

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 November 2018 in Council Offices, Ballyronan Road, Magherafelt**

<b>Members Present</b>	Councillor Mallaghan, Chair  Councillors Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McEldowney, McKinney, McPeake, Mullen (7.26 pm), Robinson
<b>Officers in Attendance</b>	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 Ms McKearney, Senior Planning Officer Mr Marrion, Senior Planning Officer Ms McNally, Council Solicitor Miss Thompson, Democratic Services Officer
<b>Others in Attendance</b>	<b>Applicant Speakers</b> LA09/2018/1128/O Mr Finlay LA09/2017/0628/O Councillor B McGuigan LA09/2018/0467/O Mr Ross

The meeting commenced at 7.01 pm

**P138/18 Apologies**

Councillors Bateson, McAleer and Reid.

**P139/18 Declarations of Interest**

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

**P140/18 Chair's Business**

The Planning Manager highlighted addendum circulated and determination of Planning Appeals Commission in relation to H/2014/0399/F. The Planning Manager stated this was an interesting decision and time would tell if the determination worked.

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 The Chair sought approval to have these applications deferred /withdrawn from tonight's meeting schedule –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 4.3 – LA09/2016/1481/F - Spray booth extension at existing workshop at 138-140 Dungannon Road, Ballygawley for Barrack Hill Quarries – Defer for submission of additional information.

Agenda Item 4.9 – LA09/2017/0998/F - Retrospective application for top dressing of existing laneway, widening of sight splays at road entrance, widening of chicane, piping approx. 20m of open sheugh at land fronting onto Keerin Road, approx. 625m W of 124 Broughderg Road, Omagh for John O'Neill – Defer for consideration of late objection.

Agenda Item 4.14 – LA09/2018/0522/O - Dwelling and garage at approx. 40m NE of 18 Mulnavoo Road, Derrynoyd, Draperstown for T Bradley – Defer for office meeting.

Agenda Item 4.16 – LA09/2018/0527/O - Change of use from communal land to extension of dwelling curtilage 30m E of 345 Hillhead Road, Knockloughrim for Aubrey Shields – Application withdrawn.

Agenda Item 4.18 - LA09/2018/0805/F - Dwelling with attic accommodation and integrated garage and loft at 1.2km SW of 64 Alderwood Road, Fivemiletown for Markus Fuchsnthaler – Defer for office meeting.

Agenda Item 4.23 – LA09/2018/1139/O – Replacement dwelling and garage 100m W of 39 Gortindarragh Road, Galbally, Dungannon for Eugene and Patricia Hackett – Defer for office meeting.

Proposed by Councillor Bell  
Seconded by Councillor McPeake and

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

## **Matters for Decision**

### **P141/18 Planning Applications for Determination**

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

#### **LA09/2016/1040/F Retrospective application for the retention of the single storey portal frame shed and associated site works at lands opposite 8 Ballyheifer Road, Magherafelt, for Nicky Brown**

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1040/F advising that it was recommended for refusal. Mr McCrystal also highlighted addendum circulated which included a late request from the agent seeking a deferral of the application in order to allow for the submission of amendments.

Councillor Cuthbertson proposed the deferral of the application as there had been other similar late requests for deferrals received.

The Planning Manager stated that even if the request had been received in time all that was being proposed was screening, the Planning Manager stated that this was not a screening issue but rather a positioning issue.

The Planning Manager referred to the various different situations –

- If there is a request to speak which is received late it is at the discretion of the Chair whether this is accepted.
- If revised plans are submitted that would address issues then the application would be recommended for deferral.
- If late objections are received in relation to an application it would be wise to defer the application as by pushing ahead there could be a chance of judicial review.

The Planning Manager asked the applicant whether they would consider repositioning of the shed.

The applicant stated they would like opportunity to address repositioning of the shed.

On this basis, the Planning stated he would be content to defer the application for one month to allow for the submission of amended plans.

Councillor Robinson seconded Councillor Cuthbertson's proposal.

