

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 3 December 2019 in Council Offices, Ballyronan Road, Magherafelt**

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| <b>Members Present</b>        | Councillor Mallaghan, Chair<br><br>Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Glasgow, Kearney, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson   |
| <b>Officers in Attendance</b> | Dr Boomer, Planning Manager<br>Mr Bowman, Head of Development Management<br>Ms Doyle, Senior Planning Officer<br>Ms McCullagh, Senior Planning Officer<br>Mr Marrion, Senior Planning Officer<br>Ms McNally, Council Solicitor<br>Miss Thompson, Democratic Services Officer |
| <b>Others in Attendance</b>   | <b>Applicant Speakers</b><br>LA09/2018/0785/F Ms Curtin<br>Mr Grainger<br>LA09/2019/1169/O Mr Bain<br>Ms Curtin<br>LA09/2019/1183/F Mr Gourley<br>LA09/2019/0141/F Mr Warde  |

The meeting commenced at 7.04 pm

**P143/19 Apologies**

Councillor Gildernew.

**P144/19 Declarations of Interest**

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

Councillor McKinney declared an interest in planning application LA09/2017/1534/F.

Councillor S McPeake declared an interest in planning application LA09/2019/0569/O.

**P145/19 Chair's Business**

The Chair, Councillor Mallaghan stated that as this was the last Planning Committee of 2019 he wanted to thank all planning staff for their hard work during the year including those who stay into the evening to service meetings.

The Chair, Councillor Mallaghan referred to recent comments on Facebook and Twitter relating to the Planning Committee and stated that all applications brought before the Committee are dealt with on merit and in a fair and transparent manner and that those who sit on the Planning Committee would not be swayed by posts and comments on social media.

Councillor Quinn stated he had read some of the comments which were disparaging of the Planning Committee and that he felt were out of line. The Councillor stated that the Planning Committee conducts its affairs in a fair manner.

The Planning Manager stated that in terms of social media, everyone needed to be careful of what comments they posted.

The Planning Manager referred to recently published NISRA Housing Report and advised that the report finds that Mid Ulster is the authority permitting most house builds. The Planning Manager advised that the report is available on the NISRA website.

## **Matters for Decision**

### **P146/19      Planning Applications for Determination**

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

Agenda Item 4.1 – H/2014/0154//F – Additional poultry house and feed bins at 150m NE of 20 Newferry Road, Bellaghy for Alan Mawhinney.

Agenda Item 4.7 – LA09/2018/0943/F – Extension to existing factory premises to provide staff car parking, 70m S of 177 Annagher Road, Coalisland for DMAC Engineering.

Agenda Item 4.14 – LA09/2019/0838/F – Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking at lands 90m S of 177a Annagher Road, Coalisland (DMAC Factory) for Lilac Cancer Support Ltd.

Agenda Item 4.17 – LA09/2019/1137/O – Dwelling and domestic garage on infill site at land between 13 and 19 Dunamony Road, Dungannon for Mr Colm Casey.

Agenda Item 4.20 – LA09/2019/1212/O – Farm dwelling and garage approx. 25m WSW of 71 Killymuck Road, Cookstown for Mr P McCusker.

Agenda Item 5.2 – LA09/2017/1349/F – Animal isolation and farm machinery storage shed approx. 120m SE of 37 Rocktown Lane, Knockloughrim for Mr Robert Edward Scullion.

The Chair also advised that the following application is removed from tonight's schedule and that a decision would be issued under the scheme of delegation –

Agenda Item 4.22 – LA09/2019/1257/F – Small external store at 59 Dergenagh Road, Dergenagh, Dungannon for Winston Duff Sec. Simpson Grant Assoc.

Councillor McKinney asked why agenda item 4.22 was now being removed from tonight's schedule.

The Planning Manager stated that the application had been called in but no planning reason had been given for calling it in. The Planning Manager stated that officers should not have accepted the call in without planning reasons therefore the application should not have been on the agenda in the first place.

Councillor McKinney asked who called in the application.

The Planning Manager stated that Councillor Cuthbertson had requested the call in but that no planning reasons were given to back this up and the application should not have been put on the agenda for Committee.

