

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 8 January 2018 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present**

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shiels

**Officers in Attendance**

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

**Others in Attendance**

**Applicant Speakers**

LA09/2016/0110/O Chris Cassidy – CMI Planners  
LA09/2016/0114/O Chris Cassidy – CMI Planners  
LA09/2016/1122/F Chris Cassidy – CMI Planners  
LA09/2017/0477/F Ryan Dougan – Vision Design Arcts  
LA09/2017/0528/O Sheila Curtin – 2 Plan NI  
LA09/2017/0628/O Chris Cassidy – CMI Planners  
LA09/2017/0864/O Don Sonner – Architect  
LA09/2017/0998/F Mary McKenna – Objector  
LA09/2017/1032/O Eamonn Cushnahan – Blackbird Arcts  
LA09/2017/1079/O Chris Cassidy – CMI Planners  
LA09/2017/1205/O Robert Leonard – Agent  
LA09/2017/1276/O Chris Cassidy – CMI Planners  
LA09/2017/1380/O Joe Diamond – Diamond Architecture  
LA09/2016/0848/O Chris Cassidy – CMI Planners

The meeting commenced at 7 pm

**P001/18 Apologies**

None

**P002/18 Declarations of Interest**

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

Councillors Mullen declared an interest in applications LA09/2017/0998/F and LA09/2017/1032/O.

Councillor Kearney declared an interest in application LA09/2017/0148/F.

### **P003/18      Chair's Business**

The Chair advised Members that the Protocol for the Operation of the Planning Committee and revisions to the scheme of delegation were to come back to the next meeting and advised that this would be useful for the Committee and Officers.

The Planning Manager advised members that recent statistics had indicated that Mid Ulster District Council – Planning Department were performing very well and were the 2<sup>nd</sup> or 3<sup>rd</sup> highest performing authority in Northern Ireland, with the highest approval rates, meeting of targets and major objectives all being achieved.

The Planning Manager however, did raise concern regarding staffing difficulties and advised that there were a lot of Officers being moved around and maternity leave cover not being replaced. He said that once young staff were trained up, other Authorities grab them. He said that at the last meeting he had advised that 2 teams had been restructured for Dungannon and Magherafelt areas and now looking at implementing a 3<sup>rd</sup> team to ease the workload.

### **Matters for Decision**

#### **P004/18      Planning Applications for Determination**

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

The Planning Manager advised that his team had an opportunity to speak to Agents before the meeting tonight and it was agreed that the following applications would be removed from the list tonight.

- Item 4.1 – LA09/2016/0110/O – Site Meeting with Planning Officer
- Item 4.2 – LA09/2016/0114/O – Deferred for an Office Meeting
- Item 4.4 – LA09/2016/1122/F – Deferred for an Office Meeting
- Item 4.5 – LA09/2016/1526/O – Withdrawn
- Item 4.10- LA09/2017/0864/O – Deferred for an Office Meeting
- Item 4.12- LA09/2017/0998/F – Deferred for further investigation
- Item 4.13- LA09/2017/1032/O – Deferred for an Office Meeting
- Item 4.17- LA09/2017/1205/O – Deferred for an Office Meeting
- Item 4.18- LA09/2017/1276/O – Deferred for SPTO to visit the site

Councillor Cuthbertson enquired if the applicants would be happy with the decision taken by the Planning Manager.

The Planning Manager advised that if anyone had any objections in the gallery, then they could stand up and object to his decision.

Proposed by Councillor McPeake  
Seconded by Councillor McKinney and

**Resolved:** That it be recommended to the Council to deal with the remaining applications as listed.

**LA09/2016/0110/O Infill dwelling and garage 30m NW of 125 Gulladuff Road, Bellaghy for Odhran O'Neill**

Ms Doyle (SPO) presented a report on planning application LA09/2016/0110/O advising that it was recommended for refusal.

**Resolved:** That planning application LA09/2016/0110/O be deferred for an site meeting with Planning Officer

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

Ms McAllister (SPO) presented a report on planning application LA09/2016/0114/O advising that it was recommended for refusal.