**Resolved** That planning application LA09/2016/1040/F be deferred for one month to allow for the submission of amended plans.

**LA09/2016/1224/O Site for dwelling adjacent to 76 Dreenan Road, Maghera for Mr Mervyn Hanna**

Members considered previously circulated report on planning application LA09/2016/1224/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2016/1224/O be approved subject to conditions as per the officer's report.

**LA09/2016/1481/F Spray booth extension at existing workshop at 138-140 Dungannon Road, Ballygawley for Barrack Hill Quarries**

Application agreed to be deferred for submission of additional information earlier in meeting.

**LA09/2017/0150/O Demolition of workshop and erection of 1 no. 1.5 storey dwelling to the rear of nos. 9 and 11 Adair Gardens, Cookstown for R and F Developments**

Members considered previously circulated report on planning application LA09/2017/0150/O which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2017/0150/O be approved subject to conditions as per the officer's report.

**LA09/2017/0293/F Housing development of 29 dwellings, private and public amenity spaces, associated roads and waste water treatment plant at lands adjacent to and ESE of Ballygawley Church of Ireland, Church Street, Ballygawley for Salvare Properties Ltd**

Members considered previously circulated report on planning application LA09/2017/0293/F which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2017/0293/F be approved subject to conditions as per the officer's report.

**LA09/2017/0456/O Housing development (3 pairs of semi-detached and 1 detached dwelling) adjacent to and NW of 3 Tobermore Road, Desertmartin for Sean McElwee**

Members considered previously circulated report on planning application LA09/2017/0456/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2017/0456/O be approved subject to conditions as per the officer's report.

**LA09/2017/0622/F Change of use from farm building to dog grooming studio at 30 Lismoney Road, Cookstown for Clare Coney**

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0622/F advising that it was recommended for refusal. Ms McCullagh also highlighted addendum which referred to the following additional reason for refusal –

*The proposed development would, if permitted, prejudice the safety and convenience of road users since visibility from the proposed access cannot be provided to an adequate standard.*

Councillor Bell proposed that the application be deferred for one month to allow for information required to be submitted.

Councillor McKinney seconded Councillor Bell's proposal.

**Resolved** That planning application LA09/2017/0622/F be deferred for one month to allow for submission of required information.

**LA09/2017/0926/F Farm buildings as machinery shed and beef shed with underground slurry tank at junction of Whitetown Road and Roughan Road, Newmills, Dungannon for Marie and Patrick McAvoy**

Members considered previously circulated report on planning application LA09/2017/0926/F which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2017/0926/F be approved subject to conditions as per the officer's report.

**LA09/2017/0998/F Retrospective application for top dressing of existing laneway, widening of sight splays at road entrance, widening of chicane, piping approx. 20m of open sheugh at land fronting onto Keerin Road, approx. 625m W of 124 Broughderg Road, Omagh for John O'Neill**

Application agreed to be deferred to consider late objection earlier in meeting.

**LA09/2017/1104/F 2 no. detached dwellings 35m W of 20 Jockey Lane, Moy for Mr G Hughes**

Members considered previously circulated report on planning application LA09/2017/1104/F which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2017/1104/F be approved subject to conditions as per the officer's report.

**LA09/2017/1292/O Housing development of 10 semi-detached dwellings and 1 detached dwelling located S of St Lurach's Gardens, Glen, Maghera for Jonathan Warnock**

Members considered previously circulated report on planning application LA09/2017/1292/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2017/1292/O be approved subject to conditions as per the officer's report.

**LA09/2017/1511/O Site for semi-detached dwellings immediately S of 7  
Desertmartin Road, Moneymore for Mr John Devlin**

Members considered previously circulated report on planning application LA09/2017/1511/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2017/1511/O be approved subject to conditions as per the officer's report.

**LA09/2018/0346/F Retention of dwelling in substitution for dwelling approved under M/2006/0855 and retention of dwelling on applicant's farm holding at 120m NW of 81 Killyliss Road, Dungannon for Gary McCann**

Members considered previously circulated report on planning application LA09/2018/0346/F which had a recommendation for approval. Mr Marrion (SPO) also referred to addendum in which a late objection had been received, Mr Marrion advised that the objector's concerns were dealt with within the officer report.

