

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 11 January 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

**Members Present**

Councillor S McPeake, Chair

Councillors Bell\*, Black\*, Brown\*, Clarke\*, Colvin\*, Cuthbertson, Glasgow, Kearney\*, Mallaghan, McFlynn\*, McKinney, D McPeake\*, Quinn\*, Robinson\*

**Officers in Attendance**

Dr Boomer, Planning Manager  
Ms Doyle, Senior Planning Officer\*\*  
Ms Donnelly, Solicitor\*\*  
Mr Marrion, Senior Planning Officer\*\*  
Ms McCullagh, Senior Planning Officer\*\*  
Ms McKearney, Senior Planning Officer\*\*  
Ms McNamee, ICT Support\*\*  
Mrs Grogan, Democratic Services Officer

**Others in Attendance**

**Applicant Speakers**

LA09/2019/1305/F Mrs Mary McElroy\*  
LA09/2019/1305/F Mr Aidan Kelly\*  
LA09/2020/0108/F Mr Gerard Scullion\*  
LA09/2020/0108/F Mr Eunan Cassidy\*  
LA09/2020/0108/F Mr Joe McErlean\*  
LA09/2019/0784/F Mr Chris Cassidy\*  
LA09/2019/0608/O Mr Martin Kearney\*

Councillor S McGuigan\*\*

\* Denotes members and members of the public present in remote attendance

\*\* Denotes Officers present by remote means

The meeting commenced at 7.03 pm.

*The Chair, Councillor S McPeake welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair, in introducing the meeting detailed the operational arrangements for transacting the business of the Committee in the Chamber and by virtual means, by referring to Annex A to this minute.*

The Chair also referred to addendum which had been circulated earlier in the day and asked if those joining remotely had seen this document and had time to read it.

Members joining remotely confirmed that they had seen the addendum and had time to read it.

**P001/21 Apologies**

Councillor Gildernew.

## **P002/21      Declarations of Interest**

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

The Chair, Councillor S McPeake declared an interest in agenda item 4.4 – LA09/2020/0108/F – 1 No. 1 2/3 storey dwelling house & associated screened utility yard at 50m N of 53A Ballymacombs Road, Portglenone for Eunan Cassidy.

The Chair, Councillor S McPeake declared an interest in agenda item 5.1 – LA09/2019/0784/F – Farm shed to include feeding & shelter area, storage area and underground slurry tanks and new access to be taken from Drumlamph Lane at approx. 130m SE of 9 Drumlamph Lane, Castledawson for Cathal Shivers.

The Chair, Councillor S McPeake declared an interest in agenda item 5.5 – LA09/2020/0801/0 – Dwelling & detached domestic garage at site adjacent to & S of 19 Ballymaguigan Road, Magherafelt for Niamh Young.

Councillor Kearney declared an interest in agenda item 4.4 – LA09/2020/0108/F – 1 No. 1 2/3 storey dwelling house & associated screened utility yard at 50m N of 53A Ballymacombs Road, Portglenone for Eunan Cassidy.

Councillor Cuthbertson declared an interest in agenda item 4.5 – Variation of condition 11 of previous LA09/2016/0470/F to allow extension scheme of time at 111 Ballynakilly Road, Coalisland for Formac Limited.

Councillor McFlynn declared an interest in agenda item 5.5 - LA09/2020/0801/0 – Dwelling & detached domestic garage at site adjacent to & S of 19 Ballymaguigan Road, Magherafelt for Niamh Young.

In response to a potential Declaration of Interest request, the Planning Manager advised Councillor Cuthbertson that if he wished to speak in relation to an application he should not be making a Request to Speak as there was a difference as you cannot be part of the committee or general discussion otherwise.

Councillor Cuthbertson advised that he wished to speak on agenda item 4.1 – LA09/2019/0152/F – Retention of the storage building for packaging and storage of handmade dog treats at 19 Major's Lane, Moy for Bernard Mackle.

