

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 October 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Robinson, J Shiels

Officers in Attendance

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

Others in Attendance

Applicant Speakers

LA09/2017/0126/F	Gavyn Smyth – Clyde Shanks
LA09/2017/0126/F	Dermot Monaghan – MBA Planning
	Michael Murphy – Sperrin Galvanisers
LA09/2018/0176/F	Chris Cassidy – CMI Planners
LA09/2018/0390/F	Oonagh Given
LA09/2018/0555/F	Theresa Cassidy – TC Town Planning
	Mr Lumber
	Joe Diamond – Architect
LA09/2018/0751/F	Katrina Kelly
LA09/20158/0902/RM	Mr & Mrs P McGrath
LA09/2016/0114/O	Chris Cassidy – CMI Planners
LA09/2016/1693/O	Chris Cassidy – CMI Planners
	Councillor McPeake
LA09/2016/1371/O	Sean Hagan - JPH LAW Limited

Councillor B McGuigan

The meeting commenced at 7pm.

P127/18 Apologies

Councillors Bell, Clarke, Mullan and Reid.

P128/18 Declarations of Interest

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

P129/18 Chair's Business

The Chair asked the Planning Manager for an update on the Coalisland Race Track Project.

The Planning Manager advised that planning permission was approved for the race track on 7 September 2017. He said that approval was granted following the securing of agreement with the applicant, that he would provide a link road around Coalisland, undertake the investigations and remedial works to ensure the site was safe from subsistence in relation to past mining and provision of off-site car parking for major events. Accordingly, the approval was conditional upon providing this.

He stated that on the 9 January the Head of Development Plan and himself met with the applicant's agent and other consultants for the scheme and to listen to difficulties he was having in relation to achieving the link road due to its cost and in relation to undertaking survey work. He said that the agent was advised that he wished to change any of the conditions he would need to apply to vary or remove these. On 19 February the Chief Executive, Director of Business and Communities, Director of Infrastructure and himself met with the applicant and his agent and reaffirmed that it was looked at changing the condition on the road if an application was submitted and officers were assured that a report on land stability would be submitted and that work on providing off site car parking was underway. He stated that he had discussed the possibility of revising the link road with Roads Service advising them of the importance of the proposal as a whole of Mid Ulster. The agreed subject to an application, they would be amenable to dropping the link subject to provision of off-site car parking and satisfactory single access to site.

Since then the only application made by the applicant was for the construction of off-site parking facilities to accommodate 385 cars at land adjacent to the service station at Ballynakelly Road, Dungannon, which is still under consideration.

The Planning Manager stated that following adverse press reports following the loss of the 2019 World Superbike Championship, the Director of Business and Communities and himself have arranged to meet the applicant and Geographic Survey NI on 10 October to explore the reasons for delay and to see what can be done to progress matters.

The Planning Manager referred to Performance Statistics and advised that the first quarter statistics show that for between 1 April and 20 June which show:

- 345 applications received, marginally higher than the previous year and third highest in NI and around 100 more than many of neighbouring Councils
- 319 issued, which is also much more than most authorities. However, because a backlog was accumulated over the winter due to staff shortage it shows this was being added to rather than cleared
- Council retained the highest approval rate although other Councils appear to now be approving a higher rate than they did previously
- 6 majors received, ABC received 7 and Belfast 8. Most other Councils received one or two. Three majors were approved. Only 25% were within the 30 week target, which was the 3rd best in NI. 100% was achieved in Antrim and Newtownabbey although the statistic is unreliable given they one application and one decision.
- On average processing time was 18.1 weeks and only 35.4% was in 15 week target. It was the third worst with only ABC and Causeway Coast performing

lower. This was not surprising given staff shortages and would not expect any improvement over the summer, although hopefully in September a corner has been turned.

- Enforcement opened 50 new cases although the complexity of cases seems to be rising due to issues surrounding quarrying/waste and commercial activity. Target has been achieved despite being down a team member although it was clear the team were under stress. Only 2 prosecutions were taken although most Councils took none. With 181 live cases ongoing, MUDC remain one of the more efficient and have no doubt that as a result, would be confident that there was an avoidance of Ombudsman complaints.

He said that it was anticipated that the summer months would not show any improvement. However, two trainee officers were now in place on a two year contract and two other officers assisting on temporary contracts and also running a competition for a permanent Planning Officer.

