

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 12 April 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor S McPeake, Chair

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

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management**
Ms Donnelly, Council Solicitor
Ms Doyle, Senior Planning Officer**
Mr Marrion, Senior Planning Officer**
Ms McAllister, Senior Planning Officer**
Ms McCullagh, Senior Planning Officer**
Mr McKeown, Planning Officer**
Mr Stewart, Planning Officer**
Ms McNamee, ICT Support**
Ms Grogan, Democratic Services Officer

Others in Attendance

LA09/2019/0733/O Orin Quigg*
LA09/2019/0733/O Mr Steven Linton*
LA09/2019/0990/F Thomas Bell, Clyde Shanks*
LA09/2019/0990/F Tamasin Fraser, ABO Wind NI Ltd*
LA09/2019/0990/F Daniel Rafferty, ABO Wind NI Ltd*
LA09/2020/1371/F Aidan Kelly*
LA09/2020/1423/F Toirleach Gourley*
LA09/2021/0060/F Councillor Milne*
LA09/2020/0331/O Chris Cassidy*
LA09/2020/0331/O Councillor B McGuigan
LA09/2020/0841/O Chris Cassidy*

Deputation – Department for Infrastructure

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

** Denotes Officers present by remote means

The meeting commenced at 7.01 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.

P050/21 Apologies

None.

P051/21 Declarations of Interest

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

P052/21 Chair's Business

The Planning Manager referred to Planning Statistics up to December 2020 which showed that in 2021 Mid Ulster District Council was the 3rd busiest Planning Authority in Northern Ireland receiving over 1071 applications and returning 832. Mid Ulster continues to have the highest approval rate of 98.5% which was testimony of Officers work with applicants to try and make sure their applications were sustainable. Mid Ulster received the 3rd highest number of major applications, in relation to industrial, commercial and civic applications. The average time taken to determine local applications was sitting at 16 weeks which was obviously below the target due to lockdowns which were faced, but still resulted in the 4th quickest in Northern Ireland. In looking at Enforcement Mid Ulster managed to keep up with investigations with over 89% percent of cases and hit the weekly target. He said what the statistics don't show was the first quarter of this year was the substantial rise in planning applications to the extent that everyone was expecting a collapse in planning applications, but this was not the case as more applications have now been received than the previous year with the total amount of income generating £1.6m which was the highest this Council had received on record. He said he expected a boom year not only in terms of planning activity but also in terms of construction next year.

The Chair said that this was really good news in the midst of the pandemic and was remarkable to find out the planning applications were soaring. He stated that this was testament to entrepreneurship of people in the district in driving the economy forward in the event of current pressures. He said that he was pleased to see the high approval rate 98.5% and this was testament to the hard work which was being carried out by the Dr Boomer and his officers in working with applicants to reach positive outcomes.

Councillor Cuthbertson said that it was great to see so many planning applications being received as this hopefully would help the economy recover in the future.

He said that he wished to raise another issue and as this was the first meeting of Mid Ulster District Council since the sad passing of Prince Philip he wished to pay tribute to him. He stated that it was of great sadness we learnt of the passing of the Royal

Highness Prince Philip, Duke of Edinburgh, his death has caused enormous sadness across the nation and was a remarkable man, a man who dedicated his life to service, he served the Commonwealth first as a Navy Officer during the Second World War and then a Royal Consort to her Majesty the Queen Elizabeth II. Our thoughts and prayers are with her Majesty the Queen at this unmeasurable time of grief and said that it was important that Mid Ulster Council respectfully marks this sad occasion.

The Chair thanked Councillor Cuthbertson and said that he agreed with some of what he said and was aware of a Book of Condolence being launched a few days ago in some Council venues. He said that he would support the initiative and certainly respect the condolences which were outlined and would also stand full square in what the Councillor had said. He stated that a good full mature discussion had taken place within the Assembly today with all parties present showing their mark of respect for the recent passing.