## **P003/21      Chair's Business**

The Planning Manager drew members attention to Planning Performance Figures on the Department's website which showed that MUDC's objectives were not achieved for the first 6 months of this financial year, but it did show that planning applications ranked one of the highest in Mid Ulster compared to other areas. It also showed that this Council and was 3<sup>rd</sup> highest in Northern Ireland and the 4<sup>th</sup> highest on performance of getting out our decisions which he was more than pleased to report. He said however, that he was not pleased about the accumulation of applications

which was not going to decrease due to Covid and restrictions being in place making it quite hard to make the progress that his department would like to make. He stated that in the meantime officers would manage to keep things going.

He referred to the addendum which provided information for members including the decision on Lough Neagh planning decision.

The Chair agreed that 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 –

Agenda item 4.6 – LA09/2020/0864/F – Car parking and block of semi-detached dwellings at lands approx. 50m W of 39 Charlemont Street, Moy for Hemel Ltd

Agenda item 4.7 – LA09/2020/0991/O – Dwelling and domestic garage at 200m W of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon for Plunkett Nugent

Agenda item 4.8 – LA09/2020/0992/O – Dwelling and domestic garage at 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon for Plunkett Nugent

Agenda item 4.11 – LA09/2020/1082/O – Site for dwelling at 35m W of 33 Gortnaskea Road, Stewartstown for Dr Rogers

Agenda item 4.13 – LA09/2020/1115/O – Site for dwelling at lands NNW of 162b Washingbay Road and E of 152a Cloghog Road, Coalisland for Mr Brendan Corr

Agenda item 4.14 – LA09/2020/1140/O – Infill dwelling and detached garage between 104 Ballygawley Road and an agricultural building 100m NE of 104 Ballygawley Road, Glenadush for Bernard McAleer

Proposed by Councillor Mallaghan  
Seconded by Councillor Glasgow and

**Resolved** That the planning applications listed above for deferral be deferred for an office meeting.

## **Matters for Decision**

### **P004/21 Planning Applications for Determination**

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

**LA09/2019/0152/F Retention of the Storage Building for Packaging and Storage of Hand Made Dog Treats at 19 Major's Lane, Moy for Bernard Mackle**

Members considered previously circulated report on planning application LA09/2019/0152/F which had a recommendation for approval.

Councillor Cuthbertson advised that it was previously stated that Roads Service had been consulted regarding this application and reading over the report tonight he could not see any advice received back from them. He said that this was an area which he represented and could confirm that Major's Lane was a small rural laneway on a small rural country road which now had a dog food factory which was been stated on the planning application and did not believe it was suitable for a storage site to extend the business which was operating. He stated that he would have a lot of concerns regarding the movement of traffic as this was consulted with Roads Service at the time the house was being built for a dwelling house, not for a dog food factory and by reading the planning history reports, a CLUD was granted for a dog food factory and felt that just because the business has become a success and a CLUD granted, it doesn't make it right that this business was allowed to extend on site. He felt that there were plenty of industrial estates which could accommodate a site, not a rural lane in a country setting on a small country road.

Mr Marrion (SPO) provided members with an overview of the resume of the application.

Proposed by Councillor Mallaghan  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2019/0152/F be approved subject to conditions as per the officer's report.

**LA09/2019/1305/F 8 Two Storey Apartments within 2 Blocks at 63 Thomas Street, Dungannon for Farasha Properties Ltd**

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2019/1305/F which had a recommendation for approval.

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

Mrs McElroy advised members that she lives at 6 Castlefields right beside the proposed site, lot 2 of the development and was also speaking for the residents of No's 1, 2 and 4 Castlefields. She advised that she would be disagreeing with everything that the Case Officer had said and felt there was a lack of integration to the surrounding area and the officer's report states that the proposed development was well integrated and this may be true of block 1 but certainly not true of block 2 which was their concern. The report focuses largely on block 1 but the surroundings of block 2 on Castlefields were entirely different to the rear of the site and physically more on the Castlefields laneway. It's different from block 1 as it was a stand-alone and would have a different postcode to block 1 and was at the rising point of the highest site and even with the reduction of roof height, it was going to be an overpowering building in terms of scale and height compared to all the bungalows within the environs. She advised that it fronts onto her property and backs onto No. 1 Castlefields and would disagree with the Case Officer as she felt that it would still overlook the residents to

the front side, resulting in a loss of privacy and light and potentially increase noise levels.