Proposed by Councillor Robinson  
Seconded by Councillor McPeake and

**Resolved** That planning application LA09/2018/0346/F be approved subject to conditions as per the officer's report.

**LA09/2018/0522/O Dwelling and garage at approximately 40m NE of 18 Mulnavoo Road, Derrynoyd, Draperstown for T Bradley**

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

**LA09/2018/0527/O Infill dwelling and garage at land adjacent to 106 Tirkane Road, Maghera for Paul Convery**

Ms McCullagh (SPO) presented a report on planning application LA09/2018/0527/O advising that it was recommended for refusal.

*Councillor Mullen entered the meeting at 7.26 pm during presentation of above report.*

In response to Councillor Bell's question Ms McCullagh advised that the application is in the countryside.

Proposed by Councillor Mallaghan  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2018/0527/O be refused on grounds stated in the officer's report.

**LA09/2018/0723/F Change of use from communal land to extension of dwelling curtilage 30m E of 345 Hillhead Road, Knockloughrim for Aubrey Shields**

Application withdrawn.

**LA09/2018/0783/F Alterations and extension to original nursing home building with front extension to incorporate new build home and rear extension, retention of existing access to Ballyheifer Road at Milesian Manor Nursing Home, 9 Ballyheifer Road, Magherafelt for Macklin Group**

Members considered previously circulated report on planning application LA09/2018/0783/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2018/0783/F be approved subject to conditions as per the officer's report.

**LA09/2018/0805/F Dwelling with attic accommodation and integrated garage and loft at 1.2km SW of 64 Alderwood Road, Fivemiletown for Markus Fuchsenhalter**

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

**LA09/2018/0862/RM Dwelling and domestic garage/store 40m S of 82 Sherrigrim Road, Stewartstown for Mrs Alison Rea**

The Chair, Councillor Mallaghan stated that speaking rights were requested and granted for this application however the objector had advised they would not be in attendance tonight.

Members considered previously circulated report on planning application LA09/2018/0862/RM which had a recommendation for approval. Mr Marrion (SPO) also referred to addendum in which the objector had submitted a late objection, the officer advised that the issues raised in the objection had been addressed in the report.

Proposed by Councillor Bell  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2018/0862/RM be approved subject to conditions as per the officer's report.

**LA09/2018/1059/RM**

**Dwelling and domestic garage/store approximately 30m ENE of 52 Five Mile Straight, Draperstown for Mr Aidan McGuigan**

Members considered previously circulated report on planning application LA09/2018/1059/RM which had a recommendation for approval.

Proposed by Councillor McPeake  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2018/1059/RM be approved subject to conditions as per the officer's report.

**LA09/2018/1124/O Dwelling and domestic garage/store at 20m ENE of 22 Strawmore Road, Straw, Dungannon for Mr Stephen McGlade**

Members considered previously circulated report on planning application LA09/2018/1124/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2018/1124/O be approved subject to conditions as per the officer's report.

**LA09/2018/1128/O Dwelling and garage 40m W of 55 Annaghmore Road, Castledawson for Mr A McMullan**

Ms McCullagh (SPO) presented a report on planning application LA09/2018/1128/O advising that it was recommended for refusal.

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

Mr Finlay referred to the reasons for refusal and stated that if the requirements of policy CTY2a were met then the other reasons would become redundant.

Mr Finlay stated that the proposal had been submitted in order for the applicant to live beside their parents, the proposal would consolidate with existing buildings and a new building would not intrude on other buildings other than the applicant's parents. Mr Finlay advised that no objections had been received in respect of the application.

In respect of the proposal being out of character in the area Mr Finlay stated that there were other similar instances which had been approved in the area. Mr Finlay also referred to two recent planning appeal determinations which should be taken into consideration.