The Planning Officer referred to recent planning appeal for 4 no. 2 bedroom apartments at 32 Mullaghboy Lane, Magherafelt for Philip Donaghy advising that it was dismissed with the Planning Appeals Commission supporting both the Council's reasons for refusal in relation to lack of car parking and deterioration of highway safety.

Councillor Glasgow, Vice Chair referred to correspondence which he raised at the full council meeting last Thursday night regarding the retention of red telephone kiosk situated at 120 Lough Fea Road, near Ballybriest Orange Hall, Cookstown BT80 9QL and said that it was suggested that the matter be raised at the planning committee to see if Officers could investigate whether it would fall into a temporary listing category. He said that constituents had expressed concern that the payphone was five miles from the nearest village and that a lot of the payphones were for emergency use only and the fact that they were not used was a good sign but if there was an emergency, they would be needed.

The Planning Manager said that he was pleased to say that the Development Plan & Enforcement team had looked at 3 telephone kiosks and consulted with Historic Buildings, who advised that they would be worthy of a temporary listing and if the committee were happy with the verbal report that he would proceed to go ahead with a temporary listing.

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

Agenda Item 4.1 – LA09/2017/0126/F – Housing development of 37 units (reduction to number of alterations to house types from previous lapsed application H/2008/0216/F) at site at Magherafelt Road, Draperstown for Rea Developments – Deferred for further consideration.

Agenda Item 4.11 – LA09/2018/0751/F – Dwelling and garage (in substitution for previously approved H/2008/0398/RM & H/2004/1123/O at 20m N of 2 Lisgorgan Lane, Upperlands, Maghera – Deferred for an office meeting.

Agenda Item 4.17 – LA09/2018/1148/F – New vehicular access onto Old Eglish Road, Dungannon at Black Lane, Mullaghanagh, Dungannon for Dungannon United Youth – Deferred until further information is received on the provision of access.

Agenda Item 5.3 – LA09/2016/1693/O – Farm dwelling and garage, 195m SW of 146 Gulladuff Road, Bellaghy – Deferred until further information is received.

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

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

Matters for Decision

P130/18 Planning Applications for Determination

LA09/2017/0126/F Housing Development of 37 Units (reduction to number of alterations to house types from previous lapsed permission ref H/2008/0216/F) at site at Magherafelt Road, Draperstown at Junction with Drumard Road for Rea Developments

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

LA09/2018/0076/O Off site replacement dwelling and garage at 163 Davagh Road, Sixtowns, Draperstown for F Quinn

Members considered previously circulated report on planning application LA09/2018/0076/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0076/O be approved subject to conditions as per the officer's report.

LA09/2018/0176/F Retrospective application for a shed to the rear of 140 Kilmasally 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 and invited Mr Cassidy to address the committee.

Mr Cassidy said that the application was made for the storage of 3 boats and working nets and a letter of support had been submitted from Lough Neagh Partnership confirming that he was a fisherman on the Lough. He advised that there were no

objections from neighbours and requested that the application be deferred for an office meeting.

The Planning Manager said that although there was not a policy for commercial fishing, there was a need to look at fishing as agricultural, taking into consideration the justification and ensuring no harm to amenity.

He said that the shed was very high in relation to the size of the boats and that when Officers went to the site they did see boats and nets, but there was also commercial vehicles, old lorry trailers, an old vehicles a small boat as well as empty diesel containers around the perimeter of the shed. The surrounding land is rural in nature with agricultural fields with a scattering of single dwellings along the roadside. He said that the yard from the neighbouring house to the shed was very small.

In the absence of a defined policy, he advised for members views as to how an applications for storage for commercial fisherman should be considered.

The Chair said that in the speaking rights it was suggested that parking of HGV's could be controlled by condition.

The Planning Manager said that if this was not done then action could still be taken because it would represent a change of use if Planners were made aware of it and enforcement issued. He said that the only way that amenity could be addressed was to redesign the turning yard.

Councillor Gildernew said that neighbours mustn't be that concerned as there were no objections to it and the shed may look high but this doesn't mean that its needed to fix boats and would be supportive having another look at it.

The Planning Manager agreed that it would be beneficial to investigate this further.