Mrs McElroy advised that Castlefields had seven single family dwellings with 5 being bungalows, so the nature of block 2 was entirely out of sympathy with its surroundings. She raised concern about the lack of parking provision, with the Case Officer reports indicating that the area was surrounded by carparks and that may well be the case but there were six and not a single one of them would be available to residents of that site and felt that 8 car parking spaces would not be inadequate when there could be potentially 32 people vying for parking on that site. She referred to Case Officer's report regarding the issue of on road parking and stated that this would not be an option as Thomas Street was a busy arterial route into Dungannon town centre which had the Crown Buildings directly opposite it and was always chock-a-block and a lack of available parking at normal times. Castlefields Lane is a cul-de-sac and has no viable turning area, inadequate lighting, no footpath, private roadway which has to be maintained by residents as the Council hadn't adopted it. She concluded by saying that although she was pleased that the fencing was increased, the residents of Castlefields would be of the opinion that there would be temptation to still park at the site.

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

Mr Kelly said that the case officer had provided a good overview of the application but would like to reinforce the following couple of items:

- 1) Bungalows opposite are at a similar level to block 2 on the proposed documents and not at an elevated position as suggested
- 2) The proposed replaces a number of existing buildings including a two storey dwelling, a former surgery and outbuildings with access onto Thomas Street and Castlefields Road.
- 3) From the outset of our design process it has been proposed to close the access onto Castlefields that the site has the right to use.
- 4) All construction traffic and access for the development is proposed from Thomas Street, therefore there cannot be any over spill parking within Castlefields Road. During the process of the planning application he believed they have addressed any concerns raised by planning for the design of the project and endeavour to take into account local residents concerns.

Mr Kelly concluded by saying that they were happy to accept the conditions proposed for an approval.

Councillor Cuthbertson stated that Thomas Street was a major road into Dungannon and the main route coming from Cookstown direction and concurred with the objector 100% as there was no availability of on-street parking along that stretch of road. He requested a site meeting for this application as this Council had a property very close to the proposal (Ranfurlly House) and would like to see it turning into something bigger and better in the future and said that a site meeting would be beneficial but was aware of the restrictions in place presently and may be the case of waiting until February.

Councillor Cuthbertson proposed that a site meeting be held.

The Planning Manager stated that by listening about the issues raised which was all about the character of the area; two sets of issues, one was about car parking and the other about the character of the area. In relation to car parking for occupancy of a two bedroom flat so there could be an issue of requiring more than 8 car parking spaces and obviously in a town centre situation there is an ability to lower standards and no issue raised by Roads Service. The second issue was the keeping in character of the area and given that there is a dispute he felt that it was quite reasonable for members to go and have a look for themselves. He advised if members wished to go down the route of a site meeting then it would be wise to go after the mid-term break to keep in line with the current restrictions put in place.

Councillor Mallaghan thanked the two previous speakers which provided a bit more insight into this planning application and said that although it seems to meet all the criteria of planning policy and ticked all the boxes in terms of statutory consultees up until this point, the first thing that he sees when looking at the drawing was a problem with car parking. He said that first thing that was going to happen after the buildings were erected after a few years was disputes between neighbours regarding parking of cars and by reading the report he would agree that the applicant has went to great lengths to try and deal with objections brought forward and has made numerous changes to the application, but if the committee looks down through the report there is a drawing for 14 car parking spaces and that was something which has been changed due to not enough open green space on the site and appeared to him to be a better concept. He said that people which lived in 2 bedroom apartments didn't always require lots of garden space as they were there most likely for professional reasons. He advised that he wasn't opposed to a site meeting in this instance, but would be unsure whether it would show anything more from the drawing presently as this could be better and felt that the applicant could have possibly went too far with the open space to deal with the objections. The problem here for the objectors was it met the planning policy and something will be built here one way or another and objectors may never find anything acceptable about it, but something will be placed on the site eventually and thinks in this instance it was good but not great.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2019/1305/F be deferred for site meeting with Members.