The Planning Manager stated that this was a common mistake made by Members however officers should be going back to ask for the planning reason for a call in.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That the planning applications listed above for deferral be deferred for an office meeting/submission of further information/removed from schedule.

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

**H/2014/0154/F Additional poultry house and feed bins at 150m NE of 20 Newferry Road, Bellaghy for Mr Alan Mawhinney**

Agreed that application be deferred to allow for submission of further information earlier in meeting.

**LA09/2017/1534/F 15 dwellings between 53 and 11 Calmore Road, Tobermore for I McKinney Moyola Farms Ltd**

*Councillor McKinney withdrew to the public gallery.*

Members considered previously circulated report on planning application LA09/2017/1534/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2017/1534/F be approved subject to conditions as per the officer's report.

*Councillor McKinney rejoined the meeting.*

**LA09/2017/1801/F Rationalisation of existing sand and gravel extraction, lateral extensions to existing approved extraction, deepening of extraction below the current base levels to a level circa 202mAOD, with restoration to agricultural after use at lands at Murnells Sand and Gravel Quarry, N and W of 46 Murnells Road, Pomeroy for Creagh Concrete Products**

Members considered previously circulated report on planning application LA09/2017/1801/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2017/1801/F be approved subject to conditions as per the officer's report.

**LA09/2018/0073/F 2 no. Poultry Units; 4 meal storage bins, 2 underground wash water storage tanks and associated access lane/turning area at approx. 240m N of 93 Ballagh Road, Ranenly, Fivemiletown for Mr Gary Beacom**

Mr Marrion (SPO) presented a report on planning application LA09/2018/0073/F advising that it was recommended for refusal.

The Chair, Councillor Mallaghan asked if an ammonia consultation was completed and if the applicant was aware that the application is before Committee as a refusal.

Mr Marrion advised that further information has been requested on several occasions and that the applicant was aware the application could be taken to Committee.

Councillor Robinson asked if the only reason for refusal was relating to the provision of an ammonia report.

Mr Marrion stated this was correct, that the information had been requested several times and had not been provided.

Councillor Robinson referred to the cost of getting all assessments completed for such an application.

The Planning Manager stated that anyone who wants to build this type of structure will be aware of the costs and the assessments required and that in this case the applicant has not provided the information.

Mr Marrion advised that the information was requested in July and again in September and that the applicant had not responded.

The Chair, Councillor Mallaghan suggested that the applicant be given 30 days to submit the necessary information.

Proposed by Councillor Robinson  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2018/0073/F be deferred for 30 days in order to submit necessary information.

**LA09/2018/0471/F General industrial building (Use Class B3) with ancillary accommodation at lands at 76 Derrynoid Road, Draperstown for Inova Gates**

Members considered previously circulated report on planning application LA09/2018/0471/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2018/0471/F be approved subject to conditions as per the officer's report.

**LA09/2018/0785/F Erection of ancillary store building and ancillary store extension to existing workshop at Rogers Business Park, 76 Derrynoyd Road, Draperstown for Sperrin Metal Storage Solutions**

Ms McCullagh (SPO) presented a report on planning application LA09/2018/0785/F advising that it was recommended for approval.

The Chair advised the committee that requests to speak on the application had been received and invited Ms Curtin to address the committee in the first instance.

Ms Curtin stated that she represented the occupants at 74 and 74a Derrynoid Road and that whilst they did not object to the proposal in principle they did have a number of concerns. Ms Curtin highlighted that maps do not show no. 74a Derrynoid Road. Ms Curtin stated that the proposed closed board fence would not go far enough to protect against noise and referred to complaint made to Environmental Health in July 2018 by the occupants of 74a Derrynoid Road, Ms Curtin questioned why subsequent noise monitoring was not undertaken from 74a Derrynoid Road. Ms Curtin also expressed concern regarding the noise assessment taken and asked if the stamper which is the main complaint was in use when the assessments were taken and if the roller shutter door was open at the time. Ms Curtin stated that given the history of complaints and that it was felt the acoustic barrier fencing would not go far enough to alleviate concerns she asked that the application be deferred for a site meeting when noise from stamper can be monitored including when the roller shutter door is open.