Councillor Cuthbertson said that although he appreciated the Chair's sentiments, actions sometimes speaks louder than words and was aware of it being discussed at the Assembly today, but felt that Mid Ulster District Council were failing as they hadn't flown the flag at half-mast. In referring to the flag policy stated that this policy came into existence in 2014/15 in relation to align the three Councils areas of Cookstown, Dungannon and Magherafelt to have one policy at that time. Dungannon & South Tyrone Borough Council had a policy of flagging the flag on designated days and believed that the new policy when implemented was unfortunate and a lot of people were sad at the time that the flag no longer flew on designated days and his thought would be that this was different and not about designated days. He felt that this was a time the Council needed to respect the views of everybody in the area due to the enormous grief which was in the public domain. He stated that there was a need to be respectful to the Royal Family and the Commonwealth as respects have been received from New Zealand and Australia amongst others and felt that if all these Counties could pay their respects yet Mid Ulster wasn't in a position to do so and felt that the Council was denying a simple thing of flying the flag at half-mast on the three Council buildings.

The Chair said the member had strongly made his points but reminded him of a no flags policy for any situation within this Council.

The Chair advised that he had one other item for Chair's Business which was a brief discussion on the Review of Planning Policy which was received from DfI some time ago. He said that as a Planning Committee some members had some concerns which needed teased out on the Review, but as there were additional issues raised to him within recent days asked that with indulgence that this be raised at the end of the meeting as he wished to proceed on with the Agenda in front of members tonight.

Deputation – Department for Infrastructure – Mid Ulster District Local Transport Strategy

The Chair welcomed to the committee deputation from the Department of Infrastructure, Ms Liz Loughran, Stephen Wood and Tony Rafferty who were in attendance to update members on the Mid Ulster District Local Transport Strategy.

Mr Moore, Head of Transport Planning and Modelling provided members with an update on Local Transport Study and Local Development Process and how the baseline evidence was aiming to assist Councils in the development of draft Plan Strategies and the process of integration between land-use and transport planning. He outlined the intention to have improved inter-urban roads, 'limited stop' bus services, integration of passenger transport services, new urban roads to bypass Cookstown and Dungannon town centres, new urban link roads, town centre parking strategies including long and short stay spaces, improved walking facilities, attractive cycling routes in towns and greenways between towns, traffic management schemes, safe use of transport network, best practice standards to maximise performance at all times.

The Chair thanked Mr Wood for his informative presentation and said that there were a lot of good ideas and said that the specific projects could have a lot more detail which was deliberately kept out but he had referred to the need for Cookstown and Dungannon urban link roads which we all desired and with the recent good news with the feasibility and studies relating to that. He referred to Moneymore and felt that this should also be considered as it was a small town which causes a bottleneck at the best of times. He also referred to the A6 dualling with a lot of recent development, Randalstown to Toome and Toomebridge to Castledawson but advised that there was still a stretch between Castledawson and Glenshane that could be linked to Dungiven to essentially have it dualled the whole way from Belfast to Derry with the new Dungiven to Drumahoe section being completed.

Councillor Cuthbertson thanked Mr Wood for his presentation and said that apart from the obvious ones like the bypasses of the towns etc which were vitally important, but said that the one of importance for him was point No. 8 in relation to paths, cycle ways and greenways connecting towns and villages, particularly his own area of Dungannon where there were a number of satellite villages all around the main town of Dungannon. He felt that villages were not connected due to the lack of footpaths and cycle routes and unfortunately for the people living in them don't fall immediately as a right to quality for school transport as they live within a 3 mile radius of the schools and said that it would be nice to see something connecting up the Bush and Killyman and other satellite villages around Dungannon.

Ms Loughran advised that in terms of the greenway network, the Minister was really committed in trying to facilitate greenways and had written to Councils this year asking them to bring forward greenway proposals. She said that although development takes time, but the sooner Councils getting started in preparing their proposal the better as the Minister had a green and blue fund and would be more than happy to look at any proposals in the short term, but in the longer term it would be tried to weave them into the transport plans, but assured the committee that there was funding available in the short term for things which were ready to be delivered.

Councillor Colvin said that it was a very good presentation and very exciting going forward, but had two points he wished to raise with the Department which he had raised before.

Councillor Colvin declared an interest in Moneymore Heritage Trust.

He said that it was good to see the bypass going around Cookstown and Dungannon which was being discussed this last 30 years, but felt that everything would grind to a halt in Moneymore which was on the A29, unless there was a bypass at Moneymore and felt that the Department be mindful of that due to concerns around traffic due to the bottleneck. He also enquired if there was any funding available to upgrade the roads we have presently due to complaints being received about condition of some roads falling apart and potholes and felt the roads needs completely resurfaced and enquired if this was included within this strategy.