**LA09/2019/1318/O Site of Replacement Dwelling and Detached Domestic Garage at 440m SE of 28 Leitrim Road, Castledawson for Mr R J Mawhinney**

Members considered previously circulated report on planning application LA09/2019/1318/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2019/1318/O be approved subject to conditions as per the officer's report.

**LA09/2020/0108/F 1 No. 1 2/3 Storey Dwelling House & Associated Screened Utility Yard at 50m N of 53A Ballymacombs Road, Portglenone for Eunan Cassidy**

The Chair, Councillor S McPeake withdrew from the meeting and the Vice Chair, Councillor Glasgow took the Chair.

The Chair, Councillor Glasgow advised members that a late objection had been received and asked the Case Officer to update the committee.

Ms McCullagh (SPO) presented previously circulated report on planning application LA09/2020/0108/F which had a recommendation for approval but advised that a late objection had been received with issues raised which were mainly the same; farm business ID which has been addressed, sell off issues and an explanation as to why the dwelling cannot be linked to existing farm buildings, so overall it was felt that the dwelling provided adequate privacy to the objectors property and the criteria of CTY10 has been met entitling to them for a dwelling on the farm and has been recommended for approval with conditions.

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

Mr McErlean advised that the applicant and himself have a good neighbourly relationship and when the proposal was first mentioned to him it was described as a small retirement house and when he saw the published initial plans this was not the case. He said that some minor compromise had been achieved and revised plans of July 2020, it was suggested that if the screened utility yard was moved to the North elevation of the proposed dwelling this would further the ridge height from 53C and position the house behind the trees, but both these suggestions were not accommodated. In accurate drawings the proposed dwelling was not sited behind the trees on 53C's southside and 8 metres overlooking a low hedge which were not illustrated in the current drawings. He felt that these drawings needed updating and 8 metres of trees removed which don't exist and if the proposed dwelling was sited correctly behind the trees then this would increase the distance from 23 metres to 31 metres which was more amenable. Privacy of a large first floor bedroom window with non-obscure glass directly overlooking 53C and felt that this window could be removed and the window on the south side extended as bedrooms were used extensively for homeworking and school remote learning, especially with older children. This window directly overlooks his kitchen, sunroom and patio where majority of the time is spent. Shading of photovoltaic panels due to the proposed dwelling residing at a higher altitude approximately 4 metres than his shed. This shed had eastern facing photovoltaic panels, these panels will lose sunlight particularly in the autumn and winter when the sun is lower and shading on any of these panels will mean that the panels will be at their lowest use capacity as it works on an array system. Ridge height of proposed dwelling is approximately 8 metres and closer to 53C than to 53A and felt that this was not acceptable and impedes his family's privacy and shading more than 53A. No building in the area of Ballymacombs Road or Forestry Lane is separated at a separate distance of 23 metres which was contrary to CTY14, Part 5.7.9. This proposal if permitted will result in three houses immediately adjacent to each other and

three separate entrances onto Forestry Lane and is contrary to ribbon development CTY14, Part B, the proposed dwelling is more prominent on the landscape and view of Ballymacombs Road or the Forestry Lane or either 53A or 53C which was contrary to CTY13 and CTY14. He advised that there were alternative sites on Mullaghnamoyagh Road which were visually linked to the original farmyard to comply with CTY10, Part C and had requested site visits in previous letters to explain concerns, but no communication has been received at all from any Planning Officer and asked that members vote for a deferral to provide an opportunity to meet with a Planning Officer at the site to explain concerns and not be discriminated and excluded from the decision making process. The latest letter submitted on the 18<sup>th</sup> of December was not published and asked if the Officers were aware of this letter and with Planning now being a local authority from 2015, there was an impression that the planning process was open and transparent allowing everyone's opinions to be considered. He advised that this process has caused a lot of stress over the past year and currently on the list for major surgery since December 2019 which has been delayed due to the pandemic.