Councillor McKinney said that he would be supportive of the Planning Manager's suggestion of having it looked at in detail as fishing and farming were both part of agriculture.

Councillor McPeake agreed with the sentiments of the committee and said that this should be looked at within the emerging Development Plan with the fishing industry being considered. He referred to the issue of turning at the yard and said that it needed to be investigated whether or not the applicant was going for a commercial enterprise and if this was the case, then an application for the change of use would need to be made. He said that as no objections were made that this was a bonus.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0176/F be deferred for a site meeting.

**LA09/2018/0390/F Non-compliance with condition 2 of planning permission
I/2012/0280/F at approx 20m N of 129 Drum Road, Cookstown
for Mr John Mulgrew**

Members considered previously circulated report on planning application LA09/2018/0390/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2018/0390/F be approved subject to conditions as per the officer's report.

LA09/2018/0426/F Chimney at 139 Moneymore Road, Cookstown for Dale Farm Ltd

Members considered previously circulated report on planning application LA09/2018/0076/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2018/0076/O be approved subject to conditions as per the officer's report.

LA09/2018/0446/RM Dwelling on a farm opposite no 296 Pomeroy Road, Lurganeden, Pomeroy, Dungannon for Ms Helen Brimage

Members considered previously circulated report on planning application LA09/2018/0446/RM which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0446/RM be approved subject to conditions as per the officer's report.

LA09/2018/0551/F House/bar extension; conversion of existing dwelling house to apartments; extension to dwelling house to provide external stair enclosure; extension to existing covered smoking area at the rear and renovation/extension to existing bar at 36-38 Main Street, Donaghmore for Mr & Mrs McCausland

Members considered previously circulated report on planning application LA09/2018/0551/F which had a recommendation for approval.

Proposed by Councillor McAleer
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0551/F be approved subject to conditions as per the officer's report.

LA09/2018/0555/F Single Storey rear extension at 5 Grange Drive, Magherafelt for Caroline Bradley

Ms McCullagh, SPO presented a report on planning application LA09/2018/0555/F and advised that it had recommended for approval.

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

Ms Cassidy advised that she was speaking on behalf of the objectors Mr & Mrs Lumber and wanted to highlight that whilst they are not opposed to the development in principle it was the location and height of the proposal that has raised concern and resulted in this submission.

She stated that an extension to a dwelling is currently being considered against prevailing planning Policy EXT 1 – Residential Extensions and Alterations of Planning Policy Statement 7 (Addendum). Criterion (b) and Policy EXT1 is of particular importance regarding this current application and states that *“the proposal does not unduly affect the privacy of amenity of neighbouring residents”*. The Strategic Planning Policy Statement (SPPS) also safeguards amenity as set out in paragraphs 4.11 and 4.12.

The proposal is located 30cms from the shared boundary with the bulk of the return measuring 3.5m to ridge height from finished floor level (ffl); however the overall height of the building is approximately 3.8m from ground level (gl).

Ms Cassidy advised that the applicant’s rear wall is flush with No. 7 and the first part of the rear return with a ridge height of 3.5m from ffl extends approximately 4.6m beyond this wall. The remainder of the extension measures 3.3m to the ridge from ffl and 3.6m from gl and extends approximately 1.9m. In total the projection of the rear return is 6.25m in length. The last paragraph of headnote Policy EXT 1 instructs that the guidance set out in Annex A (previously circulated) to be considered when assessing this type of development.

Sub heading “Residential Amenity” of Annex A states in paragraph A27 that:

“The Department considers it important that the amenity of all residents is protected from “unneighbourly” extensions as these can cause problems through overshadowing/loss of light, dominance and loss of privacy...Single-storey extensions to the rear of semi-detached or terraced dwelling will generally be acceptable where the depth does not exceed 3.5 metres from the back wall of the original building, at the boundary with an adjoining dwelling”.

Clearly, the application does not meet the provision – it is almost twice the length of that recommended in policy and will be overbearing given the proximity to the shared boundary. Although No. 7 is located to the north east of the application site, their dining room window which currently floods the said room and their living space with natural light, is the opening immediately adjoining the shared boundary. This has been annotated accordingly in Figure 1 for information. The natural light shining into the two main habitable rooms of the property will be severely and significantly reduced by the current proposal. In addition, the proposal will also cause considerable overshadowing

to their outside private amenity space projecting shadow lengths of more than 16 metres at times during winter months when there is very little daylight hours.