Councillor Glasgow following on from Councillor Colvin's comments said that within the report it made reference to town centres, cycling and greenways and said that the point he would be making was that Mid Ulster was a very rural Council and felt that it was important that the infrastructure which was predominately roads for the use of cars for people living rurally to get to towns or further afield for their place of work or school. He said that public transport was not an option as people within his area were at least 10 miles from any sort of transportation and felt that if people had to drive 10 miles they may as well proceed on and drive the extra 40 miles to Belfast. Even for the basics to even get to Portrush, a person has to make four changes and this would put any person off. He felt that the emphasis must be that the connection from a rural area to towns and villages, must be best practice and maintained to a high standard as previous member said, infrastructure had lacked terrible investment over the last number of years notably the amount of potholes and reiterated the need for adequate investment which infrastructure requires as it was one big connectivity from rural to villages to towns resulting in one happy Council.

Councillor Gildernew said that it was a good presentation and took on board concerns Councillor Colvin made regarding Moneymore but said he was disappointed that Moy was being overlooked as it was a complete bottleneck which causes serious problems and chaos and asked if there was any plans for Moy to ease congestion.

Mr Wood said that he was starting on a general point and what DfI were doing here was going forward on a local transport plan with the local development plan. He said that there was other work which had been carried out which looked at options for key transport corridors and balance in roads, rail and the maintenance and this piece of work was being progressed through the Department and may be fundamental to members interests tonight. He said that focus of the local transport plan was to work closely with Dr Boomer and his team to get integration for transport provision for the new developed areas to try and work in line with objectives that were social and environmental. He stated that during Covid things were done a lot more differently due to increase initiatives around walking and cycling and said that the Department were trying to beef up these types of activities as transport was not now seen as just about vehicles and more about making services more accessible.

He referred to members concerns around the need for bypasses around Moneymore and Moy and said that these would be considered in the RS10 transport plan as will the maintenance. He said that going forward public transport could not be the

solution for everyone and would have to look at other ways to see what can be achieved in terms of reduction of private vehicles, like car-sharing etc with the hope that public transport would fill some of the gaps.

In response to Councillor Glasgow's query regarding the local connectivity in the absence of public transport to larger towns, Mr Wood said that DfI recognised the difficulty to adequately service in a financially viable way but going forward the need was being recognised for innovative transport and demand so that buses were not running on conventional timetable services with empty seats, but try and make the services operate to and from the places where the people wished to go through the possibility of a booking system.

Councillor Milne advised that some of the towns in South Derry were 6 miles apart with some being connected by footpath and part footpaths and felt that in the event of active travel and health & wellbeing that these villages should be connected. Historically around his area there were footpaths connected to a village and town but in recent years there had been no further connections i.e. between Bellaghy and Claudy with no connection, part of road between Claudy and Kilrea there were parts footpaths only and suggested that this be taken into account going forward so that footpaths should be taken on where towns and villages could be connected.

Councillor Glasgow left the meeting at 7.45 pm.

Councillor Bell said he would like to hear plans for the re-establishing of the rail network in the West of the Bann as there was a glaring hole in the North West particularly Mid Ulster. He felt that it would be important to boost the economy especially this area and referring to comments previously made regarding the A6 said yet again we see Belfast and Derry getting accommodated.

Councillor McKinney thanked DfI representatives for the informative report and commended them on their assistance in completing the A6 from Toome to Castledawson. He said that people were very grateful as it shortened commuting time to work and the public were singing its praises.

Mr Wood advised that there were a range of issues that DfI were trying to deal with and money wasn't limitless as the world moves on. He said that the Department were trying to tackle issues and work closely with Dr Boomer and his team to try and focus largely on the local development plan on a more local nature and said that the draft consultation which was going out should be of great interest to the public.

Ms Loughran advised that the Minister was very keen in supporting active travel around walking and cycling and trying to promote more innovative ways going forward.

Councillor Glasgow returned to the meeting at 7.49 pm.

The Chair thanked representatives from DfI for attending meeting tonight and said that it would be very important that the Department and Council work together to deliver upon these objectives and see it progressed as the Community Planning Forum should be working continually so all factors can be dealt with.

Department for Infrastructure representatives withdrew from the meeting at 7.53 pm.