In conclusion Mr McErlean said that he would kindly ask that his points are kindly considered during the committee's decision making process.

The Planning Manager advised that he had picked up on a couple of things which Mr McErlean raised and advised that when a planning application was made and an objection received a Planning Officer has to consider all aspects and this was what was happening here with things being open and transparent. In referring to the upstairs window he asked Mr McErlean in relation to his privacy, if the window was removed and the window in the hallway obscured glass would this elevate his concern.

Mr McErlean advised if the bedroom window was moved to the south side that would address his concern or semi opaque. He said that he had a further issue relating to the other bedroom window and in relation to the accuracy of the drawings as the trees were not 8 metres in size.

Mr Scullion advised that he didn't have a lot to add on from the Planners report and extensive goings on back and forth, with the objector writing in and the applicant and himself responding which the Planner has dealt with. He said the application was re-sited, rotated and altered so the corridor the other way with opaque glazing. In dealing with the privacy issue in regards to the CTY10, it meets the criteria for a dwelling on the farm, so he felt that he had nothing much further to add as it was an appropriate site and was supportive of the planning decision and the would be agreeable to removing the bedroom window as was suggested earlier.

The Planning Manager advised that the gable bedroom window was the issue which the objector had concern and that this window did not face his property. He asked Mr Scullion if he would be prepared to remove the window facing the property.

Mr Scullion advised that the applicant would be amenable to removing the small bedroom window but not the gable window.



Proposed by Councillor Mallaghan  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2020/0108/F be approved subject to conditions as per the officer's report.

Councillor S McPeake returned to the Chair.

**LA09/2020/0147/F Variation of Condition 11 of Previous LA09/2016/0470/F to Allow Extension of Time, at 111 Ballynakilly Road for Formac Limited**

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2020/0147/F which had a recommendation for refusal.

The Planning Manager said that it was his understanding that the work had been done for the new access and if this has been carried out to Roads Service satisfaction there shouldn't be an issue as it met the conditions. He suggested that the application be deferred until Officers check this out.

Proposed by Councillor Glasgow  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2020/0147/F be deferred for one month.

**LA09/2020/0864/F Car Parking and Block of Semi Detached Dwellings at Lands approx. 50m W of 39 Charlemont Street, Moy for Hemel Ltd**

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

**LA09/2020/0991/O Dwelling and Domestic Garage at 200m W of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon for Plunkett Nugent**

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

**LA09/2020/0992/O Dwelling and Domestic Garage at 150m W of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon for Plunkett Nugent**

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

**LA09/2020/1055/F Renovation and Extension of Existing Clogher Workhouse Admin Building and Surroundings to Accommodate New Childcare Centre including the Demolition of the Existing Mobile Classrooms, Outbuildings and Walls at 6-7 Tullybroom Road, Clogher for Early Years**

Members considered previously circulated report on planning application LA09/2020/1055/F which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2020/1055/F be approved subject to conditions as per the officer's report.

**LA09/2020/1059/LBC Renovation and Extension of Existing Clogher Workhouse Admin Building and Surroundings to Accommodate New Childcare Centre including the Demolition of the Existing Mobile Classrooms, Outbuildings and Walls at 6-7 Tullybroom Road, Clogher for Early Years**

Members considered previously circulated report on planning application LA09/2020/1059/LBC which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2020/1059/LBC be approved subject to conditions as per the officer's report.

**LA09/2020/1082/O Site for Dwelling at 35m W of 33 Gortnaskea Road, Stewartstown for Dr Rogers**

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

**LA09/2020/1101/O Dwelling at 286m NW of 1 Loveshill, Castledawson for Noel and Marie Lennon**

Members considered previously circulated report on planning application LA09/2020/1101/O which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2020/1101/O be approved subject to conditions as per the officer's report.