She said that Mr Lumber had calculated results using suncalc.org based on a ridge height of 3.5m, however it is fair to say the shadows and loss of light will be more than those listed following as the overall height is 3.8 from gl. To date the applicant has not provided this degree of information and Figure 2 provides the assessment and demonstrates how the proposal will affect No. 7.

Referring to paragraph A34 and A35 Ms Cassidy advised that the significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing situations and it is here that most care needs to be taken. An extension should be kept as far as possible from neighbouring windows and boundaries to minimise impact.

Given the very small space between the proposed rear return and the shared boundary Mr & Mrs Lumber are curious how maintenance to the extension will be carried out and also have concerns regarding overspill into their property that may occur from guttering and down pipes especially at times of torrential rain. The current proposal would appear to be at odds with paragraph A7 of Annex A which directs the reader to give consideration to maintenance and overhanging etc. The residents of No. 7 will have very little time at anytime of the year to enjoy the full benefits of natural light internally and externally with the configuration of the current proposal. The cumulative effects of the current proposal will result in a detrimental impact on their amenity values and this is wholly at odds with prevailing planning policy. The desire to extend No. 5 could still go ahead by reconfiguring the siting either by moving it the 2m suggested by Mr & Mrs Lumber or flipping it to the other side of the dwelling.

Ms Cassidy concluded by reiterating that Mr & Mrs Lumber did not object in principle but they wish to ensure that their current amenity values were not demonstrably harmed by the development – an appropriate solution could be reached in the interest of both parties.

Mr Lumber advised that his concerns relate to the impact of the loss of light and overshadowing and the oppressive and overbearing environment that would be created at his property 7 Grange Drive, Magherafelt by the positioning and aspect of the proposed extension at neighbouring property 5 Grange Drive, Magherafelt.

He said that from the outset the applicant has been aware of his objection to the positioning of the extension prior to the application being submitted to the planning department and yet the applicant has made no consideration for the amenities of the adjoining property. Every effort should be made to avoid the potential of overshadowing to a neighbour when drawing up plans for an extension. The rear of the property is South East facing therefore the aspect of the proposed extension will create considerable overshadowing and loss of amenity to her property. Direct sunlight fills his open plan living area through the rear dining room window immediately adjoining the shared boundary. The positioning of the proposed extension will create considerable overshadowing of the entire dining room window for long periods creating a dark, cold and depressive living space that will impact on his family's health.

Mr Lumber stated that the proposed extension would also cause considerable overshadowing of his rear garden and garage window which is used by his young son as a play area and play room. Access to daylight and sunlight is a vital part of a healthy environment which is an amenity which his family should continue to enjoy. He also highlighted the very close proximity of the proposed extension to the neighbouring fence i.e. only 30cms therefore, providing no access for maintenance. If the gutters are not maintained, they will become blocked and overflow onto neighbouring land causing flooding and damp issues.

He concluded by saying that he understood the role of the planning system was to protect the amenity and the environment to reduce the likelihood of overshadowing and trusted that the planning department would protect his amenity from the considerable overshadowing that would be created due to the aspect of the proposed extension when assessing this planning application.

In response to the Planning Manager's query on at time of the year overshadowing was most prevalent, Mr Lumber advised that it was mostly in the winter months and provided times as an example.

The Planning Manager said that an end development would always have some degree of overshadowing and it was quite reasonable to have a 60 degree distance, and from what he is was hearing, most of the day the sun is in the East and as it goes further into the afternoon it can cause some degree of overshadowing and although not pleasant, it really was only an issue in the winter months.

In response to Councillor McKinney's query about the problem of overshadowing to No. 7, the Planning Manager advised that this would only be an issue in the morning.

Proposed by Councillor Gildernew

To defer the application to see if the issue could be sorted amicably for both parties.

The Chair advised that further negotiations had already taken place and the applicant's agent has stated that there would be no more discussion on the matter.

In response to Councillor Cuthbertson's query regarding building too close to a boundary, the Planning Manager advised that the distance can be less than 3 metres and can be up to 3.45 metres to eaves and 4 metres in height as permitted development.

Councillor Cuthbertson said that in his opinion the compromise was still too close to the boundary would ask that this be investigated again.