The Chair, Councillor Mallaghan asked if the items in blue on the map shown were all built.



Mr Finlay stated this was correct.

The Planning Manager stated that the agent had also made a request to have the application deferred but advised that Members had enough information to make a decision on the application.

The Planning Manager stated that the application would be screened by houses in front of it and that as it will not be seen it would not have an impact on rural character. The Planning Manager stated this was a tricky application and stated that if the application was to be sited on the other side of the road it would be refused. The Planning Manager suggested conditions on which the application could be approved.

In response to Councillor Clarke's question Mr Finlay advised that the land in and around the application site was fairly flat.

Councillor Clarke proposed the approval of the application.

Councillor McKinney seconded Councillor Clarke's proposal.

**Resolved** That planning application LA09/2018/1128/O be approved subject to conditions in relation to orientation, height restriction and TransportNI conditions.

**LA09/2018/1139/O Replacement dwelling and garage 100m W of 39 Gortindarragh Road, Galbally for Eugene and Patricia Hackett**

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

**LA09/2018/1221/F Provision of 4 no. 5m LED street lights to existing access road and 9 no. 8m LED street lights to existing car park at Derrylaughan Kevin Barry's GAC, 92 Ballybeg Road, Dungannon for Jack Corr**

Mr Marrion (SPO) advised that the proposal should now read – "Provision of 13 no. 5m LED street lights to existing road and car park at Derrylaughan Kevin Barry's GAC, 92 Ballybeg Road, Dungannon for Jack Corr."

As Council is the agent for this application all Members present (Councillors Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McEldowney, McKinney, McPeake, Mullen, Robinson) declared an interest in this application.

Members considered previously circulated report and amended proposal description on planning application LA09/2018/1221/F which had a recommendation for approval.

Proposed by Councillor McPeake  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2018/1221/F be approved subject to conditions as per the officer's report.

**LA09/2015/0782/F Change of use to storage and distribution unit (Class B4) at site 60m N of 52 Ballymoghna Road, Magherafelt for Cloane Properties Ltd**

Members considered previously circulated report on planning application LA09/2015/0782/F which had a recommendation for approval.

Councillor McKinney asked how this application was now being proposed as an approval.

Mr McCrystal stated that following a meeting with DfI Roads survey plans were submitted which showed that visibility splays could be achieved.

The Planning Manager stated that as this was a retrospective application and the building was already in situ he suggested that if the Committee were minded to approve the application that the certificate be held until it is shown that the visibility splays are in place. If a period of time passes (60 days) and the visibility splays are not in place then the application would be returned to Committee.

Councillor Cuthbertson stated he believed there was an enforcement case related to this application and asked when it would become immune from prosecution.

The Planning Manager stated he did not think there was an enforcement notice related to this application.

Mr McCrystal stated he was fairly certain the business had not been operating five years ago.

The Planning Manager suggested that the Committee proceed with approving the application subject to visibility splays being put in place.

Councillor McKinney stated that if there was enforcement relating to the application then the Committee should be advised.

Proposed by Councillor McPeake  
Seconded by Councillor McEldowney and

**Resolved** That planning application LA09/2015/0782/F be approved but that approval certificate be held for 60 days subject to visibility splays being put in place with a further condition relating to the retention of visibility splays. If visibility splays are not in place after this time then the application will be returned to Committee.

**LA09/2016/0848/O Dwelling and garage 24m N of 93 Five Mile Straight, Bracaghreilly, Maghera for Colm Lynn**

It was advised that new information had been submitted in relation to this application.

Proposed by Councillor McPeake  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2016/0848/O be deferred for consideration of new information.

**LA09/2016/1513/F Erection of new store and 1 residential apartment at 2-4 Glen Road, Maghera for Mr Peter McKenna**

Members considered previously circulated report on planning application LA09/2016/1513/F which had a recommendation for approval.

Proposed by Councillor McEldowney  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2016/1513/F be approved subject to conditions as per the officer's report.

