

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

Members Present

Councillor Mallaghan, Chair

Councillors Bell, Clarke, Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, McEldowney, McKinney, D McPeake, S McPeake, Mullen (7.03 pm) Robinson

Officers in Attendance

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

Others in Attendance

Applicant Speakers

| | |
|-------------------|---------------------|
| LA09/2017/1668/F | Andy Stevens |
| LA09/2017/1668/F | Neil Irvine |
| LA09/2018/0457/F | Thomas Bell |
| | Iain McNeice |
| LA09/2018/0726/F | Neil Irvine |
| LA09/2018/1263/RM | Toirleach Gourley |
| LA09/2018/1367/F | Edmund Fox |
| LA09/2019/0067/F | Councillor Mulligan |
| LA09/2019/0067/F | David Boyd |
| LA09/2017/1004/O | Toireach Gourley |
| LA09/2018/0942/F | Joe Diamond |

The meeting commenced at 7 pm

P027/19 Apologies

Councillor McAleer

P028/19 Declarations of Interest

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

P029/19 Chair's Business

The Planning Manager advised he and a number of councillors had been approached by an agent regarding the Draft Mid Ulster Development Plan Strategy. He stated that he was concerned that the agent was alleging the plan would result in de-zoning masses of housing land and would lead to depopulation in the villages.

The Planning Manager had tried to explain to the agent that Mid Ulster Council did not support large scale de-zoning, indeed the purpose of the plan was to create a more flexible approach to planning development whilst protecting those areas in need of protection. Referring to industrial lands around Dungannon and Coalisland he advised that they were trying to bring forward land for settlements. He advised Members if they received such approaches for example emails from agents not to respond and to be mindful of the Councillors Code of Conduct.

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

Agenda Item 4.1 – LA09/2017/1082/F – Retention of existing commercial shed and yard at 30a Derrygonigan Road, Cookstown for Sean McCullagh

Agenda Item 4.4 - LA09/2017/1717/F – Dwelling and garage at lands 250m E of 107 Dunamore Road, Cookstown

Agenda Item 4.6 – LA09/2018/0371/F – Subdivision of replacement dwelling into two dwellings at 89 Moneysallion Road, Kilrea

Agenda Item 4.9 – LA09/2018/0425/F – Relocation of dwelling from that on the previous approval H/2008/0322/F at 45m S of 7a Crocknamohil Road, Draperstown

Agenda Item 4.13 – LA09/2018/1161/F – Conversion, reuse and extension of existing stone barn as a dwelling and garage at 60m NW of 27 Drummullan Road, Coagh

Agenda Item 4.17 – LA09/2018/1457/O – Site for dwelling and garage 40m NW of 7 Glenmaquill Road, Magherafelt

Agenda Item 4.20 – LA09/2018/1568/F – Agricultural shed approx. 50m SE of 36 Ballynease Road, Bellaghy

Agenda Item 4.22 – LA09/2018/1578/O – Site for dwelling and garage 25m E of 28 Drumkee Road, Dungannon

Agenda Item 4.23 – LA09/2018/1584/O – Site for dwelling and domestic garage/store at 55m W of 68 Moneyhaw Road, Drumullan, Moneymore

Proposed by Councillor Bell
Seconded by Councillor McKinney and

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

Matters for Decision

P030/19 Planning Applications for Determination

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

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

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

LA09/2017/1668/F Free range poultry house with litter store, 2 no. meal storage bins, waste water storage tank and associated access & turning area at approx. 210m SSW of 90 Screeby Road, Fivemiletown for Gillian Browne

Mr Marrion (SPO) drew attention to the previously circulated report on planning application LA09/2017/1668/F which had a recommendation for approval.

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

Mr Stephens advised that he was speaking against the application on behalf of a third party and that for the application to proceed it would impact on the amenity that they enjoy. He stated that in his view there was a policy conflict as the poultry houses should be located next to existing buildings on the farm which existed on another part of the holding. He also advised he felt there were problems with the validity of the application its advertisement. He raised concerns on ammonia levels, smells and odour, highways safety.

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

Mr Irvine advised that the applicant has been building up a farm business, due to her husband's ill health where he had need to leave his main job and needed to derive his income from the farm. He advised the site was picked because it had sufficient land around it for free range chickens and that the other site referred to by the objector was problematic because of the amount of land available and location of other livestock and neighbouring properties. He advised they were also rearranging their house and were looking to building a future home for their children.