**LA09/2020/1115/O Site for Dwelling at Lands NNW of 162b Washingbay Road and E of 152a Cloghog Road, Coalisland for Mr Brendan Corr**

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

**LA09/2020/1140/O Infill Dwelling and Detached Garage between 104 Ballygawley Road and an Agricultural Building 100m NE of 104 Ballygawley Road, Glenadush for Mr Bernard McAleer**

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

**LA09/2019/0784/F Farm Shed to include Feeding & Shelter Area, Storage Area and Underground Slurry Tanks and New Access to be taken from Drumlamph Lane at approx. 130m SE of 9 Drumlamph Lane, Castledawson for Cathal Shivers**

The Chair, Councillor S McPeake withdrew to the public gallery and Councillor Glasgow took the Chair.

The Planning Manager brought members attention to the previously circulated report on planning application LA09/2019/0784/F which had a recommendation for refusal and advised that there seems to be a lot of confusion on what was being asked as this application was for a small farm shed and farm sheds can be associated with ammonium nitrate. He said that the agent had refused to make a submission of any further information. In this case a determination of whether a full ammonium nitrate report had not been requested, what had was sufficient information to determine whether such a report was needed. He understood that the department had received some information and Ms McCullagh confirmed that the NIEA stated that it wasn't adequate for them to come back with a conclusion yet with the agent stating that he wouldn't send anything more in.

The Planning Manager asked if the agent would be happy to provide the necessary information required so that a decision can be made.

Mr Cassidy advised that he would be agreeable to the request to provide the required information.

Proposed by Councillor McKinney  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2019/0784/F be deferred until all the relevant information is received.

Councillor S McPeake returned to the Chair.

**LA09/2019/1402/O Site for a Dwelling & Domestic Garage at approx. 50m NE of 45 Moneyneany Road, Draperstown for Mr Michael McWilliams**

Members considered previously circulated report on planning application LA09/2019/1402/O which had a recommendation for approval.

Proposed by Councillor Bell

Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2019/1402/O be approved subject to conditions as per the officer's report.

**LA09/2020/0022/O Dwelling in an Infill Site at Land Adjacent to and S of 14 Drumkee Road, Dungannon for Mr Noel Stephenson**

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2020/0022/O which had a recommendation for refusal.

Proposed by Councillor Mallaghan  
Seconded by Councillor D McPeake and

**Resolved** That planning application LA09/2020/0022/O be refused on grounds stated in the officer's report.

**LA09/2020/0608/O Dwelling and Garage at Site Adjacent to 9a Falgortrevy Road, Maghera for Shaun Kelly**

*Councillor Cuthbertson left the meeting at 8.03 pm.*

Ms McCullagh (SPO) presented previously circulated report on planning application LA09/2020/0608/O which had a recommendation for refusal.

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

Mr Kearney said that the character of the Drumkee Road was that all the dwellings were positioned on the northern side of the road and standing at the crossroads between the Tartlaghan Road and Creenagh Lane is 9A is very much connected to the dwellings plus to the dwellings on the map labelled Milltown. The reasons why the lands between 9 and 9A were never developed was due to the fact that the majority of the lands were a large mill damn which a small pond still exists. In relation to the landscape the area shown on the overhead map to be heavily wooded to the side of 9A and to the north of No. 9 and No. 7, these trees provide strong character for which this target crossroads was a focal point. With the site being a triangle and a boundary of No. 9A and to the north west of the site No. 9 so cannot see how the site can be any less bound. As the policy states it doesn't have to be a development to be a building and does see that this old mill damn does constitute a historic development. He said that it was evident on the map that all the houses heading to the north of Drumkee Road, the area of the mill damn and the pond is all bound into the north by the GAA club for which the strip provides a strong focal point for the entire area and not only for a pedestrian and should be considered in the event of driving a car as speed was of now a different essence.