The Planning Manager asked if the stamp machine is currently there and in use why does this application for an extension make the situation worse.

Ms Curtin advised that there was a fear in terms of intensification and the potential for more machines if the building is extended.

The Planning Manager stated that the permission for the dwelling had been achieved as it was related to neighbouring commercial activity and that the occupiers would have been aware that they were building in an industrial area.

Ms Curtin stated that the use of the stamper had come about since the planning permission was obtained.

The Planning Manager referred to the fear that if the extension is approved then more machinery will be brought in meaning more noise and asked if the approval was conditioned for storage purposes only if this would help.

Ms Curtin referred to the additional concerns of the roller door being left open.

The Chair, Councillor Mallaghan invited Mr Grainger to address the Committee.

Mr Grainger stated that a joint noise monitoring exercise was conducted with Environmental Health over the course of one week and that further measurements of noise inside the shed when equipment was operational were undertaken which showed the footprint of prospective noise. This impact has been calculated and both houses have been monitored and noise predicted as follows –

74 Derrynoid Road – less than 35db  
74a Derrynoid Road – just over 35db

The Planning Manager asked that if the roller door was open if this was attributing to undue noise.

Mr Grainger stated that when assessments were being taken both himself and the officer from Environmental Health commented that the area was quiet, that there was no significant noise and that levels were reasonable for the character of a country area.

Councillor McKinney proposed that officer recommendation to approve the application.

The Planning Manager asked if Councillor McKinney's proposal included the condition of use being added to the approval as he had suggested earlier.

Councillor McKinney stated his proposal was to approve the application without the additional condition.

Councillor S McPeake proposed the approval of the application with the additional condition.

Councillor McKinney asked why the additional condition was needed.

The Planning Manager stated that when a site is approved for general industrial use it does not need to get any further permissions relating to use and referred to the fear that if the extension is approved then more machinery will be moved in which will add to noise levels.

Councillor McKinney stated he would accept this explanation and withdrew his proposal.

Councillor Bell seconded Councillor S McPeake's proposal.

**Resolved** That planning application LA09/2018/0785/F be approved subject to conditions as per the officer's report with additional condition to be added that will restrict use of extension to shed to that of storage.

**LA09/2018/0943/F Extension to existing factory premises to provide staff car parking, 70m S of 177 Annagher Road, Coalisland for DMAC Engineering**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2018/1069/F 2 additional broiler poultry sheds with 4 feed bins 2 gas tanks and associated development at land approx. 190m SE of 39 Cornamaddy Road, Pomeroy for Mr Phelim McGee**

Members considered previously circulated report on planning application LA09/2018/1069/F which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2018/1069/F be approved subject to conditions as per the officer's report.

**LA09/2018/1094/F Single storey detached with garage (amended site) at Strathmullan House, 56 Killymeal Road, Dungannon for Mr Stephen Boyle**

Members considered previously circulated report on planning application LA09/2018/1094/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2018/1094/F be approved subject to conditions as per the officer's report.

**LA09/2018/1566/O Dwelling and garage 500m SE of 101 Branagh Road, Altmore for Mr Sean O'Donnell**

Mr Marrion (SPO) presented a report on planning application LA09/2018/1566/O advising that it was recommended for refusal.

Proposed by Councillor Robinson  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2018/1566/O be refused on grounds stated in the officer's report.

**LA09/2019/0007/RM      Dwelling and domestic garage 130m E of 9 Creenagh Road, Dungannon for Mr Conor Shields**

Members considered previously circulated report on planning application LA09/2019/0007/RM which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor S McPeake and

**Resolved**      That planning application LA09/2019/0007/RM be approved subject to conditions as per the officer's report.

**LA09/2019/0282/O      Site for housing development, foul sewerage treatment plant and associated works at lands opposite and immediately E of 2, 7 and 9 Aghinduff Park, Aghaginaduff, Dungannon for Mrs Anne McKeever**

Members considered previously circulated report on planning application LA09/2019/0282/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Colvin and

**Resolved**      That planning application LA09/2019/0282/O be approved subject to conditions as per the officer's report.

