

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 December 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bell, Clarke, Cuthbertson, Gildernew, Glasgow (8.55 pm), Kearney, McAleer (7.14 pm), McEldowney, McKinney, S McPeake, Robinson

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McEvoy, Head of Development Plan and Enforcement
Ms McKearney, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McNally, Council Solicitor
Miss Thompson, Democratic Services Officer

Others in Attendance

Councillors B McGuigan, D McPeake, Molloy

Applicant Speakers

LA09/2018/0450/F Mr Monaghan
Mr McGill
LA09/2018/0720/F Mr Leonard
LA09/2018/1323/O Mr Nelson

The meeting commenced at 7.02 pm

The Chair, Councillor Mallaghan advised that Councillor Bateson had resigned from Council and thanked him for his service as a member of the Planning Committee. The Chair welcomed Councillor Donal McPeake, who would be an observer to tonight's meeting and would join the Planning Committee when required training was received.

P148/18 Apologies

Councillor Mullen.

P149/18 Declarations of Interest

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

P150/18 Chair's Business

The Planning Manager referred to recent appeal decision regarding dumping at Killyliss and advised that the appeal had been dismissed. It was advised that this was primarily on the grounds that unlawful dumping had not occurred.

The Planning Manager advised that legal advice was being sought on whether Council should accept or challenge the appeal decision.

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

Agenda Item 4.6 – LA09/2017/1101/O – Off site replacement dwelling and domestic garage / store with the existing dwelling to be retained as ancillary use to the main dwelling at approx. 165m SW of no 73 Ballyscullion Road, Bellaghy for Mr Gavin Breslin.

Agenda Item 4.8 – LA09/2017/1333/O – Farm managers dwelling and domestic garage at site adjacent to 91 Glengomna Road, Draperstown for Mr Alan McKeown.

Agenda Item 4.15 – LA09/2018/0725/O – Bungalow and garage adjacent to 7a Keady Road, Upperlands for Miss C O'Kane.

Agenda Item 4.17 – LA09/2018/0874/O – Site for farm dwelling and garage at approx. 100m NE of 90 Ballyscullion Road for Anne Marie McIvor.

Agenda Item 4.19 – LA09/2018/0942/F – Change of use from office building to dwelling at 20m NW of 32 Luney Road, Desertmartin for Doreen Leacock.

Agenda Item 4.22 - LA09/2018/1120/O – Infill dwelling 40m N of 98 Kilrea Road, Portglenone for Noel Henry.

Agenda Item 4.26 - LA09/2018/1238/F – Retention of existing agricultural storage shed approx. 20m SW of 31A Culbane Road, Portglenone for Mr Ger McPeake.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

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

The Chair, Councillor Mallaghan sought approval to have the following application deferred from tonight's meeting schedule for a site meeting –

Agenda Item 4.24 – LA09/2018/1152/F – 2 apartments (in lieu of previously approved dwelling LA09/2017/1542/F) at approx. 7m NW of 6 Ferguy Heights, Cookstown for Roger McCombe.

Proposed by Councillor McKinney
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2018/1152/F be deferred from tonight's list for consideration for a site meeting.

Matters for Decision

P151/18 Planning Applications for Determination

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

LA09/2016/1301/F Change of use from vacant dwelling to commercial offices with 2 storey rear return extension, parking area to rear and 2 new dwellings with associated site works within lands to rear at 43 The Square, Moy for Mrs Monica Hughes

Members considered previously circulated report on planning application LA09/2016/1301/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/1301/F be approved subject to conditions as per the officer's report.

LA09/2017/0117/F Detached dwelling and domestic garage to the rear of 37 Mayogall Road, Gulladuff for PSK Developments

Members considered previously circulated report on planning application LA09/2017/0117/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2017/0117/F be approved subject to conditions as per the officer's report.

LA09/2017/0567/F Extension to existing factory, engineering and other ground works including retaining structure to provide serviced industrial and commercial sites. Construction of a through road linking Coalisland Road to Carland Road and associated right hand turning lane including realignment of Rossmore Road at lands at and between 48 Coalisland Road and 11 Cookstown Road, Dungannon (former Tyrone Brick Works) including lands at Rossmore Road and Cookstown Road for Maximus Crushing and Screening

Mr Marrion (SPO) presented report on planning application LA09/2017/0567/F advising that it was recommended for approval. Mr Marrion highlighted addendum circulated in which the following additional conditional should be attached –

Prior to the new access onto Carland Road becoming operational the existing access from Rossmore Road shall be permanently closed up.