The Planning Manager said that the case officer had looked at it and although it was agreed that there would be some loss of light, it wasn't enough to warrant a refusal of the application.

Councillor Glasgow said that he didn't see anywhere to go with a deferral and would be happy to accept the officers recommendation of approval.

Councillor Gildernew withdrew his previous proposal.

Proposed by Councillor Glasgow
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2018/0555/F be approved subject to conditions as per the officer's report.

LA09/2018/0608/O Two dwellings opposite 29A Cranlome Road, Cranlome, Ballygawley for Joseph Bradley

Mr Marrion, SPO presented a report on planning application LA09/2018/0608/O advising that it was recommended for refusal.

Proposed by Councillor Gildernew
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2018/0608/O be refused on grounds stated in the officer's report.

LA09/2018/0715/F Permission to develop land without complying with conditions 2,3,4 and 5 of previous approval LA09/2018/0715/F (visibility splays, access gradient variation, access junction upgrade and access safety audit) at Drumcoo Recycling Centre, Coalisland Road, Dungannon for Mid Ulster District Council

All members declared an interest in application LA09/2018/0715/F.

Members considered previously circulated report on planning application LA09/2018/0715/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0715/F be approved subject to conditions as per the officer's report.

LA09/2018/0751/F Dwelling and garage (in substitution for previously approved H/2008/0398/RM & H/2004/1123/O) at 20m N of 2 Lisgorgan Lane, Upperlands, Maghera for Shane and Katrina Kelly

Resolved Application agreed to be deferred for a site meeting earlier in the meeting.

LA09/2018/0801/O Site for dwelling and double domestic garage approx. 40m S of 25a Loup Road, Moneymore for Paul Stockman

Members considered previously circulated report on planning application LA09/2018/0801/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McPeake and

Resolved That planning application LA09/2018/0801/O be approved subject to conditions as per the officer's report.

LA09/2018/0902/RM One and a half Storey dwelling and garage with upper level office and associated site works at site adjacent to 10 Derryloughan Avenue, Coalisland for Gerard McCann

Mr Marrion, SPO presented previously circulated report on planning application LA09/2018/0902/RM and stated that it was recommended for approval.

The Chair advised that a request to speak against the application had been received and invited Mr & Mrs McGrath to address the committee.

Mr McGrath stated that he had concerns about the approval of the application due to the direction of the dwelling not being kept in line with adjacent dwellings or on the opposite side of the road.

Mrs McGrath said that the first floor terrace area had views directly over her private amenity area and space and that the proposed orientation of the dwelling including the downstairs bathroom, dressing room and toilet at the back door look directly towards her back patio door/space/area as well as the back door. She continued to say that the 1 and half storey garage blocked out light and morning heat from the sun at her property.

The Chair suggested writing out to both parties to see if a compromise could be reached and if not will have to access the application.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved To write out to both parties to arrange a meeting to see if a compromise can be reached and if not proceed with the officer recommendation of approval.

The Planning Manager said that it would be both parties interest to resolve the matter.

LA09/2018/0961/LBC Removal and replacement of main roof, treating and painting of existing trusses and rendering of exposed blockwork at Railway Yard, Cookstown for Mid Ulster District Council

Councillor Glasgow left the meeting at 8.12 pm.

All members declared an interest in application LA09/2018/0961/LBC.

Members considered previously circulated report on planning application LA09/2018/0961/LBC which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2018/0961/LBC be approved subject to conditions as per the officer's report.

LA09/2018/0977/O Infill site for 2 dwellings with demolition and removal of redundant agricultural buildings adjacent to and immediately SE of 26 Whitetown Road, Newmills, Dungannon for Mrs Muriel Magee

Members considered previously circulated report on planning application LA09/2018/0977/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2018/0977/O be approved subject to conditions as per the officer's report.

LA09/2018/1008/F Rear ground floor bedroom and shower room extension to dwelling at 57 Altmore Drive, Dungannon for James Cullen

Members considered previously circulated report on planning application LA09/2018/1008/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/1008/F be approved subject to conditions as per the officer's report.

LA09/2018/1148/F New vehicular access onto Old Eglish Road, Dungannon at Black Lane, Mullaghanagh, Dungannon for Dungannon United Youth

Resolved Application agreed to be deferred for until further information is received on the provision of access.