**LA09/2019/0704/F      Changes of layout to approved (LA09/2017/0293/F) at Church View, Church Street, Ballygawley for Jackay Ltd**

Members considered previously circulated report on planning application LA09/2019/0704/F which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor Brown and

**Resolved**      That planning application LA09/2019/0704/F be approved subject to conditions as per the officer's report.

**LA09/2019/0838/F      Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking at lands 90m S of 177a Annagher Road, Coalisland (DMAC Factory) for Lilac Cancer Support Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2019/0980/F      Replacement dwelling and detached double garage at 10 Coolnasillagh Road, Maghera for Mr J Grant**

Members considered previously circulated report on planning application LA09/2019/0980/F which had a recommendation for approval.



Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2019/0980/F be approved subject to conditions as per the officer's report.

**LA09/2019/1088/F Extension to curtilage and erection of domestic store and all associated site works at lands immediately between 218 and 220 Ballynakilly Road, Dungannon for Moussa Jaafar**

Mr Marrion (SPO) presented a report on planning application LA09/2019/1088/F advising that it was recommended for approval, Mr Marrion also referred to addendum which advised of additional informative to be added to decision to state –

*This permission does not confer title nor alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.*

Proposed by Councillor Glasgow  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2019/1088/F be approved subject to conditions as per the officer's report and additional informative as outlined above.

**LA09/2019/1137/O Dwelling and domestic garage on infill site at land between 13 and 19 Dunamony Road, Dungannon for Mr Colm Casey**

Agreed that application be deferred for submission of further information earlier in meeting.

**LA09/2019/1169/O Infill dwelling and garage at lands between 33a and 33b Grange Road, Moy for Mr Andrew Smith**

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

Mr Marrion (SPO) presented a report on planning application LA09/2019/1169/O advising that it was recommended for approval. Mr Marrion referred to addendum which outlined a further objection however it was advised that this objection did not raise any new issues.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Bain to address the committee in the first instance.

Mr Bain stated that the proposal fails to meet policy CTY8 in that infill will only be allowed in an exception. Mr Bain stated that the site is positioned between 2 houses, not the required 3, as the garage being relied upon is not a standalone building. Mr Bain stated that as there was not a continuous built up frontage the application should be refused as to approve would result in ribboning. Mr Bain stated that to approve this application would be flouting policy and would set a precedent which would expose Council to risk of

legal challenge. Mr Bain stated that the application also contravenes policy CTY14 in that the proposal would change the character of the rural area and a new house would be highly visible and would therefore not integrate. Mr Bain stated that the character of this stretch of the Grange Road had changed over the last 20 years, that when he came to live on the Grange Road there were only 2 houses and there were now 18. Mr Bain stated that the applicant alone had had 10 sites passed. Mr Bain also referred to planning appeal reference 2016/a0160 which supports his objection.

The Chair, Councillor Mallaghan stated that a further request to speak had been received from Ms Curtin and invited her to address the committee.

Ms Curtin stated she concurred with the points made in the officer reports, that the site sits within a line of 3 buildings on the Grange Road and that determining weight should not be given to planning history as assessment on these was made under a previous policy.

Councillor Cuthbertson stated that given the confusion over road frontage and hedging he would propose a site meeting be held to allow Members to assess the proposal.

The Planning Manager stated that he felt this was a sensible proposal, he advised that planning appeals take the view that a garage is a building however the real test is the impact the proposal will have on the character of the area and asked Members to consider this when on site.

The Planning Manager outlined that Policy CTY8 starts out against ribbon development but states that there can be exceptions in that if there is a substantial and built up frontage of 3 or more buildings along a road frontage without accompanying development to the rear.

Councillor S McPeake stated that he would be content with a site meeting but that critical for him was road frontage and what the site looks like from the road. The Councillor felt that photographs taken from along the road would have been helpful.

Mr Marrion advised that there are gateways, pillars, driveways and hedges visible from the road which may be beneficial for Members to see.