Councillor Cuthbertson proposed the recommendation and stated that it was exciting to see the site being redeveloped. The Councillor referred to press coverage today and at the weekend which stated that the application had already been approved, he stated he was aware that this information would not have come from Council.

Councillor Clarke seconded Councillor Cuthbertson's proposal and stated that it was good to see the site being brought back into use.

The Chair, Councillor Mallaghan stated that the Planning Committee determine planning applications not the press.

Proposed by Councillor Cuthbertson
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0567/F be approved subject to conditions as per the officer's report and additional condition as listed above.

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

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

LA09/2017/1039/F Exit from new car park to rear of existing Church and proposed Church Hall complex at lands N of Lecumpher Presbyterian Church, 106 Desertmartin Road, Moneymore for The Kirk Session

Members considered previously circulated report on planning application LA09/2017/1039/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/1039/F be approved subject to conditions as per the officer's report.

LA09/2017/1101/O Off-site replacement dwelling and domestic garage/store, with the existing dwelling to be retained as ancillary use to main dwelling at approx. 165m SW of 73 Ballyscullion Road, Bellaghy for Mr Gavin Breslin

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

LA09/2017/1238/F 21 dwellings with associated car parking and landscaping at Killymeal House and adjacent lands, Killymeal Road, Dungannon for J and V Construction

Mr Marrion (SPO) presented report on planning application LA09/2017/1238/F advising that it was recommended for approval. Mr Marrion highlighted addendum circulated in which the following additional conditional should be attached –

Prior to the occupation of any of the dwellings hereby approved, the dwellings shall be connected to NI Water waste water infrastructure in accordance with a scheme agreed with NI Water.

Proposed by Councillor Cuthbertson
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/1238/F be approved subject to conditions as per the officer's report and additional condition as listed above.

LA09/2017/1333/O Farm Managers dwelling and garage at site adjacent to 91 Glengomna Road, Draperstown for Mr Alan McKeown

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

LA09/2017/1407/O Industrial and commercial units on serviced sites on lands between A29 Cookstown Road/Rossmore Road and 48 Coalisland Road, Dungannon for Maximus Crushing and Screening

Members considered previously circulated report on planning application LA09/2017/1407/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/1407/O be approved subject to conditions as per the officer's report.

LA09/2018/0246/O Residential development, open space, access, landscaping, new roundabout and associated site works at lands to the rear of 40 Ballyronan Road adjoining Kilronan School and to the rear of 35-57 and 65-75 Killowen Drive, Magherafelt for Acheson and Glover Ltd

Members considered previously circulated report on planning application LA09/2018/0246/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0246/O be approved subject to conditions as per the officer's report.

Councillor McAleer entered the meeting at 7.14 pm.

LA09/2018/0450/F Vary condition of planning permission M/2010/0065/F (in respect of access arrangements) at lands adjacent to 33 Drumflugh Road, Benburb for Mr & Mrs Ken Crozier

Mr Marrion (SPO) presented report on planning application LA09/2018/0450/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 Mr Monaghan to address the committee in the first instance.

Mr Monaghan stated he was representing the objector to the application and was accompanied tonight by Dr Ryan, Civil Engineer.

Mr Monaghan stated that the permission had lapsed and was not valid and referred to the unauthorised removal of hedging after expiry of planning permission.

Mr Monaghan stated that when DfI Roads had been consulted they had stated that visibility splays could not be reduced however, after being threatened by judicial review they stated that a visibility splay of 2m x 70m was acceptable. Mr Monaghan stated there was no justification for this change of view.

Mr Monaghan stated that the lesser splay still does not get away from third party lands being required and advised that consent for the necessary lands would not be provided.

The Planning Manager stated that he understood what had been said but asked why the objection was being made ie. Was it due to road safety?

Mr Monaghan stated that the applicant was intensifying use of the laneway and it was a requirement of planning policy to achieve necessary visibility splays.