**Resolved:** That planning application LA09/2016/0114/O be deferred for an office meeting.

**LA09/2016/1042/F 5 dwellings (amended site layout and amended house type from M/2007/0631/F) at lands to the rear of 61 Killymeal Road, Dungannon for DB Contracts Ltd**

Members considered report on planning application LA09/2016/1042/F which was recommended for approval.

Proposed by Councillor Reid  
Seconded by Councillor Gildernew

**Resolved:** That planning application LA09/2016/1042/F be approved subject to conditions as per the officer's report.

**LA09/2016/1122/F Replacement dwelling 40m NE of 48 Waterfoot Road, Magherafelt for Henry J Walls**

The Head of Development Plan presented a report on planning application LA09/2016/1122/F advising that it was recommended for refusal.

**Resolved:** That planning application LA09/2016/1122/F be deferred for an office meeting.

**LA09/2016/1526/O Site for dwelling and domestic garage 20m E of 118 Bancran Road, Draperstown for O Bradley**

The Chair, advised that planning application LA09/2016/1526/O had now been withdrawn.

**LA09/2017/0148/F    Social Housing Development of 7 dwellings and associated access road, parking, siteworks, retaining walls and landscaping at lands immediately adjacent to and E of 1 – 10 Line Court, Main Road, Moygashel for AH Developments**

Members considered report on planning application LA09/2017/0148/F which was recommended for approval.

The Planning Manager referred to the circulated addendum and advised that he was making members aware that a consultation had been issued to Shared Environmental Services to complete a Habitats Risk Assessment. He said if there were any issues that this would be brought back.

Proposed by Councillor Reid  
Seconded by Councillor Gildernew

**Resolved:** That planning application LA09/2017/0148/F be approved subject to conditions as per the officer's report.

**LA09/2017/0477/F    Extension to existing cancer care facility comprising additional treatment rooms, consulting room, offices, ancillary accommodation and associated site works at 163 Lough Fea Road, Cookstown for Charis Cancer Care**

Members considered report on planning application LA09/2017/0477/F which was recommended for approval.

Proposed by Councillor J Shiels  
Seconded by Councillor McKinney and

**Resolved:** That planning application LA09/2017/0477/F be approved subject to conditions as per the officer's report.

**LA09/2017/0528/O    Site for dwelling and detached double garage adjacent to 41 Drumsamney Road, Desertmartin for Mr A Moore**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0528/O advising that it was recommended for refusal.

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

Ms Curtin advised the committee that the application site was to be considered under Policy CTY-10 – Dwellings on Farms 'as an alternative site elsewhere on the farm' and that it was acknowledged that there were two groups of buildings on the holdings, both of which were considered unsuitable due to health and safety reasons.

The reasons for unsuitability of lands immediately adjacent to the farm cluster at 29 Dromore

Road, were previously discussed at the meeting in October and the arguments relate to Planning Policy Statement 15 and the precautionary principle with regards to flooding and development on areas susceptible to flooding. She said that they would be content in their knowledge, including the landowners concerns regarding the water table level at this location and previous structural difficulties encountered on immediately adjacent lands, should not be ignored. The precautionary principle grounded within PPS15 should not be ignored and demonstrable that health and safety reasons are present to enable an alternative siting under CTY10.

With regards to the group of buildings accessed via the private laneway adjacent to No. 41 Drumsamney Road, where a survey was carried out on the laneway and it showed that due to the ownership constraints, it would not be possible to make the improvements to the laneway to bring it up to the required standards of accessibility for emergency vehicles, in particular wider vehicles such as fire engines. There are a number of blind corners and this cannot be altered to provide passing bays for future residents.

In summary, the existing laneway which provides access to a group of farm buildings does not have the capacity to be improved to a standard necessary due to ownership and topography constraints and as such demonstrate health and safety reasons are present to enable an alternative siting under CTY10. There is the ongoing difficulty for applicants who have to seek finance to construct a property accessed via a shared laneway and unlikely to have finance approved in such circumstances.

The Planning Manager said that he would have an issue with the statement of buildings on the farm, when there is only one building. He said that if the alternative site was agreed that the laneway could be considered. He enquired if the Uncle which owns the land had any children and what was the relationship between the Uncle and the Nephew.