The applicant said he had considered neighbours and looked at getting it further away from their house as possible. He had also carried out necessary reports on flood risk assessment and had looked at other impacts considering everyone's interest and these assessments show the chicken houses will have very little impact. Vehicle access and transportation is not a problem.

The Chair, Councillor Mallaghan asked due to the new impact air quality assessment, had the application been advertised again and raised the issue of farm cluster.

In response Mr Marrion said yes and in relation to the existing farm holding there was a unit and then two free range units on the holding.

The Planning Manager explained that there is a general understanding that poultry houses can be treated as an exception to needing a site next to existing farm buildings due to risk of disease to other farm stock and impacts on a farm house if too close. Consultations had been carried out with environmental health and it was felt the proposal as sited was acceptable. No concern was raised in relation to ammonia on recognised habitats. He also noted that the Draft Area Plan was proposing a less strict policy on location of out buildings although no significant weight could be attached to it at this stage in the plan process

Councillor Bell taking into consideration previous comments said that 26 acres is a very large piece of ground and asked if the identified site was the only place the shed go and not be in the way of neighbours.

The Dungannon team lead said other land on the farm lands was constrained by flood risk, topography and other dwellings in close proximity.

Councillor Robinson stated that in listening to both sides of the story it was not easy to get plots of land in all the one place especially if trying to set up another business. He mentioned some of the objections such as hens roaming, fencing issues, vermin, foxes and highlighted that producing eggs required certain standard to be kept. He also stated that living in a rural area you would expect some of the aforementioned, he spoke of milk tankers etc on the road and said he felt it only fair to go with the recommendations.

Proposed by Councillor Robinson
Seconded by Councillor McKinney

Resolved That planning application LA09/2017/1668/F be approved subject to conditions as per the officer's report.

LA09/2017/1705/F Retention of and completion to reinstatement of previous dwelling at 200m SW of 107 Lisnaclare Road, Stewartstown for James Canavan

Mr Marrion (SPO) presented a report on planning application LA09/2017/1705/F advising that it was recommended for refusal.

Resolved That planning application LA09/2017/1705/F be deferred.

LA09/2017/1717/F Dwelling and garage at lands 250m E of 107 Dunamore Road, Cookstown for Thomas Loughran

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

LA09/2018/0304/O Site for 2 storey semi-detached dwellings to the rear of Dunleath Bar, 58-66 Church Street, Cookstown for Gary, Christopher and JP Eastwood

Members considered previously circulated report on planning application LA09/2018/0304/O which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Kearney

Resolved That planning application LA09/2018/0304/O be approved subject to conditions as per the officer's report.

LA09/2018/0371/F Subdivision of replacement dwelling into two dwellings at 89 Moneysallion Road, Kilrea for David Gordon

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

LA09/2018/0379/F 2 No dwellings and domestic garages at land between 7 and 9 Annaloughan Road, Augher for PMG Contracts

Members considered previously circulated report on planning application LA09/2018/0379/F which had a recommendation for approval.

Councillor Cuthbertson asked if the two houses were already built.

In response Mr Marrion (SPO) advised that the application was for the erection of two dwellings and there was nothing to suggest that when the application had been submitted in March 2018 and when the site visit had been carried out.

Councillor Cuthbertson stated he did not recall previous agreement.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0379/F be approved subject to conditions as per the officer's report.

LA09/2018/0420/F Erection of 10 dwellings (6 detached and 4 semi-detached) immediately to the rear of and adjacent to No's 12, 14, 18 and 20 Mullaghteige Road, Bush for BOA Island Developments

Mr Marrion (SPO) presented a report on planning application LA09/2018/0420/F advising that it was recommended for refusal.

Resolved That planning application LA09/2018/0420/F be deferred.

LA09/2018/0425/F Relocation of dwelling from that on the previous approval H/2008/0322/F at 45m S of 7a Crocknamohil Road, Draperstown for D and A Developments

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

LA09/2018/0457/F Light industrial unit containing production, packaging storage and distribution facility, laboratory, offices, access, landscaping, parking provision and ancillary site works, including waste water treatment facility, at lands approx. 30m SW of 98 Granville Road, Granville for CSL

Mr Marrion (SPO) drew attention to the note detailed in the addendum at item 4.10 (appendix 1) amending wording at condition one.