The Planning Manager, referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting/deferred for one month/withdrawn –

Agenda Item 4.2 - LA09/2019/0768/F - Retention of two storage sheds and yard associated with an established business at lands 70m W of 33 Kanes Rampart, Coalisland for Barran Yennie Peat Products

Agenda Item 4.5 - LA09/2019/1647/F - Vehicle storage and Sales at 120m NE of 93 Iniscarn Road, Desertmartin, for CAM Plant and Sales

Agenda Item 4.6 - LA09/2020/0105/F - Offsite Expansion of an Established Engineering Business (amended description) at 70m NW of 21 Terryglassog Road, Eglishe for Jordan Cabins

Agenda Item 4.7 - LA09/2020/0234/O - Dwelling and garage on a farm at 100m W of 63 Iniscarn Road, Desertmartin, for Connor Monaghan

Agenda Item 4.8 - LA09/2020/0251/O - Replacement dwelling at NW of 11 Glengomna Road, Draperstown for Patrick Murray

Agenda Item 4.16 - LA09/2020/0870/O - Infill Dwelling and Garage at Approx 20m E of 14 Killyneill Road, Dungannon for Mr Kevin Rafferty

Agenda Item 4.17 - LA09/2020/0881/O - Dwelling and Garage at Approx 140m NW of 57 Tullyodonnell Road, Rock, Dungannon for Mr Enda Mallon

Agenda Item 4.22 - LA09/2020/1110/O - Site for replacement dwelling at approx 40m E of 40 Ballymacilcurr Road, Maghera, for Declan Mc Kenna

Agenda Item 4.23 - LA09/2020/1208/F - Stables/Farm shed at 70m SW of 30 Loughdoo Road, Pomeroy, for Karl Heron

Agenda Item 4.24 - LA09/2020/1217/F - 2 semi detached dwellings with domestic garages, immediately adjacent to 12 Station Road, Money more, for Cherrybrook Developments Ltd

Agenda Item 4.29 - LA09/2020/1380/F - Retention of dwelling at adjacent & 100m E of 18 Shantavny Road, for Ciaran Owens (deferred for one month for additional information)

Agenda Item 4.36 - LA09/2021/0006/F - Roadside hot food sales and ancillary development (farm diversification scheme) at 100m SSE of Knockaconny House, 37 Sandholes Road, Cookstown for IT and RS Mayne

Agenda Item 4.37 - LA09/2021/0053/F - Change of house type from I/2008/0439/F at approx. 120m E of 24 Muntober Road, Cookstown for Daniel Ward

Agenda Item 5.2 - LA09/2019/0944/F - Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) with new access laneway 130m W from the Junction of Iniscarn Road/Gortahurk Road, for Mr Paul Bradley (deferred for one month for additional information)

Agenda Item 5.7 – LA09/2020/1082/0 – Site for dwelling 35m W of 33 Gortnaskea Road, Stewartstown for Dr Rogers (withdrawn).

The Planning Manager referred to Agenda Item 5.2 and advised that it was in the system for a long time and suggested if the additional information wasn't received that this application would be brought back to the next committee.

He said that a late objection had been received for Agenda Item 4.11 – LA09/2020/0452/F and advised that a Councillor had made a request to defer the application and asked for the committee's discretion to allow this to be deferred.

He also stated that a late objection had been received for Agenda Item 4.1 – LA09/2019/0733/O. He said that in looking at this application he realised that there was another application live very close to this site and after looking at the report felt that further consideration needed to be given on what was before the committee and asked for permission to defer the application for further investigation by the Officer.

Councillor B McGuigan said that it was alright to defer the application for additional information but enquired if this would be brought back to the next committee.

The Planning Manager said that it would depend on what the consideration was but was conscious of what was here was a dwelling, a laneway and was aware of a live application for a dwelling on the other side, but by looking at the Officer's report he didn't see reference to that and this would be the best way to proceed.

Councillor B McGuigan advised that he had no issues with it and was just seeking clarification.

Councillor Black raised concern about deferrals in general and appreciated that planning work to their ability with applicants which was one of the fortes of the planning department, however with the number of applications deferred here tonight it was a bit frustrating after spending time considering the applications and then them being pulled from the agenda at this stage and felt that point needed to be noted.

He referred to Agenda Item 5.2 and stated that this had previously been deferred and now it was being deferred again and didn't feel comfortable with that. After looking at the application himself, it seemed to him that the applicant had been dealt with this for some time, with the Rivers Agency advising what has to be done for some time which was the removing of pipe work and it was his understanding that the applicant had refused to do that and didn't know what further information could be provided at this stage to move that on. He said that he didn't know what the purpose was deferring it again and why a decision cannot be made tonight.