Ms Curtin advised that the applicant was present in the meeting tonight and that the Uncle had younger sons. He said that the applicant had been a huge help to the Uncle around the farm and although he had full-time employment, he worked unsocialable hours part-time on the farm and was always there when needed. She said that the other house belongs to the Uncle's mother (applicant's grandparents) and that none of the immediate family live there because of the flooding.

The Planning Manager said that he would be interested to know the history behind of this and would suggest that a private conversation take place during a deferred office meeting.

Proposed by Councillor McKinney  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2017/0582/O be deferred for an office meeting.

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

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

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

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

Mr Cassidy referred to the planning issues, which were raised for refusal; CT13 – Integration and Design of Buildings in the Countryside; CTY14 – Rural Character; PPS 3 – Access, Movement and Parking.

He said that the proposal was contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and did not merit being considered as an exceptional case in that it had been demonstrated that the proposed new building was visually linked or sited to cluster with an established group of buildings on the farm. Part C of the Policy allows for a dwelling on the farm to be sited away from the main group if there were either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group(s).

He stated that the applicant had already put a cattle crush and holding pen at this location and plans had been formalised for a new shed to be built. These plans are ready for submission and the applicant was willing to take a condition on any approval for his house that the shed would be built prior to occupying the dwelling. A copy of the plans were attached for members' consideration. This proposed shed along with the already established cattle crush and holding pen demonstrates verifiable plans to expand the farm business.

To the rear of the applicants home (the existing farm group) was discounted as a location for any new house because the mortgage brokers had advised that the land to the rear of No. 48a Deerpark Road was legally attached to the mortgage for the dwelling at 48a Deerpark Road and cannot be used for a new site.

Additionally a topographical survey had confirmed third party lands were required for sight lines accessing the existing laneway serving the land behind the applicant's home. The land that is required was not within the ownership of Mr Diamond and he is unlikely to gain control of it. The applicant cannot provide a safe access onto the public road at this location using the existing lane.

Mr Cassidy advised that the third party objector, Mr McCartney had asked that should a dwelling be approved on this site, its location should be approximately 100m from his dwelling, which the applicant is happy.

He advised that all neighbours were notified and that this wasn't an application under cluster and that DARD had confirmed that this was an active and established farm holding.

The Planning Manager said that he was confused as he was under the impression that Mr Diamond had already built himself a dwelling.

Mr Cassidy advised that this site was for his brother and his family, and that the brother's young child had recently started school in Bellaghy.

The Planning Manager said that he had looked at the last application for a farm building, which it turned out that it wasn't and that a cattle crush didn't constitute as a building on a farm and felt that this could be a bit premature.

In response to Mr Cassidy's remark about planning permission was ready to go, the Planning Manager stated that no application had been made.

Mr Cassidy said that prior to the new dwelling a new shed would be built.

The Planning Manager said that things could be taken on board and some could not, like whether it was for sale or not, but equally it would not be material to take on board for a farm building or there could be the perception that this was being made up as it goes along. He said that you could not rely on the advice of Mortgage Advisors and that it was not the purpose of the planning system to package things. He said that you could choose to consider the material circumstances and whichever committee it goes to, but that there could be a dispute regarding the location and all the facts, which are correct at the time. He said that as a Planning Manager that this was a case that he would not be happy to make a decision on and may be better if it was presented to the Planning Appeals Commission to justify why the case had not been fully met.

Councillor McPeake stated that it was his understanding that the previous application was revoked because wrong information was given and, as this was a new application it should be looked at again on its own merit. He felt that the applicant should be given a chance as he has met the 6 year criteria and had an opportunity for an alternative site on the farm. He advised that an objector had objected last time but this time they were happy for the site to be located 100m away from his dwelling and that no negative integration is evident and meets the criteria of rural character.

The Planning Manager said that there are still issues, which he would be concerned about, as the 6 year rule has not been confirmed by the Department of Agriculture for the applicant but for only the Diamond Farm holders. He said that he would also be concerned about whether the field on the other side of the road has been in his ownership for 6 years as we can't make assumptions on a set of invoices being submitted, but could be still in the ownership of the Diamond Family.