Councillor S McPeake seconded Councillor Cuthbertson's proposal to defer the application for a site meeting.

**Resolved** That planning application LA09/2019/1169/O be deferred for a site meeting.

*Councillor Colvin rejoined the meeting.*

**LA09/2019/1183/F Retention of building to provide communal site canteen, locker room and first aid facilities adjacent to 18 Cookstown Road, Dungannon for Barry O'Neill**

Mr Marrion (SPO) presented a report on planning application LA09/2019/1183/F 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 Gourley to address the committee.

Mr Gourley stated that the proposal is for a welfare facility for the employees on site and is ancillary to the use of the site. The proposal will not generate additional traffic movement to and from the site and in fact should help to reduce traffic movements at lunchtime as employees will have a facility on site. Mr Gourley stated that the applicant can provide visibility splays of 2.4m by 120m and that as there are less than 60 vehicles per day accessing the site it was unfair to ask for set back of 4.5m as this would only be required if there were over 60 vehicles per day, as set out in DCAN15. Mr Gourley requested that the application be deferred to allow for provision of visibility splays of 2.4m by 120m, Mr Gourley also stated the applicant would accept the conditioning of an approval for use as canteen/welfare facility of employees.

The Planning Manager referred to previous applications at this site and previous planning appeals taken however none of these have provided a proposal on how the necessary visibility splays can be achieved. The Planning Manager referred to the unauthorised development on the site and felt that the applicant had no intention of resolving the issues in relation to visibility splays otherwise he would have done so before now. The Planning Manager stated that access into/out of this site was dangerous for road users.

Mr Gourley stated that there was a lot of development throughout the countryside which is unauthorised and stated that there were some elements within the proposal site which were lawful. Mr Gourley stated that the facility was existing and was asking for time in order to resolve issues in relation to visibility splays.

Councillor McKinney proposed that the application be deferred for 60 days to allow for submission of detail on how visibility splays can be provided.

The Planning Manager stated that he felt the application was challenging the credibility of the Planning Committee and that the site curtilage outlined on map can only provide 110m to the North.

The Chair, Councillor Mallaghan asked what comments DfI Roads had made in relation to the proposal.

Mr Marrion stated that DfI Roads were requesting visibility splays of 4.5m by 120m in both directions.

Mr Gourley stated that the setback of 4.5m was only required in instances where there were more than 60 vehicles per day as set out in DCAN15 and in this case there will be less than 60 vehicles meaning that 2.4m by 120m should be adequate.

The Chair, Councillor Mallaghan stated that the Planning Committee would take its road safety advice from DfI Roads.

Councillor Quinn stated he had been at this site recently and that it is difficult to get out of given the speed of the traffic and additional nearby junction at Coal Pit Road.

The Planning Manager asked why a setback of 4.5m could not be provided.

Councillor McKinney stated he was not happy at how the conversation between the Planning Manager and Mr Gourley was being conducted across the Chamber and that the protocol in relation to those speaking was that they should speak from the microphone at the front of the Chamber. Councillor McKinney also stated that his earlier proposal was to defer the application to resolve issues in relation to visibility splays for the proposed canteen and welfare facilities and not for a café.

The Planning Manager stated that he was trying to establish what could be provided, that the Committee had been told a visibility splay of 4.5m setback could not be provided and when asked why had not received an answer.

The Chair, Councillor Mallaghan stated that although additional questions may need to be asked from time to time he felt that way the conversation was conducted tonight was above what was necessary.

Councillor Brown seconded Councillor McKinney's proposal.

**Resolved** That planning application LA09/2019/1183/F be deferred for 60 days to allow for information in relation to provision of visibility splays to be submitted.

**LA09/2019/1212/O Farm dwelling and garage approx. 25m WSW of 71 Killymuck Road, Cookstown for Mr P McCusker**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2019/1213/O Renewal of outline planning approval at Westland Road South and lands to the rear of 9 Adair Gardens, Cookstown for R and F Developments**

Members considered previously circulated report on planning application LA09/2019/1213/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2019/1213/O be approved subject to conditions as per the officer's report.