Members considered previously circulated report on planning application LA09/2018/0457/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0457/F be approved subject to conditions as per the officer's report.

LA09/2018/0726/F Vehicular access onto Knockview and associated in-curtilage parking at 9 Knockview Gardens, Augher for Kathleen Harrington

Mr Marrion (SPO) drew attention to previously circulated report on planning application LA09/2018/0726/F advising that it was recommended for refusal.

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

The Planning Manager advised that the roads are not classified in the town whilst rural roads are classified. He posed the question as to why a permission was needed and could this be permitted development. After consulting the legislation he concluded that it was because of the closeness to the junction. He asked the applicant if consideration would be given to revising the scheme.

Mr Irvine advised that the application had been brought due to health conditions that is rheumatoid arthritis, heart condition and general state of health. He stated that there was a lot of parking on the kerb line at fourth house and although it was close to a junction one parking space less would relieve obstruction at the junction. He also advised that the house next door had to reverse onto the main road. He concluded that it would be of great assistance if she could get access the boot of her car safely. He indicated a willingness to relook at the scheme

The Planning Manager advised it may be best to look at the location and suggested the application be deferred for a meeting on site with Mr Bowman (HDM), relevant staff and Roads Service to consider what options exist.

Councillor Cuthbertson stated he was not against what the Planning Manager but stated that it was a cul-de-sac and there was nothing to deter people driving to the end of the development and turning as parking within 15 meters would block site

lines. He stated that this is what people do in towns and that he felt the matter could be resolved at the meeting.

The Planning Manager stated he could understand what the agent was saying and asked how far it was to the junction.

Mr Marrion (SPO) advised it was seven meters.

The Planning Manager stated that safety concerns must be considered and that the Road Service had standards but that the possibility of a site meeting with a Roads engineer should be considered to explore all possibilities

Councillor Bell said he would be happy to proceed with the Planning Manager's suggestion given the layout of the houses it would be wise to reconsider regarding road safety issues.

Councillor Robinson stated it was a cul-de-sac and road safety was paramount.

Proposed by Councillor Bell
Seconded by Councillor Robinson

Resolved That a site meeting be held in relation to planning application
LA09/2018/0726/F

LA09/2018/1112/F Offices and storage building at land opposite 4 Ballygillen Road, Coagh, Cookstown for Thomas Hutchinson and Sons Ltd

Members considered previously circulated report on planning application LA09/2018/1112/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2018/1112/F be approved subject to conditions as per the officer's report.

LA09/2018/1161/F Conversion, reuse and extension of existing stone barn as a dwelling and garage at 60m NW of 27 Drummullan Road, Coagh for Ms K McCormick

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

LA09/2018/1263/RM Dwelling 20m S of 40 Derrygonigan Road, Cookstown for Finbar Crawford

Ms McCullagh (SPO) drew attention to the previously circulated report on planning application LA09/2018/1263/RM which had a recommendation for approval.

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

Mr Gourley advised that he was speaking on behalf of Mr K Higgins of 11A Killybearn Road and Ms M Quinn of 38 Derrygonigan Road who both own properties bounding the application site, to make representations in respect of the above application. He said that there was a number of issues which he wished to bring to the attention of the planning committee:

1. Incorrect Development Description
2. Incorrect Visibility Splays Indicated on Site Layout
3. Inability to provide and Maintenance of Visibility Splays
4. Non Compliance with Ridge Height Restriction
5. Ownership incorrect
6. Overlooking of Adjoining Private Amenity Space
7. Sewerage Disposal

He said that having regard to the numerous invalid issues raised above the applicant should be required to either resubmit plans and details that comply with conditions of the outline permission or withdraw the reserved matters application and resubmit as a full application with accompanying payment of the appropriate fee of £851.

He concluded by saying that he trusts that the planning authority would require the applicant to comprehensively address the issues raised above prior to further considering the application.

In response to a question Mr Gourley advised that the hedgerow was in the ownership of Mr S Quinn. Further discussion took place during which it was suggested that both parties meet with a planning officer to find an accommodation. Mr Gourley confirmed his client would be happy to do so.