The Planning Manager said that given the current position that he would be content to meet Mr Diamond and discuss options.

Councillor Bateson referred to issues around relocation and enquired why they were revoked and asked if this was being considered the same.

The Planning Manager said that a planning application would not be refused because a previous one had been revoked, but there was a need for a building on a farm to be taken seriously as challenges could arise from neighbours and would suggest deferring the application for an office meeting.

Proposed by Councillor McAleer  
Seconded by Councillor Kearney and

**Resolved:** That planning application LA09/2017/0628/O be deferred for an office meeting.

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

Ms McAllister (SPO) presented a report on planning application LA09/2017/0864/O advising that it was recommended for refusal.

**Resolved:** That planning application LA09/2017/0864/O be deferred for an office meeting.

**LA09/2017/0936/F 2 additional broiler poultry sheds (to contain in total 74000 broilers) with 4 feed bins, 2 gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new coved silage pit, covered yard area and general farm storage building at lands approx. 300m NW and 100m SW of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd**

Members considered report on planning application LA09/2017/0936/F which was recommended for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2017/0936/F be approved subject to conditions as per the officer's report.

**LA09/2017/0998/F 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 West of 125 Broughderg Road, Omagh for John O'Neill**

**Resolved:** That planning application LA09/2017/0998/F be deferred for further investigation and submission of further details.

**LA09/2017/1032/O Single dwelling to the rear of 137 Lisaclare Road, Killeen, Stewartstown for Mrs Cora Donnellan**



Mr Marrion (SPO) presented a report on planning application LA09/2017/1032/O advising that it was recommended for refusal.

**Resolved:** That planning application LA09/2017/1032/O be deferred for an office meeting.

**LA09/2017/1079/O Site for dwelling and domestic garage approximately 20m NE of 40 Coole Road, Aughamullan, Dungannon for Mr Lee Canavan**

Mr Marrion (SPO) presented a report on planning application LA09/2017/0864/O advising that it was recommended for refusal.

*Councillor McKinney left the meeting at 7.40 pm and returned at 7.47 pm*

The Chair advised that a request to speak had been received from Mr Chris Cassidy and he asked him to address the committee.

Mr Cassidy stated that the Case Officer's report stated *"the application site was not within any development settlement limits as defined in the Dungannon & South Tyrone Area Plan 2010. The surrounding area can be characterised as open countryside side with dispersed rural dwellings and farms. The site sits 220 metres NE of Coole Crossroads"* He said that he would dispute this as the site was situated 128m from the crossroads. He said that the Case Officer continues *"Whilst I concede that the site is within a cluster and can be associated with a local focal point (crossroads), nonetheless the application site fails to meet one of the criteria of Policy CTY2a, in that the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster. The site is bounded on one side by development (No. 40). Whilst acknowledging there is outline permission granted for a farm dwelling to the NE and rear of the site, cannot be considered as development"*.

He said that the site has a strong visual linkage with adjacent plots and would consolidate the cluster with no consideration to No. 38a to the north of the site given by Council. This site, along with the two "live" approvals which adjoin the application site provide enclosure.

A dwelling here would not intrude into the surrounding countryside as there was development around the site ensuring any development would not significantly alter the character of the area. The departments approach to clustering is also at odds with other Councils and the Planning Appeals Commission who in appeals 2016/A0095, 2012/A00120, 2010/A0202 along with Council references LA08/2015/0056/F and LA07/2015/0135 which found that not meeting the policy in its entirety was not fatal but rather recognised that the overall thrust of this policy was to consolidate development.

Mr Cassidy said that in this case given the nature of the cluster it was considered that no demonstrateable harm would be caused and would respectfully request this application be reconsidered.

The Planning Manager stated that at the moment there was outline planning permission behind the site and if built directly behind it would be alright. If a dwelling was put at this site, then this will begin to sprawl out and may continue to do so and consideration needs to be given to outline planning permission as the planning appeals had been very clear on their stance on outbuildings.

Councillor Kearney enquired if the approved site had the same status as the other one.