The Planning Manager said that it was up to the committee on whether an application was deferred and not him and if the committee wished to consider this application tonight then this was their right to do so.

Councillor Black agreed that planning should be working with applicants but there comes a time for a cut-off point as this was setting a dangerous precedent on how we are dealing with applications and

Proposed by Councillor Black

To deal with planning agenda Item LA09/2019/0944/F here tonight.

Councillor McKinney said that he was happy to defer all the applications listed tonight and said that he was aware of a huge workload, but in the interest of who members represent he would like to give everyone a fair chance which was the practice over a number of years. He stated that sometimes it can be annoying but members were here to serve the community and most of the time these items be resolved within a month or two through an office meeting or site visit and would be happy to recommend the list.

The Planning Manager advised the Agenda Item 5.2 was for a dwelling and that the issue relates to a pipe and whether a ditch should be reinstated. He said if the Council move along to refuse it and implement enforcement action, it would be his thinking that this wouldn't be the most appropriate response and this was the reason he asked that another month be afforded to the applicant and if progress hadn't been made within the month then this should come back to committee.

The Chair agreed with the Planning Manager and said that Councillor Black's more general point about the number of deferrals and detected his frustration at being deferred at this late stage, but stated that unfortunately that this was the nature of the business we were in and the huge amount of applications coming before us and the outworkings of 98.5%. He said that we were working with applicants to get things moving and concurred with Councillor McKinney to allow everyone the opportunity.

Councillor Mallaghan advised that he had received a late request tonight coming to the meeting in relation to Agenda Items 4.18 and 4.19 which were for two infill dwellings and MP Francie Molloy contacted him to see if he could get them deferred as there was a dispute over the buildings as one of them is being used as an argument for the infill. He said that it would be useful if some of the planning officers engaged with the architect to give him the opportunity to explain how the process was about to work.

Proposed by Councillor Mallaghan
Seconded by Councillor McPeake and

That the planning applications listed above in Agenda Item 4 and item 5.2 for deferral be deferred for an office meeting/one month/withdrawn.

Councillor Cuthbertson said that he would be happy to second Councillor Black's proposal as it was frustrating to see a deferred application being deferred and then being deferred again, but would have no issue with items on Agenda Item 4 on this occasion.

The Chair asked Councillor Black to clarify his proposal as being not to defer Item 5.2.

Councillor Black agreed that this was his proposal and said that he wished to make a general comment in that he had nothing against working with applicants in the best we can which we do well and his concerns are not towards on Agenda Item 4 but on Agenda Item 5.2 for the reasons already stated and wished to have this on record.

Councillor Mallaghan's proposal was put to the vote to defer all he mentioned items in Agenda Item 4, plus 5.2 and this would be negative for Councillor Black's proposal.

For	11
Against	4
Abstained	1

Resolved That the planning applications listed above in Agenda Item 4 and item 5.2 for deferral be deferred for an office meeting/one month/withdrawn.

Councillor McKinney wanted it noted that some nights over an hour was lost discussing an application and then deferring for further information and that was why he was supporting the recommendation on the grounds of further information.

The Planning Manager advised any member who were unhappy with planning department's decision for deferrals to liaise with them and whilst he appreciates that members may be frustrated, he felt that this was the best system.

Matters for Decision

P053/21 Planning Applications for Determination

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

LA09/2019/0733/0 Infill dwelling at 156m SW of 30 Mulnavoo Road, Draperstown for Cormac McCormick

Previously agreed earlier in the meeting that planning application LA09/2019/0733/0 be deferred for further consideration.

LA09/2019/0768/F Retention of two storage sheds and yard associated with an established business at lands 70m W of 33 Kanes Rampart, Coalisland for Barran Yennie Peat Products

Previously agreed in the meeting that Planning Application LA09/2019/0768/F be deferred for an office meeting.

LA09/2019/0990/F Construction of a Wind Farm comprising up to 4 Wind Turbines an Electrical Substation/Control Building, Construction of Internal Access Tracks, Spoil Deposition Areas, Temporary Construction Compound New Access onto Cullion Road, 2 Passing Bays along Cullion Road, Road Widening and Upgrade Works at B47/Disert Road Junction, Disert Road Bends, Disert Road/Ballybriest Road Junction, Ballybriest Road/Cullion Road Junction, Cullion Road and all associated ancillary works. (Amended proposal) at lands approximately 300m SSW of 29 Cullion Road, Desertmartin for ABO Wind NI Ltd

The Head of Development Management presented previously circulated report on planning application LA09/2019/0990/F which had a recommendation for approval. He referred to addendum and advised that a late objection and a late letter of support were received.