The Planning Manager stated that a case had been presented on behalf of the objector but it was unclear what the objection was and asked if it was because of loss of amenity or harm caused.

Mr Monaghan stated that the issue was not due to harm but rather inconsistency.

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

Mr McGill reiterated the points made by Mr Marrion and stated that the application would improve access arrangements.

It was advised that there were no recorded accidents at the proposed location and danger was unlikely to be caused by approving a 2m x 70m splay as accepted by DfI Roads.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2018/0450/F be approved subject to conditions as per the officer's report.

**LA09/2018/0485/F Dwelling and domestic garage 100m to the rear of 98
Tulnacross Road, Dunamore, Cookstown for Mr John McGurk**

Ms McCullagh (SPO) presented report on planning application LA09/2018/0485/F advising that it was recommended for refusal.

Councillor Clarke stated he knew the location of the proposal but would not describe it as a prominent site, he stated it was a pity the applicant had not submitted the additional information requested however he stated that change of ownership within the family could have given rise to the number of different applications.

Ms McCullagh stated that the settlement pattern in the area was mainly bungalows but that the application was for a two storey dwelling.

The Chair, Councillor Mallaghan asked when the application was submitted.

Ms McCullagh advised that the application was submitted in April. She stated that the design of the application could be negotiated however the requested information remained outstanding.

The Chair, Councillor Mallaghan proposed that the application be deferred for 30 days to allow for additional information to be submitted.

Councillor Bell seconded Councillor Mallaghan's proposal.

Resolved That planning application LA09/2018/0485/F be deferred for 30 days to allow for further information to be submitted.

LA09/2018/0518/O Residential development of approx. 48 dwellings, access, amenity space, landscaping and ancillary site works at lands W of Forthglen and adjacent to 130 & 130A Orritor Road and including access on to Tullagh Road, Cookstown for JAMDAC Developments

Ms Doyle (SPO) presented report on planning application LA09/2018/0518/O advising that it was recommended for refusal.

Councillor Bell asked if there was a reason why phase 1 land was not being developed.

The Planning Manager stated that in reality developers are not building because the market is not supporting them due to high deposit amounts being required by the bank for buyers to obtain a mortgage. The other reason phase 1 land was not being developed was because the zoning of land had been generous and that the population had not risen as predicted.

Councillor McKinney asked if there was any representative on the application in attendance tonight.

The Chair, Councillor Mallaghan stated that a late request to speak had been received in respect of the application.

Councillor McKinney stated that if the representative was in attendance the Committee should afford them three minutes to speak.

The Planning Manager stated there was no reason why phase 2 lands should be released, there had been no significant take up of phase 1 lands and that to approve the application could give rise to other applications. The Planning Manager stated there were discussions to be had in relation to land phasing with regard to the Local Development Plan.

Councillor McKinney stated he understood what had been said however there had already been three minutes spent talking about the application which could have been afforded to the applicant's representative. Councillor McKinney referred to the large scale of the application and proposed that the application be deferred for 60 days to allow the representative to come back to Committee to speak.

The Planning Manager stated that the applicant chose to apply on phase 2 lands and if the applicant disagrees with a decision to refuse the application they can then go to planning appeals.

In response to Councillor Bell's question the Planning Manager stated that the lands in question were phased as part of Cookstown Area Plan in 2004.

Councillor McAleer asked if the adjoining phase 1 land was in ownership of someone else.

The Planning Manager advised that the phase 1 lands were in someone else's ownership and it was up to the applicant to negotiate on this matter however the main difficulty remained that the proposal was to be sited on phase 2 lands. The Planning Manager stated that if there was a shortage of phase 1 land Members would be advised however this was not the case and there was evidence to support this.

Councillor Bell asked if the phase 2 lands in this instance could be hamstrung.

The Planning Manager stated that access to the lands could be negotiated but as the application stood there was no solution and the situation would not change in two months.

The Chair, Councillor Mallaghan stated that he had not allowed other late requests to speak.

Councillor McKinney stated that there were other applications that had been deferred tonight and would be discussed behind closed doors.

The Chair, Councillor Mallaghan stated that everyone had the same opportunity to make a request to speak.

