows at rear of property at 9 Loy Street, Cookstown for Wellwood Adami Ltd

Ms McCullagh presented a report on planning application LA09/2016/1506/LBC advising that it is recommended for approval. Ms McCullagh advised that description of proposal should read: -

‘Provision of timbered and painted sliding sash windows....’

Ms McCullagh also advised that NIEA were invited to come to tonight’s meeting but had since declined.

Councillor Mallaghan asked why Ms McCullagh had put forward a request to speak on behalf of NIEA.

Ms McCullagh advised that as NIEA had indicated that they wanted to attend the meeting tonight she put forward a request in order to secure their place on speaking rights, however since the request was put forward NIEA changed their decision and advised that they would not be in attendance tonight.

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/1506/LBC be approved subject to conditions as per the officer’s report.

LA09/2015/0762/F Storage shed 80m NE of 16 Drumanee Road, Bellaghy with new access laneway opposite 59A Ballydermott Road, Bellaghy for Mr Brian Scullion

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

Proposed by Councillor Kearney
Seconded by Councillor Bateson and

Resolved That planning application LA09/2015/0762/F be approved subject to conditions as per the officer’s report.

LA09/2016/0828/F Single storey extension for granny flat at 111 Back Lower Road, Killycolpy, Dungannon for Emmett Hurrell and Terri Ryan

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

Proposed by Councillor McAleer
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/0828/F be approved subject to conditions as per the officer's report.

LA09/2016/1114/F Refurbishment of existing listed building to include demolition of existing 2 storey rear return and construction of a new 2 storey extension to rear and 1 new single storey extension to rear at Strathmullan House, 56 Killymeal Road, Dungannon for Stephen and Kiera Boyle

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

Proposed by Councillor Glasgow
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2016/1114/F be approved subject to conditions as per the officer's report.

LA09/2016/1115/LBC Refurbishment of existing listed building to include demolition of existing 2 storey rear return and construction of new 2 storey extension to rear and 1 new single storey extension to rear at Strathmullan House, 56 Killymeal Road, Dungannon for Stephen and Kiera Boyle

Mr Marrion (SPO) presented a report on planning application LA09/2016/1115/LBC advising that it is recommended for approval. Mr Marrion highlighted addendum circulated which advised that a revised windows schedule had been received which shows like for like replacement in PVC, Mr Marrion advised if Members were minded to approve the application that a further condition was needed which requires that the windows to be provided should be in accordance with the schedule received on 1 December 2016.

Proposed by Councillor Reid
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2016/1115/LBC be approved subject to conditions as per the officer's report and additional condition which requires that windows to be provided should be in accordance with the schedule received on 1 December 2016.

CONFIDENTIAL BUSINESS

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/0918/F be heard as confidential business.

Open Business resumed at 9.30 pm.

The meeting recessed at 9.30 pm and recommenced at 9.50 pm.

Councillor Gildernew did not rejoin the meeting.

LA09/2016/1474/F Public Art piece as part of Magherafelt Public Realm and town improvement scheme at 3 Spires Roundabout, Magherafelt for Mid Ulster District Council (continuation of discussion)

Councillor McPeake advised that there was now a better degree of clarity regarding the design of the proposal and proposed that the application be approved subject to favourable written response being received from TransportNI.

Councillor Reid stated this was the proposal he had made earlier.

Councillor McPeake stated that he would second Councillor Reid's proposal.

Resolved That planning application LA09/2016/1474/F be approved subject to favourable written response being received from TransportNI.

P190/16 Report on Wind Turbine at Broughderg

The Chair, Councillor Clarke withdrew to the public gallery for this item.

Councillor J Shiels took the Chair.

The Head of Development Management presented previously circulated report regarding planning application I/2011/0460/F - Single Wind Turbine at Broughderg.

Councillor Mallaghan advised that it was on record that he had previously met with the Head of Development Management in relation to this application, however he was not declaring an interest in this application.

Councillor Mallaghan stated that he had been advised that the case officer at the time of the application expressed clearly that that energy created from the turbine was for use of Broughderg Community Centre. Councillor Mallaghan asked if a statement could now be requested from the then case officer confirming this was the case.

The Council Solicitor advised that decisions had been based on what was on file and contained within the case officer's report. In light of that and arising out of the report taken by the Head of Development Management, she did not feel the request made by Councillor Mallaghan would take Council any further forward. The Council Solicitor also explained the risks to Council in revoking the permission granted.

Councillor Mallaghan advised that Council would have been aware of concerns in relation to this application prior to the application for non material change being received however this was not advertised. The Councillor asked if this was a correct way to handle this application.

The Planning Manager explained that a non material change is not a planning application and highlighted that in this case the wind turbine got smaller.

Councillor Robinson asked if the turbine had moved location.

The Head of Development Management advised that the turbine was in the same location and of a reduced size.

Councillor Robinson asked if who benefits from the turbine should come into consideration.

The Planning Manager advised that there would be greater issues if determining weight had been given to who was benefitting from the turbine but that had not been the case for this application.

Councillor Cuthbertson proposed the recommendation that no further action be taken with regard to approval of planning permission I/2011/0460/F.

Councillor McKinney seconded Councillor Cuthbertson's proposal.

Resolved That no further action be taken with regard to approval of planning permission I/2011/0460/F.

*Councillor Clarke rejoined the meeting and retook the Chair.
Councillor McAleer left the meeting at 10.10 pm.*

Matters for Information

P191/16 Report of Delegated Decisions Issued in October 2016

Members noted the content of the report of delegated decisions issued in October 2016.

CONFIDENTIAL BUSINESS

Proposed by Councillor J Shiels
Seconded by Councillor Robinson and

Resolved That items P192/16 to P194/16 be taken as confidential business.

P195/16 Season's Greetings

The Chair, Councillor Clarke wished everyone a Happy Christmas.

P196/16 Duration of Meeting

The meeting was called for 7.00pm and ended at 10.24 pm.

Chair _____

Date _____