He referred to the neighbouring residential amenity and stated the power of full design was valued and believed that any worries or concerns can be dealt with either with reserve matters or full application and which all replacements would be key, however the high level design and added advantages of new buildings fences would also assist

the acoustic barrier towards this site and for this he would request either a member's site visit or to approve the site.

The Chair felt the site was well bound and said that he knew the general area but never looked at the specifics and felt that it may be useful for members to see for themselves.

The Planning Manager in referring to the presentation felt the agent may have focussed his attention on what wasn't the issue as integration wasn't the reason for the refusing of the application but more to do with the fact that an adequate reason hasn't been provided inside the countryside. The test that is being argued was that it was within an existing cluster and can see clearly by looking at the road that this doesn't rate as an existing cluster and the reason for that is that the existing cluster on the other side around the GAA club is that this is basically a field with a house on one side and enquired if there were buildings on one side or both sides.

In response Ms McCullagh referred to the overhead map and said that there was a dwelling to the left hand side and that was it.

The Planning Manager stated that test requires not only a cluster, be should be bound at the two sides and in terms of integration he couldn't see a huge deal but couldn't understand why anyone wished to live beside a main road with the noise of fast moving traffic was confusing for him.

He said that it was hard to link the site to the policy, but if it had a farm case source or another reason for exception, this would be a different matter.

The Chair said that looking back to the past there were a lot of similarities to this application and as it was coming out onto a little side road that it was not a major issue.

Councillor McKinney stated that he knew the lands well and not in his wildest dreams would he have envisaged anyone wanted to build a house at this location due to its closeness to the road and noise from fast moving and heavy traffic.

The Planning Manager said that although sympathy would like to be shown the application didn't meet policy.

Councillor Colvin agreed that the committee wished to show some degree of sympathy but concurred with Councillor McKinney's comments and proposed to accept the Case Officer's recommendation for refusal.

Proposed by Councillor Colvin  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2020/0608/O be refused on grounds stated in the officer's report.

**LA09/2020/0801/O Dwelling and Detached Domestic Garage at Site adjacent to & S of 19 Ballymaguigan Road, Magherafelt for Niamh Young**

The Chair, Councillor S McPeake withdrew to the public gallery and Councillor Glasgow took the Chair.

Members considered previously circulated report on planning application LA09/2020/0801/O which had a recommendation for approval.

Proposed by Councillor Mallaghan  
Seconded by Councillor D McPeake and

**Resolved** That planning application LA09/2020/0801/O be approved subject to conditions as per the officer's report.

Councillor S McPeake returned to the Chair.

**LA09/2019/1484/O Dwelling & Garage 50m E of 91 Aughrim Road, Magherafelt for Keith Fulton**

Ms McCullagh advised that due to a typo error the application should read LA09/2019/1484/O and not LA09/2020/1484/O.

Members considered previously circulated report on planning application LA09/2019/1484/O which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2019/1484/O be approved subject to conditions as per the officer's report.

**Matters for Information**

**P005/21 Minutes of Planning Committee held on 1 December 2020**

Members noted minutes of Planning Committee held on 1 December 2020.

*Live broadcast ended at 8.15 pm.*

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

Proposed by Councillor Glasgow  
Seconded by Councillor McKinney 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 P006/21 to P014/21.

**Matters for Decision**

- P006/21 Receive Report on Correspondence from Fermanagh & Omagh Council
- P007/21 Receive Response to Dfl's Consultation on the Draft Transport Study for Mid Ulster District
- P008/21 Receive Response to Derry and Strabane District Council's Consultation for the Submission of Counter Representations
- P009/21 Receive Report on Dfl Correspondence on Consultation from the Civil Aviation Authority (CAA)
- P010/21 Receive Enforcement Report

**Matters for Information**

- P011/21 Confidential Minutes of Planning Committee held on 1<sup>st</sup> December 2020
- P012/21 Enforcement Cases Opened
- P013/21 Enforcement Cases Closed
- P014/21 Miscellaneous Matters

**P015/21 Duration of Meeting**

The meeting was called for 7 pm and concluded at 8.42 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_