LA09/2018/1149/F Community and sports hub without complying with conditions 2 of the previous permission M/2014/0299/F (visibility splay condition) at Black Lane, Mullaghanagh, Dungannon for Dungannon United Youth

Members considered previously circulated report on planning application LA09/2018/1149/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2018/1149/F be approved subject to conditions as per the officer's report.

LA09/2016/0062/O Site for farm dwelling adjacent to 48 Killycon Road, Tyanee, Portglenone for Thomas Doherty

Members considered previously circulated report on planning application LA09/2016/0062/O which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor McPeake and

Resolved That planning application LA09/2016/0062/O be approved subject to conditions as per the officer's report.

LA09/2016/0114/O Infill dwelling for 20m E of 6 Peace Haven Crescent, Rocktown, Bellaghy for Brendan O'Neill

Councillor McPeake declared an interest in application LA09/2016/0114/O.

Mr McCrystal, SPO presented a report on planning application LA09/2016/0114/O advising that it was recommended for refusal.

Councillor Glasgow returned to the meeting at 8.15 pm.

The Chair advised that there had been a request to speak from Mr Cassidy but due to criteria set regarding deferred applications, Councillor McPeake spoke in favour of the application.

Councillor McPeake agreed that there had been a lapse, as the application had been deferred from January and no-one was made aware of it. He said that there was an indication that there was a site meeting but this ended up being a mix-up.

He said that he knows the site well and would be confident that it warrants an infill opportunity as it had shrubbery, briars and whines, with absolutely nothing significant about it. He said that he was aware of objections being made, but nothing major, only issues relating to sewage, which has now been addressed and felt that this was an opportunity to move forward. He felt that more could have been done with the drawings to incorporate into a single build rather than a double storey.

He advised that he was aware of the application coming before the meeting and took an interest as he felt that the site was only wasteland and should be utilised and that a site meeting would clarify this.

Councillor McPeake said that he was under the impression that Mr Cassidy was availing of the opportunity to address the committee tonight, but this didn't seem to be the case, even though it was taken of the schedule at the start of the other meeting, resulting in Mr Cassidy not ever having an opportunity.

Councillor Cuthbertson left the meeting at 8.28 pm.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/0114/O deferred for a site meeting.

LA09/2016/1693/O Farm dwelling and garage, 195m SW of 146 Gulladuff Road, Bellaghy for Seamus McCorry

Resolved That planning application LA09/2016/1693/O be deferred until further information is received.

LA09/2017/0387/O 2 Storey dwelling and domestic garage/store approx 20m N of 33 Oldtown Road, Bellaghy for Mrs Emma McCoy

Members considered previously circulated report on planning application LA09/2017/0387/O which had a recommendation for approval.

Proposed by Councillor McPeake
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/0387/O be approved subject to conditions as per the officer's report.

LA09/2017/1371/O 2 Storey dwelling and domestic garage/store 130m S of 38 Tirgan Road, Tirgan, Moneymore for Mr Declan Connery

Councillor McAleer left the meeting at 8.30 pm.

Mr McCrystal, SPO drew attention to the previously circulated report and advised that it was originally on the list as an approval but that there were concerns raised by an objector.

The Planning Manager advised members that the case officer was satisfied that the application had met policy requirements, but would like to further investigate concerns highlighted by the objector and would suggest that it be deferred for further consideration before a final outcome.

Resolved That planning application LA09/2017/1371/O be deferred for one month until all concerns are investigated.

Matters for Information

P131/18 Minutes of Planning Committee Meeting held on Tuesday 4 September 2018

Members noted minutes of Planning Committee held on Tuesday 4 September 2018. The Chair said that he wanted to apologise to Councillor McPeake regarding application earlier in the meeting and stated that he wasn't aware that Mr Cassidy hadn't been given the opportunity to address members in a previous meeting and suggested that in future the Planning Department make it an item on the Agenda to state if an agent or person had already spoken on an application or not.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew

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 P132/18 to P135/18.

Matters for Information

P132/18 Confidential Minutes of Planning Committee held on Tuesday 4 September 2018

P133/18 Receive Update on Local Development Plan

P134/18 Enforcement Live Case List

P135/18 Enforcement Cases Opened

P136/18 Enforcement Cases Closed

P137/18 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.51 pm.

Chair _____

Date _____