The Planning Manager said that it hadn't but that he couldn't say exactly what the difference was as it still had to be treated as a building, as there was a need to consider each one on its own merit as it arises. He said that it was the same as the last application as a lot of things were being argued when there was no planning permission, although this did not mean that the situation could not change within the next year.

Councillor Bateson said that a valid point had been raised regarding a cluster, if a cluster was not entirely there in planning terms it could be pushing it a bit far.

The Planning Manager suggested that the applicant further consider this application. He said that Planning Appeals take buildings block on block and this policy says that if a farm was on at least two sites it can be classed as a cluster. He said that it could be a building, farm, quarry or even an engineering structure, so in this instance, there is a laneway to one side and a line of three properties and permission behind and in his view, this does not satisfy the criteria.

Councillor Gildernew proposed that after seeing the information that the site should be considered for approval.

The Planning Manager said that after consideration it could be seen differently, as there could be an assumption, which he may have got wrong, as a laneway to a house was classed as a development and it would be reasonable to argue that the natural end was the laneway and could be justified on these grounds.

Councillor Reid referred to the cluster and broken line, and stated that there could be an argument to overturn this if others want to build around the dotted line and could result in a hamlet or a settlement emerging.

The Planning Manager asked that the committee consider this application carefully as we are an authority which gets judicial reviews etc. and arguments and may be worth while for the application to be deferred.

Councillor Cuthbertson enquired why a laneway was classed as a development and an infill site facing the road was not.

The Planning Manager advised that infill used the work building.

Councillor Gildernew withdrew his original proposal.

Proposed by Councillor J Shiels

Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2017/0864/O be deferred until further investigations were carried out.

**LA09/2017/1132/F Use of lower ground floor of house as childminding/daycare facility for 8 at 9B Woodlawn Park, Dungannon for Little Eco Steps Ltd**

Members considered report on planning application LA09/2017/1132/F which was recommended for approval.

Proposed by Councillor Reid  
Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2017/0998/F be approved subject to conditions as per the officer's report.

**LA09/2017/1179/RM Dwelling and garage 25m NW of Killycon Road, Portglenone for Seamus McAllister**

Members considered report on planning application LA09/2017/1179/RM which was recommended for approval.

Proposed by Councillor J Shiels  
Seconded by Councillor Bateson and

**Resolved:** That planning application LA09/2017/1179/RM be approved subject to conditions as per the officer's report.

**LA09/2017/1205/O Site for farm dwelling and double domestic garage at approx. 250m No of 10 Lecumpher Road, Moneymore for Jonathon and Jayne Smyth**

Ms Doyle (SPO) presented a report on planning application LA09/2017/1205/O advising that it was recommended for refusal.

**Resolved:** That planning application LA09/2017/1205/O be deferred for an office meeting.

**LA09/2017/1276/O Dwelling and domestic garage approx. 35m SE of 2d Drumard Lane, Draperstown for Mick and Carmel McKee**

Ms McAllister (SPO) presented a report on planning application LA09/2017/1276/O advising that it was recommended for refusal.

**Resolved:** That planning application LA09/2017/1276/O to be deferred for the team lead to visit the site.

**LA09/2017/1280/F Cattle shed with underground slurry tank at land approx. 100m SW of 7 Castletown Road, Aughnacloy for Mr David Loane**

Members considered report on planning application LA09/2017/180/F which was recommended for approval.

Proposed by Councillor Reid  
Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2017/1280/F be approved subject to conditions as per the officer's report.

**LA09/2017/1380/O Site for infill dwelling and garage 25m SE of 37 Derrygarve Park, Castledawson for Paddy Diamond**

Members considered report on planning application LA09/2017/1380/O which was recommended for approval.

Proposed by Councillor Kearney  
Seconded by Councillor McElDowney

**Resolved:** That planning application LA09/2017/1380/O be approved subject to conditions as per the officer's report.

**LA09/2017/1423/F Retention of 2 dwellings at 73 Killyliss Road, Dungannon for Gary McCann**

Mr Marrion (SPO) presented a report on planning application LA09/2017/1423/F advising that it was recommended for refusal.