Proposed by Councillor McKinney

Councillor McFlynn advised that she would have a few issues with this application due to its Area of Natural Beauty (AONB) that was up at Slieve Gallion. She said that she appreciated the Head of Development Management's report which she had read where he recognised the AONB quite a few times and was also aware of the report stating that Slieve Gallion had no management committee up around the area and felt there was a need to be careful on this given the roads around the area. She referred to the Cullion Road and said that a small lorry would have difficulty going up that stretch of road, but was aware within the report that the company have indicated that they would be upgrading the road but would have concerns around that. She referred to the previous application in 2012 to approve the windfarm and queried if the number of turbines were reduced to what was currently on the site and the reason for them being reduced.

The Head of Development Management advised that originally the number of proposed turbines was 11 and number approved was for 6 and whilst that was the decision by the Department back in the day, the Historical Environment Department were more concerned compared to this consultation from Ballybriest Tomb which was a scheduled monument and members can see within the report that the Historical Environment were pushed for a view and if they were prepared to recommend a refusal for these 4 turbines on the same grounds which wasn't the case, therefore on HED there were no grounds to recommend a refusal. In regard to the highway, we know that the existing windfarm is already utilised and know passing bays exist up on Cullion Road which has worked very successfully and do recall driving up around the windfarm without any great concern. He said that DfI Roads had been asked to look in great detail and they had come back to say that they were content with conditions outlined within his report that no issues were relating to road safety or inconvenience.

Councillor McFlynn advised that the previous application was reduced to allow 6 wind turbines and now we were going to approve an application for a further 4 more, resulting in 10 wind turbines up that road and would have concerns and wanted it noted that she would not be supporting the application.

Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/0990/F be approved subject to conditions as per the officer's report.

Councillor Brian McGuigan referred to a couple of items raised by Councillor McFlynn and said that she was right in saying that the original proposal was for 11 wind turbines, but he was content in the explanation provided by the Head of Development Management as they were on the Ballybriest side where the Tomb of Historic significance was and that was why it was reduced down to 6, the 4 proposed is on the opposite side and basically a continuation of the 6 already in place. The roads structure was there to bring the turbines there and the same road structure which was put in place for the other 6, resulting in no other alterations or impacts in relation to that. He said that there was a document supporting green energy and if we can do our bit then this should be supported as he knew the area extremely well. He said that he didn't see any huge impact approving another 4 wind turbines and was aware of some groups benefitting from this application.

Councillor Clarke said it was easy to say that issues had been addressed and no adverse comments coming back from Historical Environment Department. He referred to his part of the world at Broughderg or anywhere along the Sixtowns Road, the turbines which are there have an impact on the view of what Slieve Gallion should look like and 4 more would increase that. He said that it wasn't near Davagh but it still sat on the Omagh/Draperstown corridor in a glaciated valley, where a glacier moved from West to East through the landscape and not something he would be pleased about.

The Planning Manager said that he understood Councillor Clarke's concerns however there was a responsibility contribute to green energy .He said that it was important to protect the high Sperrins and this protection was now on offer in the Draft Plan. The visual impact of this proposal was similar to the rest of the wind turbines already in place, with the other side of the mountain being relatively clear.

The Head of Development Management advised that Slieve Gallion was an important asset and 2 protruding turbines were removed which had worked over the due course.

Councillor Colvin said that he was aware of any Councillor having the right to speak on any application and was aware that Councillor Brian McGuigan wasn't a planning member and enquired if he should also register his intention to speak on an application the same as Agents do.

The Chair advised that he wouldn't stop any Councillor speaking on any application or matter of importance they wished to bring forward. He said that any member had

the ability to make representation at any meeting but don't have voting rights or making a decision on an application.

The Planning Manager concurred with the Chair and said clearly a non-member of the planning committee could attend but cannot make a decision. He said in normal times a non-member would make a request to speak in the public gallery, but due to the pandemic the normal arrangements in relation to the public gallery was not in place. He felt that the spirit of Protocol has not been broken.

Councillor Colvin said that he had no issue and was happy with the clarification.