**LA09/2016/1793/F Housing development of 18 detached dwellings, associated site works and landscaping and on site waste water treatment plant details at lands opposite (SE) of 17-31 Benburb Road, Moy for Chris Traynor**

Members considered previously circulated report on planning application LA09/2016/1793/F which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Mullen and

**Resolved** That planning application LA09/2016/1793/F be approved subject to conditions as per the officer's report.

**LA09/2017/0628/O Dwelling and garage 60m W of 26 Ballydermot Road, Bellgahy for Declan Diamond**

Mr McCrystal (SPO) presented a report on planning application LA09/2017/0628/O advising that it was recommended for refusal.

The Chair, Councillor Mallaghan stated that speaking rights had been requested on the application but that these had already been spent by the agent previously.

Councillor B McGuigan stated that the applicant had obtained a report from an independent roads engineer in relation to access and visibility issues at alternative proposed site on Deerpark Road. This report stated that necessary visibility splays could not be achieved at this location and that there would be further conflict in introducing a shared laneway between a dwelling and a farm as this would cause an additional hazard. Councillor McGuigan stated that DfI Roads have confirmed that suitable access can be achieved at proposed site at Ballydermot Road.

The Planning Manager outlined on the map shown how access could be achieved at site at Deerpark Road.

Councillor McPeake stated he found it difficult to have no images to refer back to within papers for deferred applications.

The Planning Manager stated that the proposal put forward failed policy test CTY10 in that it was not visually linked to buildings on a farm as there were no buildings at the proposed site. The Planning Manager stated that a possible alternative site had been identified.

Councillor McPeake stated he believed there were objectors to the application site and was not convinced access at the alternative site was achievable

The Planning Manager stated that an exception to policy can be given for health and safety issues or further expansion of a farm. The Planning Manager stated that as no reason had been given for an exception it was difficult to see how the application could be approved.

Councillor Clarke asked if the applicant had any farm buildings elsewhere.

Mr McCrystal stated there were no buildings that planning officers were aware of.

Councillor Clarke stated that if the applicant buys and sells cattle and sells off all stock prior to winter they would not need a farm building and that this was a gap in policy.

The Planning Manager stated that the applicant did have buildings on the farm which were not farm buildings.

Councillor Clarke felt there was too much emphasis in policy on having farm buildings.

The Planning Manager stated that policy refers to buildings on a farm but that these did not necessarily have to be farm buildings.

Councillor Clarke stated that the policy did not always fit the circumstances.

Councillor McPeake stated he still believed there was no safe access at the alternative site. The Councillor continued that the objector to the application was content with the alternative siting of proposal at Ballydermot Road.

The Planning Manager stated that the objector to the application was still objecting and had stated that if the application were to be approved it should be sited at a suitable distance from his own dwelling. The Planning Manager stated that the application should be refused as it stands but that the position may change in the future.

The Chair, Councillor Mallaghan highlighted that the application was currently against planning policy.

Councillor McPeake asked if the Committee had ever approved a similar application in which no buildings have been present.

The Planning Manager stated that an approval may have been achieved when there was clear justification to do so and highlighted the two reasons for exception as being health and safety issues and further expansion of the farm.

Councillor B McGuigan stated that the applicant was unable to obtain a mortgage for the proposed site.

The Planning Manager advised that this was not a material planning consideration.

Councillor McPeake proposed that the application be deferred in order to submit further evidence.

The Planning Manager stated that this application had been in the planning process for a long time and it would appear to an observer that Council do not want to make a decision on it. The Planning Manager stated that the applicant had ample opportunity to submit information and Members had enough information to make a decision.

Councillor Glasgow stated he did not see how any further progress could be made in deferring the application and proposed its refusal.

Councillor Bell asked if a house was built on the alternative site being suggested would this not cause difficulties if the applicant wanted to expand the farm business at a later date.

The Planning Manager stated that the comments were all “what ifs”.

Councillor Gildernew stated he would like the advice of the Council Solicitor on deferring/approving/refusing the application.