The Planning Manager stated that the public may have been given a false impression of what was happening in that meetings were held behind closed doors. The Planning Manager stated that all Members were notified of office meetings and were welcome to attend, the office meetings are minuted and a report is brought back to committee. The Planning Manager urged caution in relation to Member's use of wording.

The Council Solicitor stated that speaking rights are set out in protocol and are part of the Council's standing orders. She stated that protocol was in place for a good reason and the requirements are set out clearly therein. One of the purposes of imposing the speaking rights deadline is to have everyone on equal footing and to allow the officers and members to receive and address any additional information prior to the planning meeting being held.

The Chair, Councillor Mallaghan stated that the application is contrary to the area plan and that the applicant would have known this when applying.

Councillor Gildernew proposed the recommendation to refuse the application.

The Chair, Councillor Mallaghan seconded Councillor Gildernew's proposal.

Resolved That planning application LA09/2018/0518/O be refused on grounds stated in the officer's report.

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

Mr Marrion (SPO) presented report on planning application LA09/2018/0720/F advising that it was recommended for approval.

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

Mr Leonard requested deferral of the application and sought further clarification on whether the original application was valid when building commenced. Mr Leonard stated he was thankful for the amendments made to the proposal but still felt it will have an impact on his amenity. Mr Leonard stated he had not been afforded the opportunity to meet to discuss his concerns regarding the application and felt he should be afforded the same rights.

The Planning Manager stated that there was an argument over whether development had started and clarified that development is not deemed to have commenced if it does not accord with approved plans, however there was some leeway in this regard. The Planning Manager asked Mr Leonard what his biggest concern was in relation to the application ie. Overlooking, closeness to boundary.

Mr Leonard stated he would have concerns in relation to closeness to boundary and that the application had increased in mass.

The Planning Manager asked the applicant whether he would be prepared to meet to discuss the application as it appeared Mr Leonard was not against a house being built if it could be amended in some way from what was being proposed.

The applicant stated he had already made accommodations and would not be meeting to discuss the application further.

Councillor Cuthbertson proposed that the planning application be deferred for an office meeting.

The Planning Manager stated that if the application is approved it could be open to legal challenge.

Councillor Gildernew seconded Councillor Cuthbertson's proposal.

The Chair, Councillor Mallaghan stated that if the two parties were not prepared to talk it was pointless arranging an office meeting.

Councillor Bell felt there was still some ambiguity around the original application.

The Planning Manager stated that the original permission had no condition as regards to occupancy and in the interim he assumed the land had now changed hands. The Planning Manager advised that the original permission does not accord with what has been built and the access is not the same as what was approved. The Planning Manager stated that the objector has questioned the validity of whether the original planning approval was live as if it wasn't then it would mean there was no permission on the site or to build on phase 2 lands. The Planning Manager stated that what had been built was not overly concerning and if building had continued it was likely no issue would have been raised.

The Council Solicitor stated she would like time to discuss the validity of the original application with the Planning Manager.

Resolved That planning application LA09/2018/0720/F be deferred for an office meeting – both parties to be invited.

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

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

LA09/2018/0730/O Replacement dwelling at 60 Ferry Road, Derryloughan, Coalisland for E Quinn

Members considered previously circulated report on planning application LA09/2018/0730/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/0730/O be approved subject to conditions as per the officer's report.

LA09/2018/0874/O Site for dwelling and garage approx. 100m NE of 90 Ballyscullion Road, Bellaghy for Anne Marie McIvor

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

LA09/2018/0879/F Extension to existing workshop and store and change of use of land for yard area at 158 Annagher Road, Coalisland for Spincraft Ltd

Members considered previously circulated report on planning application LA09/2018/0879/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0879/F be approved subject to conditions as per the officer's report.

LA09/2018/0942/F Change of use from office building to dwelling at 20m NW of 32 Luney Road, Desrtmartin for Doreen Leacock

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

LA09/2018/1056/F Additional 5.5m wide vehicular access, 2 no 2m wide footpaths interlinked into existing footpath network including right turning lane to The Olde Fairways residential development (in substitution to previous approval M/2008/0501/F) adjacent to 90 Colebrooke Road, Fivemiletown for Rahoran Ltd

Mr Marrion (SPO) presented report on planning application LA09/2018/1056/F advising that it was recommended for refusal.