The Planning Manager advised it was suggested when it may have been a farm case however when looked at the policy tests for a farm case had not been met. He advised the applicant also had a second permission for a dwelling but building control records showed that it was also the intention to build two houses at that site. He advised the applicant also had a second permission for a dwelling but building control records showed that it was also the intention to build two houses at that site. He advised that the application should be refused and the matter referred to the Planning Appeals Commission if the applicant wished to contest.

Councillor Clarke said that there was mess made of the Planning Policy, and still working on the original one from 1972 or 1973 and there would be a lot less problems with enforcement cases and everything that we do if this would rightified. He said that the Council approve sheds, houses, factories and roadways and then there is an enforcement and planning permission on them. He continued to state that as a region, there was a need to have this regularised as this would sort the matter out as we are continually running to catch our tail and if something wasn't looked at, then how can it be stopped.

The Planning Manager stated that some people are under the illusion that if planning permission is not granted, then they should continue to build and wait for the enforcement notice to be issued. He said that Mid Ulster Council tries to help planning to be sustainable and help people and applicants to the best to their abilities. He raised concern about a person building when they should not and when challenged to put it right, they refuse, then there is no other alternative to proceed with legal action and once that is in force, a criminal conviction would be held on file. He said that the message to everyone would be to abide by the policy and to liaise with Planning Officers before going down the route of building.

Councillor J Shiels enquired if any work had been done to the previous application as this could be a substitute and result in three buildings.

Mr Marrion (SPO) advised that the dwelling built was on the blue print and then two separate buildings were built, the other site had foundations in, with one house there and one beside it.

Councillor Reid said as far as he was concerned a lot of people were not following protocol, resulting in a cost factor and would be of the opinion that the law had been broken by building two houses. He said although it goes against his grain he would have no option but to recommend refusal and support the Officer recommendation as it fails to meet the policy criteria.

The Planning Manager agreed that it does not meet the planning policy, but that the Planning Appeals Commission could be off a different view.

Councillor Glasgow suggested letting the Planning Appeals Commission deal with the application as it looks to him as if it was not an active farm and just clutching at something to get the application approved.

Proposed by Councillor Reid  
Seconded by Councillor Glasgow

**Resolved:** That planning application LA09/2017/1423/F to refuse the application.

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

Ms McAllister (SPO) presented a report on planning application LA09/2016/0848/O/DEF advising that it was recommended for refusal.

The Chair advised that a request to speak had been received from Mr Chris Cassidy and asked him to address the committee.

Mr Cassidy advised that this application had been presented to committee before and would ask members to consider it again for approval. He said that the division still exists although there was already nine dwellings in the cluster, with two recently approved. The policy does not stipulate how far was acceptable as 220m from the crossroads, but that a focal point can be sourced as there was a post office there. He stated that the applicant's children attends the local school and they wished to

live there as a family. He urged the committee to reconsider this application as he felt that the exact location was accurate.

The Chair advised that a request to speak had been received from Councillor B McGuigan and asked him to address the committee.

Councillor B McGuigan said that he was speaking in support of the application and would ask members to consider the application again. He said that there was a focal point demonstrated as the crossroads was at the edge of the cluster and fitted well in with the visual linkage to the crossroads. He said that he knew the area well and could confirm that linkage existed at the crossroads side of the site and a small stream, which was prone to flooding. He stated that there was the potential for four or five more sites and although he does not think this would happen, but would be looking at each application on its own merit. He said that the field at the other side of the road was all that the applicant owned and all that he wanted was a family home as his children go to the local school.

The Planning Manager said that he was lost to where the site was located and by looking at this there was a site on the two sides of the road, a house on the northern side tucked behind a river and an area marked site south of the road next to another house. .

Mr Cassidy stated that the river give a natural line to the development.

The Planning Manager suggested deferring the application until one of the Senior Officers further investigate the issue.

Councillor Cuthbertson stated that if this application had already been brought before committee, had an office meeting and no positive outcome achieved, then he would be recommending that the application be refused.

Councillor Reid said that he would agree with the Planning Manager and felt that the focal

Point i.e. shop or post office, does this mean if we pass this application on that merit, do we have to pass all others.