Councillor Colvin expressed concern stating that perhaps Council was overstepping the mark as it was not their remit to step into disputes between neighbours.

The Chair, Councillor Mallaghan stated that in some instances it works.

Proposed by Councillor Colvin
Seconded by Councillor Robinson

Resolved That an office meeting as aforementioned be arranged regarding planning application LA09/2018/1263/RM

LA09/2018/1270/F Modular classroom, LPG gas tank and 2.4 high fencing compound at St Brigid's Primary School, 130 Tirkane Road, Maghera for Parochial House

Members considered previously circulated report on planning application LA09/2018/1270/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McEldowney

Resolved That planning application LA09/2018/1270/F be approved subject to conditions as per the officer's report.

LA09/2018/1367/F Retention of garage with part change of use to living accommodation at 10m N of 30 Loughdoo Road, Pomeroy for Karl Heron

Ms McCullagh (SPO) drew attention to the previously circulated report on planning application LA09/2018/1367/F advising that it was recommended for refusal.

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

It was brought to the attention of the meeting there was a late request for a deferral of the application.

In response to the Chair, Councillor Mallaghan's question the Planning Manager stated it was a difficult situation and his understanding of it was correct, there is a house with a granny annex and the front of the house was used by family members. He further advised that the occupant of the annex had passed away.

Mr Fox confirmed that the person residing in the annex had not died.

The Council Solicitor noted that standing orders requires that requests for deferral had to be received by 12 noon on a Friday prior to the meeting and an exception to this was at the discretion of the Chair. The Council Solicitor advised that there had been a recent case which would suggest that any deferral request needs to be carefully considered and she exercised caution about rushing to refuse a deferral request.

Members listened to the content of the email.

Councillor Mallaghan sought direction as to whether the committee would wish to defer or proceed.

In favour to hear the application 5

In favour to defer the application 5

The Chair, Councillor Mallaghan used his casting vote in favour to proceed.

The Chair, invited Mr Fox to present.

Mr Fox brought to the attention of the meeting his family experiences in the current situation and stated if it were to continue that their home had no privacy and their children did not feel safe. He advised that his son's room faces the garage and if the application was approved it would not make for a good situation.

In response to the Planning Manager's question Mr Fox advised that it had been designed years ago as an overflow from the main dwelling and used as somewhere to live until they built a new home.

The Planning Manager sought clarity as to whether there was a bedroom, bathroom and kitchen in the garage.

Mr Fox confirmed and stated previously it had been immediate family.

The Planning Manager stated that the application was to legalise the annex and his view would be it is to be used as a rental property split from the original dwelling.

Mr Fox confirmed that the immediate family had moved and they now wanted to rent the property out and there would be a three way split the lady, her sister and brother in law.

The Planning Manager stated that he would not wish to make a decision until he was in full possession of the facts concerning the application and ownership of the property.

Councillor Glasgow made reference to the late notification for deferral and acknowledged that Mr Fox had taken the time to present to the meeting.

The Planning Manager highlighted that it was not the responsibility of Planning to check the certificates outlined but advised that 30 days may be useful to check out the necessary legalities.

Proposed by Councillor Colvin
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1367/F be deferred

LA09/2018/1457/O Site for dwelling and garage 40m NW of 7 Glenmaquill Road, Magherafelt for Mary Alice McGurk

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

LA09/2018/1540/F Removal of conditions 7, 8 and 14 of planning permission I/2008/0773/F adjacent to Castle Road and to the rear of 1-

**13 Castle Road and 6-12 Dungannon Road, Cookstown for
McAleer Contracts Ltd**

Ms McCullagh (SPO) drew attention to the previously circulated report on planning application LA09/2018/1540/F advising that it was recommended for refusal.

Resolved That planning application LA09/2018/1540/F be refused.

**LA09/2018/1558/O Dwelling and garage on a farm at land approx. 50m NW of
32 Drumkee Road, Dungannon for Mr Keith Morrison**

Members considered previously circulated report on planning application LA09/2018/1558/O which had a recommendation for approval.

Mr Marrion (SPO) advised Members that a letters had been issued as appropriate apologising for a previous misunderstanding in relation to the application.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson

Resolved That planning application LA09/2018/1558/O be approved subject to conditions as per the officer's report.