**LA09/2019/1257/F Small external store at 59 Dergenagh Road, Dergenagh, Dungannon for Winston Duff Sec. Simpson Grant Association**

Agreed that application be removed from schedule and decision will be issued under the scheme of delegation.

**LA09/2019/1309/F Removal of Condition No.2 to planning application  
H/2000/0323/F, with change of use of existing storage building  
to dwelling, front and rear extension and detached garage at 75  
Lisnagrot Road, Kilrea for Mr Michael Boyle**

Members considered previously circulated report on planning application LA09/2019/1309/F which had a recommendation for approval.

Proposed by Councillor Kearney  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2019/1309/F be approved subject to conditions as per the officer's report.

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

Mr Marrion (SPO) presented a report on planning application LA09/2017/1004/O advising that it was recommended for refusal.

Councillor Cuthbertson stated that he had been at the site meeting for this application and it was his understanding that a lane had been found during this meeting.

Councillor Colvin concurred with Councillor Cuthbertson and stated that he also believed that a lane had been located during this meeting and that the main difficulty was that it accessed onto a protected route.

Councillor Robinson stated that he felt the building would have been a dwelling at one time and that there would have been a route from the site onto the road before the upgrade of the Caledon Road.

The Planning Manager stated that the policy was clear in that all external walls should be intact and there should be the characteristics of a dwelling such as fireplace, windows, doorways etc. In this case the buildings did not have any features that would identify them as a dwelling.

Councillor Cuthbertson referred to previous documentation submitted which showed a rent paid on a dwelling.

The Planning Manager stated that the information submitted was inconclusive.

In response to the Planning Manager, Mr Marrion advised that a farm case had been made at the outset however there was a difficulty in relation to policy PPS3 and using a field gate as access. Mr Marrion stated that other potential sites had been identified on the farm but the problem of using a field gate off a protected route remained.

The Council Solicitor asked Members to identify the characteristics of a dwelling which had been found on site.

Councillor Colvin stated that the building on site would not tick all the boxes of a dwelling as outlined by policy.

The Planning Manager stated that if the application was refused the applicant could submit an appeal or consider other potential sites on the farm.

Proposed by Councillor Colvin  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2017/1004/O be refused on grounds stated in the officer's report.

*Councillor Colvin left the meeting at 8.36 pm.*

**LA09/2017/1349/F Animal isolation and farm machinery storage shed approx. 120m SE of 37 Rocktown Lane, Knockloughrim for Mr Robert Edward Scullion**

Agreed that application be deferred for submission of further information earlier in meeting.

**LA09/2017/1452/F Storage extension to the rear of building (amended plans) at 12 William Street, Cookstown for Andrew McConnell**

Members considered previously circulated report on planning application LA09/2017/1452/F which had a recommendation for approval.

Proposed by Councillor Mallaghan  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2017/1452/F be approved subject to conditions as per the officer's report.

**LA09/2018/0371/F Subdivision of replacement dwelling into two dwellings incorporating a proposed dwelling on a farm at 89 Moneysallion Road, Kilrea for David Gordon**

Members considered previously circulated report on planning application LA09/2018/0371/F which had a recommendation for approval.

Proposed by Councillor Kearney  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2018/0371/F be approved subject to conditions as per the officer's report.

**LA09/2018/0454/F Retention of a mobile home for residential use approx. 170m N of 5 Doon Avenue, Aughamullan, Dungannon for Martin McCaliskey**

Members considered previously circulated report on planning application LA09/2018/0454/F which had a recommendation for approval.

Proposed by Councillor Quinn  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2018/0454/F be approved subject to conditions as per the officer's report.

**LA09/2019/0141/F Agricultural shed with steel box profile façade at 65m SE of 21 School Lane, Gulladuff for Mr Eugene Bradley**

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0141/F advising that it was recommended for refusal.