The Planning Manager stated that he was confused as to what was going to be decided, as we need the right plan to be submitted to access it on its own individual merit.

In response to Councillor Reid's query, the Planning Manager advised that this type of application had not arisen before.

Councillor Clarke said he thought a post office could be a focal point and advised that this could be reopened again.

*Councillor Bell left the meeting at 8.35 pm.*

Councillor Kearney advised that there was a school at the opposite side.

The Planning Manager stated that further looking at the map there is a little bit of a cluster evident.

Councillor Cuthbertson said that in his opinion it looked too messy and that it should be refused and thrown out as an invalid application.

The Planning Manager said that from the application was submitted that it should have been evident where the site was going to be and this was not the case.

Councillor Reid said that realistically no old school was going to reopen again and that post office counters may not want a base there again and wouldn't be happy with it, but if there was confirmation that this was legal and not a similar one like this in the future, that he would be happy to agree if the Planning Manager took responsibility for it. He suggested deferring the application until its property revised.

Councillor's Reid's proposal was put to the vote to defer the application until it is properly re-advertised.

For 12  
Against 3

Councillor Cuthbertson's proposal was put to the vote to refuse the application

For 3  
Against 12

Proposed by Councillor Reid  
Seconded by Councillor Bateson

**Resolved:** That planning application LA09/2016/0848/O/DEF be deferred until this application is properly advertised.

**LA09/2016/0997/F Relocation of existing approved storage shed (LA09/2015/0115) and extension of site curtilage for the storage of plant machinery and building materials at 50m E of 47 Ballymoyle Road, Coagh for Martin Loughran**

Ms McAllister (SPO) planning application LA09/2016/0997/F/DEF which was recommended for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved:** That planning application LA09/2016/0997/F/DEF be approved subject to conditions as per the officer's report.

**LA09/2016/1640/F Agricultural shed 90m S of 54 Gortlenaghan Road, Dungannon for Martin McCool**

Members considered report on planning application LA09/2016/1640/F which was recommended for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Mullen and

**Resolved:** That planning application LA09/2017/1380/O be approved subject to conditions as per the officer's report.

**LA09/2017/0629/O Off-site replacement dwelling on lands 70m West of 47 DEF Bellshill Road, Castledawson for George McMillin**

Members considered report on planning application LA09/2017/0629/O which was recommended for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Bateson and

**Resolved:** That planning application LA09/2017/0629/O be approved subject to conditions as per the officer's report.

**P005/18 Response to DfI Consultation on Lough Neagh Application**

The Head of Development Management drew attention to the previously circulated report to provide members with an overview and a draft reply to the consultation from the Department for Infrastructure (DFI) on a consultation on the further environmental information in respect of planning application LA03/2017/0310/F for Extraction, Transportation and working of sand gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km<sup>2</sup>, in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material. The consultation was issued to the Council on 20<sup>th</sup> November 2017 and seeks a response within 4 no. weeks of the consultation date.

Proposed by Councillor McPeake  
Seconded by Councillor Robinson and

**Resolved:** That it be recommended that a response be issued to DFI to state that the Planning Department had no comment to make on this consultation since the application was being decided by DFI and that responsibility for checking the probity of the Further Environmental Information rests with them.

**Matters for Information**

**P006/18 Minutes of Planning Committee held on Tuesday 5 December 2017**

Members noted minutes of Planning Committee held on Tuesday 5 December 2017.



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

Proposed by Councillor J Shiels  
Seconded by Councillor Clarke 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 P007/18 to P014/18.

### **Matters for Decision**

P007/18	Receive response to Regional Spatial and Economic Strategy for the Northern and Western Region
P008/18	Receive report on case for temporary listing
P009/18	Receive enforcement information
P010/18	Receive update on enforcement case

### **Matters for Information**

P011/18	Confidential Minutes of Planning Committee held on Tuesday 5 December 2017
P012/18	Enforcement Case Liveload
P013/18	Enforcement Cases Opened
P014/18	Enforcement Cases Closed

## **P015/18      Duration of Meeting**

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

Chair \_\_\_\_\_

Date \_\_\_\_\_