**LA09/2018/1568/F Agricultural shed approx. 50m SE of 36 Ballynease Road,
Bellaghy for Gary McMullan**

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

**LA09/2018/1573/O Dwelling and a garage on an infill site immediately N and
opposite 17 Aghnagar Road, Galbally, Dungannon for
Blaine Nugent**

Resolved That planning application LA09/2018/1573/O be withdrawn

**LA09/2018/1578/O Site for a dwelling and garage 25m E of 28 Drumkee Road,
Dungannon for Ms Claire Heron**

The Dungannon team lead presented the application and advised that it had been agreed for a deferral for an office meeting earlier in meeting.

Chris Cassidy used his speaking rights to argue that the polytunnels met the test of a building and that they were an eyesore and there were environmental benefits in replacing them. This would resolve issues of vermin as well as unsightliness. The proposal was to provide for a young woman and her family to be next to her aging parents to help care for them.

Councillor Gildernew stated he would have to agree with the agent making mention of vermin, vandalism and that one building was a glass house.

The Planning Manager asked if the site had authorisation.

Mr Marrion (SPO) advised there was no information on this.

Councillor Bell stated that he didn't know if it had a concrete foundation but said that photographs confirmed that the glass house would have been there for more than five years.

The Planning Manager advised that the issue here was not replacement of a building as the policy only allowed for conversion of a building or replacement of a dwelling. However there were instances where the removal of an environmentally unfriendly non-conforming use in exchange for a dwelling could have benefits as recognised in policy. The Planning Manager asked where the applicants lived.

Mr Marrion advised that number 28 was the applicants.

Councillor McKinney thought that the removal of 4000sq foot of buildings and replaced with a bungalow would not in most people's opinion change rural character.

The Planning Manger advised that without the committee looking at this site it was not possible to decide whether the removal of the existing clutter on the site had environmental benefits and consideration should be given to a site meeting

Proposed by Councillor McKinney
Seconded by Councillor Gildernew

Resolved That a site meeting be held in relation to application
LA09/2018/1578/0

LA09/2018/1584/O Site for dwelling and domestic garage/store at 55m W of 68 Moneyhaw Road, Drumullan, Moneymore for Mr Conor McCloy

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

LA09/2018/1614/RM Dwelling and detached double garage immediately N of 95 Innisrush Road, Portglenone for Mr A Lagan

Members considered previously circulated report on planning application LA09/2018/1614/RM which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/1614/RM be approved subject to conditions as per the officer's report.

LA09/2019/0004/O Infill dwelling and garage at lands between 12A & 14 Gortahurk Road, Draperstown for Mr Emmett McIvor

Ms McCullagh (SPO) drew attention to the previously circulated report on planning application LA09/2019/0004/O advising that it was recommended for refusal.

Proposed by Councillor
Seconded by Councillor

Resolved That planning application LA09/2019/0004/O be refused.

**LA09/2019/0067/F New site access at Knockmany Forest, Knockmany Road,
Augher for Mid Ulster District Council**

All members declared an interest in application LA09/2019/0067/F.

The Planning Manager advised that he had received a phone call to say that the development had already started and stated he had advised the caller to contact the Technical Services department and that Council will be aware if you started development without planning permission you do so at own risk and like any other applicant enforcement action would be taken if necessary.

Mr Marrion (SPO) drew attention to the previously circulated report on planning application LA09/2019/0067/F which had a recommendation for approval. He also read the contents of a letter received from David and Edith Boyd dated 22 February 2019.

In response to Chair Councillor Mallaghan's question Mr Marrion (SPO) advised that he could accept there would be more traffic but would be looking at the road.

The Planning Manager stated he could have sympathy with the objectors and cars approaching junction whose lights would shine into their houses as previously there was no junction. He stated that the way forward is for all parties to discuss the issue.

Councillor Robinson proposed a site meeting at which all parties could attend as an access would have detrimental effect.

Proposed by Councillor Robinson
Seconded by Councillor McKinney

That a meeting with objectors and Technical Services be held.

Councillor Cuthbertson asked if an opening higher up Knockmany Road could be explored as had been suggested previously.

The Planning Manager stated that he would be happy if the Objectors met with Technical Services alone.

Councillor Mulligan stated that people had travelled a distance to attend the meeting and should be permitted to have their say.