The Planning Manager stated that the applicant could get access via an existing housing development. The Planning Manager stated that the application is within a settlement in which the number of accesses onto a main route should be kept to a minimum. The Planning Manager stated he did not know why the applicant had proposed the alternative access as there was no one in attendance tonight to explain.

The Planning Manager stated that DfI Roads had been consulted and had raised a proliferation of accesses issue. The Planning Manager stated it was up to the developer to negotiate with the neighbouring landowner in relation to gaining alternative access.

Councillor Cuthbertson stated DfI Roads were not refusing the application because of road safety issues but rather the number of accesses onto a main route. The Councillor

felt this was slightly unfair as there was another development in Fivemiletown which had numerous accesses onto a main route.

The Planning Manager stated that it was obvious to question what difference one more access would make but that accesses off/onto a main route should be kept to a minimum in order to keep traffic moving. The Planning Manager stated that if there was no other access point the application may be looked at more sympathetically.

In response to question from the Chair it was advised that the proposed access did go through green space within the development.

Councillor Cuthbertson stated there was a lot of other green space around the development.

Councillor McAleer asked if it was known why the applicant wanted the access.

The Planning Manager stated that no one had requested to speak on the application nor was in attendance tonight. Mr Marrion stated that information had been requested from the applicant in September however no reply had been received.

The Council Solicitor advised that DfI Roads had not stated the application would not prejudice road safety, but rather that there was insufficient evidence to demonstrate this.

Councillor Cuthbertson stated that the developer had took over the site a couple of years ago and would not have submitted the original plans.

The Chair, Councillor Mallaghan proposed that the application be deferred for 30 days to allow for further information to be submitted.

Councillor Robinson seconded Councillor Mallaghan's proposal.

Resolved That planning application LA09/2018/1056/F be deferred for 30 days to allow for further information to be submitted.

LA09/2018/1063/F Substitution of planning permission LA09/2017/0022/O for site located immediately N of permitted site at 85m N of 25 Bogashen Road, Portglenone for JFM Construction Ltd

Members considered previously circulated report on planning application LA09/2018/1063/F which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1063/F be approved subject to conditions as per the officer's report.

LA09/2018/1120/O Infill dwelling 40m N of 98 Kilrea Road, Portglenone for Noel Henry

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

LA09/2018/1141/F Construction of modular building with associated services and waste water treatment plant; extension of upper car park with improvement works to existing site access and pedestrian link footpath between lower and upper car parks at Knockmany Forest, Augher for Mid Ulster District Council

All Members present (Councillors Bell, Clarke, Cuthbertson, Gildernew, Kearney, Mallaghan, McAleer, McEldowney, McKinney, S McPeake, Robinson) declared an interest in this application.

Mr Marrion (SPO) presented report on planning application LA09/2018/1141/F advising that it was recommended for approval. Mr Marrion highlighted addendum circulated and advised that following recent school bus crash amended plans were received, he stated that objection had been received and that as consultation was still ongoing further objections may be received. It was advised that consultation period will end on 10 December.

The Planning Manager stated that the planning department had received amendments to the application which were not expected and that this required further consultation.

The Chair, Councillor Mallaghan suggested that further discussion on this item continue 'In Committee' for the purposes of receiving legal advice.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That further discussion on planning application LA09/2018/1141/F continue In Committee.

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

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

LA09/2018/1196/O Dwelling and garage adjacent to 19 Loup Road, Moneymore for Mr P E Moran

Ms McCullagh (SPO) presented report on planning application LA09/2018/1196/O advising that it was recommended for refusal.

Proposed by Councillor McKinney
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2018/1196/O be refused on grounds stated in the officer's report.

LA09/2018/1238/F Retention of existing agricultural storage shed at approx. 20m SW of 31A Culbane Road, Portglenone for Ger McPeake

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

LA09/2018/1282/O Dwelling and garage 110m NE of 4 Tamnymullan Lane, Maghera for Mr Robert Sufferin

Ms McCullagh (SPO) presented report on planning application LA09/2018/1282/O advising that it was recommended for refusal.

The Chair invited Mr Cassidy to address the committee as a request for deferral had been received.