The Council Solicitor stated it was ultimately up to the Committee to make a decision but that there did not appear to be any reason why deferring the application would progress the matter any further.

In response to Councillor McKinney’s question Mr McCrystal advised that there were handling pens situated at the proposed site.

The Planning Manager stated these pens are considered as units of enclosure and not farm buildings.

Councillor McKinney seconded Councillor Glasgow’s proposal to refuse the application.

**Resolved** That planning application LA09/2017/0628/O be refused on grounds stated in the officer’s report.

**LA09/2017/0864/O Dwelling and basement garage to the rear of 14-16 Morgan Drive, Cookstown for Ms Anne Mulligan**

Members considered previously circulated report on planning application LA09/2017/0864/O which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2017/0864/O be approved subject to conditions as per the officer's report.

**LA09/2017/1112/O Dwelling and garage approximately 60m WSW of 5 Cloane Lane, Cloane, Five Mile Straight, Draperstown for Danny Grant**

Members considered previously circulated report on planning application LA09/2017/1112/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2017/1112/O be approved subject to conditions as per the officer's report.

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

Members considered previously circulated report on planning application LA09/2017/1371/O which had a recommendation for approval.

The Chair, Councillor Mallaghan stated that speaking rights were requested for this application however the objector's representative had advised they would not be availing of this opportunity tonight.

Mr McCrystal (SPO) advised that a further objection had been received from the objector's representative today as per addendum circulated. Mr McCrystal stated that all objections had been dealt with in the report and that a further meeting was requested, Mr McCrystal suggested that this request be refused as a meeting had been offered in the last month but had not been availed of.

Proposed by Councillor McKinney  
Seconded by Councillor Cuthbertson and

**Resolved** That planning application LA09/2017/1371/O be approved subject to conditions as per the officer's report.

**LA09/2017/1685/O Site for infill dwelling and domestic garage at 60 m SW of 72 Deerpark Road, Castledawson for Mr P Keenan**

Members considered previously circulated report on planning application LA09/2017/1685/O which had a recommendation for approval.

Proposed by Councillor McPeake  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2017/1685/O be approved subject to conditions as per the officer's report.

*Councillor Glasgow left the meeting at 8.37 pm.*

**LA09/2018/0041/O Dwelling and garage approximately 50m SE of 94 Kilrea Road, Portglenone for Mr Raymond Henry**

Members considered previously circulated report on planning application LA09/2018/0041/O which had a recommendation for approval.

Proposed by Councillor Kearney  
Seconded by Councillor McPeake and

**Resolved** That planning application LA09/2018/0041/O be approved subject to conditions as per the officer's report.

**LA09/2018/0042/O Dwelling at 20m W of 15 Derrynoyd Lane, Moneyneena for Aaron Kelly**

Members considered previously circulated report on planning application LA09/2018/0042/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McEldowney and

**Resolved** That planning application LA09/2018/0042/O be approved subject to conditions as per the officer's report.

**LA09/2018/0467/O Site for dwelling and garage at 100m NE of 15 Ballydermot Road, Castledawson for Mark Diamond**

Ms McCullagh (SPO) presented a report on planning application LA09/2018/0467/O advising that it was recommended for refusal.

*Councillor Glasgow returned to the meeting at 8.40 pm during presentation of above report.*

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

Mr Ross stated that the reasons for refusal centred around whether the proposal was located in a cluster and at a focal point. Mr Ross stated that there were several distinct groups of dwellings in the surrounding area and in the immediate vicinity there were four dwellings. Mr Ross stated that this cluster was centred around the crossroads and that the proposal would help to consolidate this cluster.

Mr Ross referred to the question of what a crossroads is and stated that whilst the concrete lane is not an adopted road it served nine dwellings, which he felt was more

than some adopted roads did, and that in practical terms there was a crossroads at this location.

Mr Ross stated that the site did have a sense of enclosure and asked that the application be approved.

The Planning Manager stated that the application failed the test in that it did not meet the definition of a crossroads within policy.