The Chair advised that two requests to speak against the application had been received and invited Councillor Mulligan to address the committee.

Councillor Mulligan thanked the Chair for the opportunity to speak against the application for a new access to the development already passed in December under 2018/1141/F with existing entrance to the site. He stated that he had noted from the meeting that a number of speakers referred to the dangerous junctions and the school bus accident. I should point out that there is an element of risk at Knockmany such as there is at any road junction, however that particular accident, bad as it was, was not caused by any vehicle exiting the road from the North. However there is merit in looking at a revised option in the interests of safety.

Councillor Mulligan also said that there is a problem, indeed a number of problems with the matter before the committee as the site location is given as Knockmany Road while the attached drawings indicate that access is to be sought onto the Claremore Road which to his mind is misleading as this is how the matter has been advertised. Had the drawings indicated accessing the Knockmany Road as stated it would have made sense in that it moves the additional traffic generated from the development away from the existing road junction, hence a reduction of risk and is also entering a road with excellent site lines and a dual track which can more easily accommodate the traffic volume.

He continued saying that to revert to the drawings shown the proposed entrance as indicated from the Claremore Road poses a major bone of contention for the Boyd family in that it is directly opposite their entrance on a narrow road, albeit the aim is to widen that to six meters to facilitate the exercise.

Councillor Mulligan advised that the family have lived quietly at this location for 43 years and have enjoyed the privacy of their home especially the garden to the rear which is used extensively for entertaining during the summer evenings away from the Knockmany Road and the associated traffic. He stated that should this development proceed that peace and solitude will be taken from them for ever, the verges of the road which are usually in pristine condition, will become gutter tracks as are many on other local roads with increased volume of vehicles virtually on their doorstep. The Boyd family would be collateral damage in this exercise to provide for visitors who don't necessarily observe all the niceties of the driving school!

Councillor Mulligan stated that what was proposed was inviting trouble and would pose a major problem for the Boyd's and suggested that the committee see sense of what has been said and move the proposal to the Knockmany Road. He reflected that at the launch of the Development Plan there was emphasis of being good neighbours in all of Council developments and advised the Chair that this was an antithesis of that and asked if the Council was a rogue developer or could they prove their credentials of being a good neighbour to immediate neighbours and rate payers on this occasion. He concluded saying a further critical matter was that heavy haulage vehicles were used to haul timber from the front of the forest.

The Chair invited Mr Boyd to address the committee.

Mr Boyd said that he had no objection to Knockmany forest but he did object to the lack of privacy on their home, day and night, when young drivers were doing donuts and drunken brawls was taking place and he stressed that the proposed new entrance would leave their property very vulnerable. He also said that traffic approaching from Omagh would be detrimental to their pedestrian entrance and highlighted that the silage season increases traffic. Mr Boyd made reference to traffic to Clogher Mart, heavy goods vehicles moving forest timber and encroachments on the verge of their road. He stated that not enough consideration had been given to the application and its impact on their family life.

Resolved That an office meeting with Technical Services and Objectors be held.

LA09/2019/0099/O Site for replacement dwelling and double domestic garage (renewal of LA09/2015/1115/O) at approx. 110m SE of 58 Annaghmore Road, Castledawson for Mr John Lennox

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/0099/O be deferred for one month.

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

Members considered previously circulated report on planning application LA09/2016/0114/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Gildernew

Resolved That planning application LA09/2016/0114/O be approved subject to conditions as per the officer's report.

LA09/2016/1719/A 1 no Vertical Free Standing Sign at 26 Charlemont Street, Moy, Dungannon for Moy Autos

Members considered previously circulated report on planning application LA09/2016/1719/A which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Mullan and

Resolved That planning application LA09/2016/1719/A be approved subject to conditions as per the officer's report.

LA09/2017/0771/O Dwelling and garage approx. 60m SW of 13 Barrack Road, Ballymaguigan, for Joe Crozier

Members considered previously circulated report on planning application LA09/2017/0771/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0771/O be approved subject to conditions as per the officer's report.