Mr Cassidy stated that the farm was active and had been established for over 6 years he further highlighted that Transport NI have no objections to the application. Mr Cassidy felt there were exceptional circumstances relating to the application as there was no minor road to utilise, he further added that no access would be given for a new house and that the mortgage company had advised that lending could not be obtained. Mr Cassidy requested deferral of the application.

Councillor McKinney proposed that the application be deferred for an office meeting.

Councillor Gildernew seconded Councillor McKinney's proposal.

The Planning Manager stated that the application will create a new access onto a Protected Route and that the agent does not believe there is any alternative to the proposal however he was not convinced the proposal was the only alternative. The Planning Manager stated that no weight can be attached to the applicant's difficulty in being able to get a mortgage.

Councillor McPeake felt there were a number of factors relating to the application, he highlighted that the laneway was not in the applicant's ownership and that the applicant was eligible for a farm dwelling.

The Planning Manager stated that the same arguments could be given to other applications and that whilst he was willing to meet to discuss the application the applicant needed to be willing to negotiate.

In response to Councillor Gildernew's question the Planning Manager stated there was no evidence to suggest the applicant did not have right of way for a dwelling.

Councillor McKinney stated that the applicant may have a right of way for the existing dwelling but may not have a right of way for another dwelling.

The Planning Manager stated this would be up to the applicant to prove.

Councillor Clarke stated there may be unfettered access on the laneway for a farm but not for a dwelling. Councillor Clarke stated that there were a number of residences on the laneway and that the application merited deferral for further discussion.

The Council Solicitor reminded Members that anything which was not a material consideration should not be taken into account ie. Private law matters such as rights of way, mortgage issues or devaluation of property.

The Planning Manager stated that there was no demonstration that what the Committee were being told was the situation. The Planning Manager stated that the office meeting will be to discuss other locations and not to rehearse the same argument.

Resolved That planning application LA09/2018/1282/O be deferred for an office meeting.

LA09/2018/1323/O Dwelling and domestic garage at land approx. 120m W of 21 Legmurn Road, Stewartstown for Archie and Eileen Bowden

The Chair, Councillor Mallaghan advised that this application would be taken 'In Committee' due to the personal circumstances associated with the case.

LA09/2017/0802/F Replacement dwelling at 124 Sixtowns Road, Labby, Draperstown for Alastair Clerkin

Members considered previously circulated report on planning application LA09/2017/0802/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0802/F be approved subject to conditions as per the officer's report.

LA09/2017/1474/O Dwelling and garage 250m SE of 6 Churchtown Road, Cookstown for Mark Bell

Members considered previously circulated report on planning application LA09/2017/1474/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/1474/O be approved subject to conditions as per the officer's report.

Matters for Information

P152/18 Minutes of Planning Committee held on 6 November 2018

Members noted minutes of Planning Committee held on 6 November 2018.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor McEldowney and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider item P151/18 (In Committee Items) and items P153/18 to P160/18.

Matters for Decision

- P151/18 Planning Applications for Determination (In Committee Items)
- P153/18 Consultation Response to Fermanagh and Omagh District Council on their LDP
- P154/18 Receive Statement of Common Ground – LDP Sperrins Forum
- P155/18 Receive Statement of Common Ground – LDP Cross Border
- P156/18 Receive Enforcement Report

Matters for Information

- P157/18 Confidential Minutes of Planning Committee held on 6 November 2018
- P158/18 Enforcement Live Case List
- P159/18 Enforcement Cases Opened
- P160/18 Enforcement Cases Closed

P161/18 Christmas Greetings

The Chair, Councillor Mallaghan wished Members and Officers a Happy Christmas.

P162/18 Duration of Meeting

The meeting was called for 7 pm and concluded at 10.36 pm.

Chair _____

Date _____



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 4th December 2018

Chairs Business:

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.3	Additional condition: Prior to the new access onto Carland Road becoming operational the existing access from Rossmore Road shall be permanently closed up.	Members to note
4.7	Additional condition: Prior to the occupation of any of the dwellings hereby approved, the dwellings shall be connected to NI Water waste water infrastructure in accordance with a scheme agreed with NI Water.	Members to note
4.23	Late objection received	For members to note