Councillor Gildernew stated that there was no doubt there was a cluster at the proposed location but that it was unfortunate that the laneway was not adopted.

In response to Members questions Ms McCullagh clarified that the photograph showed the road sign for Ballydermot Road at the end of the lane.

The Planning Manager stated that in most towns there are laneways which are used that are not adopted roads.

Councillor Robinson stated that the proposal was not in an isolated position as there were a number of other dwellings nearby.

The Planning Manager stated that the proposal also failed to have development on two sides.

In response to Councillor Clarke's question as to what would happen if the application had been for three dwellings the Planning Manager stated it would still fail policy tests and read from policy.

Councillor Gildernew expressed some concern that there may be opportunity for a developer to build a number of social houses on the site whilst a person who has lived in the area all their lives could not build one dwelling.

The Planning Manager read from Policy CTY5 again and explained that the policy was a bit tighter than that.

Councillor McKinney asked if the proposal was moved closer into the triangled part of the site whether this would be acceptable.

Councillor Bell did not feel the dwelling would have a negative impact on the surrounding area if built.

The Planning Manager stated that Members arguments were related to what they felt policy should be instead of what it is. The Planning Manager stated that the key issues relating to the proposal were that it was not associated with a focal point and the site was bounded on at least two sides.

Proposed by Councillor Mallaghan  
Seconded by Councillor Gildernew and



**Resolved** That planning application LA09/2018/0467/O be refused on grounds stated in the officer's report.

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

Members considered previously circulated report on planning application LA09/2018/0902/RM which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2018/0902/RM be approved subject to conditions as per the officer's report.

**LA09/2018/1148/F      Construction of new vehicular access onto Old Eglish Road (revised position), Black Lane, Dungannon for Dungannon United Youth**

All Members present (Councillors Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McEldowney, McKinney, McPeake, Mullen, Robinson) declared an interest in this application as the proposal is sited on Council land.

Members considered previously circulated report on planning application LA09/2018/1148/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Cuthbertson and

**Resolved** That planning application LA09/2018/1148/F be approved subject to conditions as per the officer's report.

The Chair, Councillor Mallaghan requested that in relation to deferred applications he would like the original report which was presented included in the papers along with what had changed/was being amended. The Chair also requested that images being presented at the meeting be included within papers.

Members were in agreement with the Chair's requests.

## **Matters for Information**

**P142/18      Minutes of Planning Committee held on 2 October 2018**

Members noted minutes of Planning Committee held on 2 October 2018.

*Councillors McKinney and Robinson left the meeting at 9.04 pm*

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

Proposed by Councillor Bell  
Seconded by Councillor McEldowney 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 P143/18 to P146/18.

### **Matters for Information**

P143/18 Confidential Minutes of Planning Committee held on 2 October 2018

P144/18 Receive Enforcement Report

P145/18 Enforcement Cases Opened

P146/18 Enforcement Cases Closed

### **P147/18 Duration of Meeting**

The meeting was called for 7 pm and concluded at 9.35 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## ADDENDUM TO PLANNING COMMITTEE AGENDA

### FOR PLANNING COMMITTEE MEETING ON: 6<sup>th</sup> November 2018

#### Chairs Business:

- **H/2014/0399/F**

Pig fattening shed (to contain 900 pigs) with feed bin at  
Land off Cahore Road, approximately 100m east of  
11A Tonaght Road, Draperstown,  
Appeal decision upheld; permission granted.

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	Late request from the agent seeking a deferral to allow the submission of amendments	Members to note
4.7	Additional refusal reason;  The proposed development would, if permitted, prejudice the safety and convenience of road users since visibility from the proposed access cannot be provided to an adequate standard.	For members to note

4.9	Withdrawn for further consideration of late objections.	Members to note and consider
4.13	Late objection received	Members to note and consider
4.16	Application has been withdrawn	For members to note
4.19	Late objection received Objector has advised he will not be attending the meeting	Members to note and consider
5.8	Late objection received 6 <sup>th</sup> November 2018	Members to note and consider