LA09/2017/0968/F Replacement storey and a half dwelling at 10 Minterburn, Caledon for Mrs M Murphy

Members considered previously circulated report on planning application LA09/2017/0968/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/0968/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 and piping approx. 20m of open sheugh at land fronting onto Keerin Road approx. 625m W of 129 Broughderg Road, Omagh for John O'Neill

The Planning Manager advised that personal data had been brought to his attention in relation to the application and it would not be appropriate to make it public.

The Chair, Councillor Mallaghan suggested that the item be heard in confidential business.

In response to Councillor Cuthbertson's question the Planning Manager stated it would be the intention to make a decision tonight on the application.

Proposed by Councillor Gildernew
Seconded by Councillor McEldowney

Resolved That the item be taken in confidential business.

LA09/2017/1004/O Replacement dwelling and domestic garage at land approx. 320m NW of 180 Caledon Road, Aughnacloy for Adrian Robinson

Mr Marrion (SPO) drew attention to the previously circulated report on planning application LA09/2017/1004/O advising that it was recommended for refusal.

Glasgow left the meeting at 9.12 pm and returned at 9.14 pm.

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

Mr Gourley spoke of access onto lands due to the new line of Caledon/Aughnacloy Road.

He made reference to an old laneway which could not be brought into use due to ownership issues. Only access servicing the lands and also accesses onto protected route even if it was in the applicants ownership. He referred to the Ministers statement in 2013 regarding accommodating development in the countryside and highlighted that there was evidence of a previous dwelling He appealed for a degree of flexibility and requested a deferral so that the remains on site could be identified as being used as a dwelling.

Councillor Robinson stated that there was walls but it was hard to determine exactly what they had been but it did look like it had been a dwelling with one access out to the Caledon Road suggesting options such as taking a tractor out by Caledon/Aughnacloy Road he suggested the application should be deferred to explore opportunities.

Councillor McKinney was mindful that there had been a similar issue outside Stewartsown.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew

To approve the application.

The Planning Manager asked Members to be mindful that there was not a clear access and that there had been discussions with Roads Service and that the matter was complex.

The Council Solicitor asked Members to note the reasons for refusal outlined in the report and that if minded to approve then it would need to be on the basis that either it did not contravene policy or provide clear and detailed reasons as to why they were treating this as an exception to policy.

Councillor McKinney stated that the road wasn't there when the dwelling was placed and mentioned tractor splay.

In response, the Planning Manager stated you could get visibility splay but the issue is the hard shoulder, he stated that this could be agreed as a new dwelling

Mr Gourley advised that this was the first time the application was deferred as previously it had been a farm building and this was the first time he had spoken on the application.

The Planning Manager stated that in his opinion at this stage the applicant should withdraw.

Councillor McKinney suggested that the applicant should perhaps defer to an office meeting if it would help.

The Planning Manager stated that the issue was whether it was a replacement dwelling and officers did not think so as there was not sufficient evidence.

Councillor Robinson stated that the main issue was whether this had been a dwelling previously and if there was proof of same.

The Planning Manager stated that public safety is paramount and this is the issue.

Councillor Gildernew expressed disappointment for the applicant and withdrew his second to the proposal and concurred to defer.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/1004/O be deferred

LA09/2018/0458/F Relocation of approved dwelling and access at 75m SW of 7 Glengomma Road, Draperstown for Joe McGillian

Members considered previously circulated report on planning application LA09/2018/0458/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2018/0458/F be approved subject to conditions as per the officer's report.

LA09/2018/0511/LBC Replacement of two single glazed windows (sash) with double glazing at the front of property facing Main Street at 53 Main Street, Benburb, Dungannon for Bob Toner

Members considered previously circulated report on planning application LA09/2018/0511/LBC which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0511/LBC be approved subject to conditions as per the officer's report.

LA09/2018/0720/F Change of house design to previously approved M/2006/1299/RM at approx 60m E of 31 Mullaghmoyle Road, Coalisland for Declan Dorrity

Members considered previously circulated report on planning application LA09/2018/0720/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2018/0720/F be approved subject to conditions as per the officer's report.

LA09/2018/0725/O Bungalow and garage adjacent to 7a Keady Road, Upperlands for Miss C O'Kane

Members considered previously circulated report on planning application LA09/2018/0725/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0725/O be approved subject to conditions as per the officer's report.