*Councillor Colvin returned to the meeting at 8.39 pm during presentation of the above report.*

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

Mr Warde stated that the proposal was seeking permission to replace a large shed with a smaller shed and that there was no particular policy that deals with this. Mr Warde stated that the proposal was approximately the size of a double garage and that by replacing the current shed amenity would be improved and curtilage reduced. Mr Warde stated that the applicant was a hobby farmer and had no other farm buildings. Mr Warde referred to policy CTY8 and advised that the proposal was not for a new building, Mr Warde also referred to policy CTY12 which refers to exceptions providing they are essential and demonstrate health and safety benefits.

The Planning Manager asked why the small shed could not be located further up the laneway meaning that the larger shed could be retained. The Planning Manager outlined the officer's concerns regarding the tendency towards ribboning and the possible infill opportunity if this application be approved. The Planning Manager stated that the application has also not met the test regarding buildings on a farm.

Mr Warde stated that the applicant's farm is about 2<sup>1/2</sup> acres. He further stated that the applicant lived about 10 miles away from the proposal site.

In response to the Planning Manager Mr Warde advised that the current shed did not have planning permission and that a CLUD had not been determined.

The Planning Manager stated that if the application was refused the applicant would still have the opportunity of going to planning appeal.

Proposed by Councillor Robinson  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2019/0141/F be refused on grounds stated in the officer's report.

**LA09/2019/0186/F Retention of mobile home for temporary accommodation at 98a Gortlenaghan Road, Dungannon for Tony McElduff**

Members considered previously circulated report on planning application LA09/2019/0186/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor D McPeake and

**Resolved** That planning application LA09/2019/0186/F be approved subject to conditions as per the officer's report.

**LA09/2019/0470/O Site for dwelling and garage 25m SE of 27a Garrison Road, Toberhead for Mr Liam O'Kane**

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0470/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 Cassidy to address the committee.

Councillor B McGuigan stated that Mr Cassidy had made a request to speak but had to leave the meeting earlier.

Proposed by Councillor Glasgow  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2019/0470/O be refused on grounds stated in the officer's report.

**LA09/2019/0569/O Site for farm dwelling and domestic garage 35m ENE of 22 Dirnan Road, Dirnan, Cookstown for Mr Noel Conway**

Members considered previously circulated report on planning application LA09/2019/0569/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2019/0569/O be approved subject to conditions as per the officer's report.



## **Matters for Information**

### **P147/19      Minutes of Planning Committee held on 5 November 2019**

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

### **P148/19      Receive Report on Non-Determination Appeal Decision**

The Head of Development Management presented previously circulated report which advised of an Appeal decision dated 8 November 2019 (2019/E0008) relating to the non-determination of a CLUD (Certificate of Lawful Use/Development) at the Jungle NI, Desertmartin Road, Moneymore.

*Councillor Cuthbertson left the meeting at 8.56 pm.*

The Planning Manager stated that he did not feel this decision sorted anything out.

The Council Solicitor stated that any discussion would be best left until an application is brought forward to the Committee for determination.

### **P149/19      Receive Update on Ammonia – UFU**

The Planning Manager presented previously circulated report which provided an update in relation to correspondence between Council and Ulster Farmer's Union with regard to Ammonia emissions.

The Planning Manager referred to the two different definitions on what is significant impact and advised that officers would be considering such applications on a case by case basis.

Councillor Kearney stated that if a meeting can be set up then NIAPA should also be invited.

Councillor McKinney thanked officers for their efforts in trying to set up a meeting and stated that relevant applications already in the system should not be held back.

The Planning Manager stated that common sense needs to come into the equation and that the situation ultimately needs to be addressed.

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

Proposed by Councillor Brown  
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 P150/19 to P155/19.

**Matters for Decision**

P150/19 Receive Report on Consultation from Mid and East Antrim Borough Council on their Draft Plan Strategy

**Matters for Information**

P151/19 Special Planning Committee (Development Plan) Confidential Minutes held on 30 October 2019

P152/19 Confidential Minutes of Planning Committee held on 5 November 2019

P153/19 Special Planning Committee (Development Plan) Confidential Minutes held on 19 November 2019

P154/19 Enforcement Cases Opened

P155/19 Enforcement Cases Closed

**P156/19 Duration of Meeting**

The meeting was called for 7 pm and concluded at 9.10 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_