LA09/2018/0874/O Dwelling and garage approx. 100m NE of 90 Ballyscullion Lane, Bellaghy for Ann Marie McIvor

Members considered previously circulated report on planning application LA09/2018/0874/O which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2018/0874/O be approved subject to conditions as per the officer's report.

LA09/2018/0942/F Retention of office building and change of use to auxiliary accommodation to existing dwelling at 32 Luney Road, Desertmartin for Doreen Leacock

Members considered previously circulated report on planning application LA09/2018/0942/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0942/F be approved subject to conditions as per the officer's report.

LA09/2018/1102/O Site for dwelling approx. 60m of 91A Aughrim Road, Magherafelt for Edmund Ferguson

Ms McCullagh (SPO) drew attention to the previously circulated report on planning application LA09/2018/1102/O advising that it was recommended for refusal.

Councillor S McPeake declared an interest in the application.

Councillor S McPeake referred to the application being previously deferred and the discussion which had taken place. He stated he had looked at the site, considered cluster criteria, the boundaries discussion and was now satisfied that it would not encroach and could support the application.

Councillor S McPeake withdrew to the public gallery.

Councillor McKinney stated his instinct was somewhat similar making mention of the cluster, the crossroads and important buildings.

The Planning Manager stated there was buildings on both sides but there was one which wasn't legal which if it had of been so he would have been more supportive. He also expressed concern and highlighted how easy it was to set precedents and stated that to make an exception for a hedgerow is pushing it.

Councillor Cuthbertson left the meeting at 9.38pm returning at 9.40pm

The Council Solicitor stated that the report listed four reasons for refusal and that whilst the Committee may be of the view that Councillor McPeake's comments addressed reasons 3 and 4, there were still two other reasons. She advised that Members must be mindful of the need to either explain why policy is being met, or if being treated as an exception to policy, they'd need clear reasons why and ensure they don't set precedents.

Councillor Clarke mentioned the existing cluster, the road to the right and that the Aughrim Road went through the cutting, he spoke of the buildings on the two corners at the crossroads, the lack of access, the community building and highlighted a flatter area and suggested building there as an alternative. The Planning Manager stated that it was up to Members to make the decision that he was only there to advice.

Councillor Glasgow commented on visiting the site and that he could not see the existing cluster extending as it would damage agricultural lands.

The Planning Manager stated that Members were getting into a difficult position and reiterated that they should be mindful of the reasons for refusal.

Councillor McKinney mentioned other properties which had been passed and asked if a further application for a small house would change the circumstances.

Councillor Bell mentioned a debate in relation to a case in Swatragh at a fork in the Road which was passed as a focal point.

The Chair, Councillor Mallaghan said he felt it would leave Members in a precarious position to go against the case officers recommendations.

Councillor Robinson stated that having listened to the Planning Manager he too felt it was best to act upon the recommendation of the Officer.

Proposed by Councillor Robinson
Seconded by Councillor Kearney

Resolved That planning application LA09/2018/1102/O be refused.

LA09/2018/1139/O Dwelling and garage, 100m W of 39 Gortindarragh Road, Galbally, Dungannon for Eugene & Patricia Hackett

Members considered previously circulated report on planning application LA09/2018/1139/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Kearney

Resolved That planning application LA09/2018/1139/O be approved subject to conditions as per the officer's report.

LA09/2018/1152/F 2 apartments in lieu of approved dwelling (LA09/2017/1542/F) at approx. 7m NW of 6 Ferguy Height, Cookstown for Roger McCombe

Members considered previously circulated report on planning application LA09/2018/1152/F which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Robinson

Resolved That planning application LA09/2018/1152/F be approved subject to conditions as per the officer's report.

Matters for Information

P031/19 Minutes of Planning Committee held on 5 February 2019

Members noted minutes of Planning Committee held on 5 February 2019.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McKinney
Seconded by Councillor Robinson 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 P032/19 to PR037/19.

Matters for Decision

- P032/19 Receive Industrial Monitoring Report 2018
P033/19 Receive Enforcement Report

Matters for Information

- P034/19 Confidential Minutes of Planning Committee held on 5
February 2019
P035/19 Enforcement Cases Opened
P036/19 Enforcement Cases Closed
P037/19 Enforcement Live Case List

P038/19 Duration of Meeting

The meeting was called for 7 pm and concluded at 11.10 pm.

Chair _____

Date _____