Councillor Mallaghan referred to Councillor McFlynn's concerns around open roads and said that a similar situation arose beside him on the Loughmallon Road where roads were adopted, widening and heights removed to accommodate the installation of turbines, but once the windfarm was completed the contractors put the roads back to what they were again and advised that going forward conditions should be in place to keep the roads in the position they were when adopted for the wind turbines.

He said that he had went to the top of Slieve Gallion and was amazed at its beauty and Mid Ulster were very fortunate to have it as it was a great asset. He said that there had been initial objections from the Hang-gliding Club and would agree that it was a difficult decision to make and didn't really sit well with him as it was an area of outstanding beauty, but as there were no objections, felt the Council had no option but to approve the application.

The Chair said that Councillor McFlynn's comments objecting to the application would be noted. He said that Slieve Gallion had specular views and whilst he appreciated the need for green energy, he felt that a windfarm in an area of outstanding beauty didn't sit well.

LA09/2019/1237/F Retail unit (subdivided) with Improved Access, Parking and Footpath/Cycleway to Site Frontage (6 units), at 7 Crossowen Road, Augher Tenements, Augher, for Finlay Holdings Ltd

Mr Marrion (SPO) presented a report on planning application LA09/2019/1237/F advising that it was recommended for refusal.

Councillor Gildernew said that he knew the road extremely well with a mini roundabout in close proximity and felt that if the safety issue was bad enough at moment, then what would it be like if this application was approved and proposed to proceed with the officer's recommendation to refuse the application.

Councillor Robinson said that he also knew the road very well and would like to see employment coming to Augher village. He said that the creamery had been lying derelict and this application if passed would help the village immensely and bring back the much needed employment back to the area. He stated that this was a 30mph zone with a huge reduction in traffic due to a lot of people working from home and asked that consideration be given to deferring the application for one month.

The Planning Manager said if members were in agreement for deferring the application for one month that he would have no objections.

Councillor Cuthbertson said that he had a lot of sympathy for the agent as this was the former Co-op creamery with lorries going in and out of the site numerous times a day for the milk and cheese industry. He stated that the entrance was well used previously with no issues and was amazed to see this being refused when this committee passed a mushroom farm on a 60 mph protected route.

The Chair advised that every situation was different and every application should be decided on its own merit and this situation relates to road safety reasons.

The Planning Manager advised that things were put to committee to show transparency and if the agent had an issue with the refusal then it was up to him to provide information to dispute it.

Proposed by Councillor Robinson
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2019/1237/F be deferred for one month.

LA09/2019/1647/F Vehicle storage and Sales at 120m NE of 93 Iniscarn Road, Desertmartin, for CAM Plant and Sales

Previously agreed in the meeting that Planning Application LA09/2019/1647/F be deferred for an office meeting.

LA09/2020/0105/F Offsite Expansion of an Established Engineering Business (amended description) at 70m NW of 21 Terryglassog Road, Eglis for Jordan Cabins

Previously agreed in the meeting that Planning Application LA09/2020/0105/F be deferred for an office meeting.

LA09/2020/0234/O Dwelling and garage on a farm at 100m W of 63 Iniscarn Road, Desertmartin, for Connor Monaghan

Previously agreed in the meeting that Planning Application LA09/2020/0234/O be deferred for an office meeting.

LA09/2020/0251/O Replacement dwelling at NW of 11 Glengomna Road, Draperstown for Patrick Murray

Previously agreed in the meeting that Planning Application LA09/2020/0251/O be deferred for an office meeting.

LA09/2020/0361/A Fabricated Stainless Steel/Aluminum back-lit letters at Lands at the Junction of Carrydarragh Road & Turnaface Road Moneymore for ARK Kingdom Ministries

Ms McCullagh (SPO) presented a report on planning application LA09/2020/0361/A advising that it was recommended for refusal.

Proposed by Councillor Brown
Seconded by Councillor Colvin

Resolved That planning application LA09/2020/0361/A be refused.

LA09/2020/0423/F **Amend Scheme Design to M/2009/0913/F and M/2011/0253/F Incorporating 9 Two Storey Dwellings and Detached Garages at Land Immediately W of Ferny Park Gardens and N of Larden Well, Aghareany Road Donaghmore, for Mrs Shauna Clarke**

Members considered previously circulated report on planning application LA09/2020/0423/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/0423/F be approved subject to conditions as per the officer's report.

LA09/2020/0452/F **Replacement Dwelling and Garages (existing dwelling retained as agricultural store) (Amended Plan) at 20 Reaskcor Road, Dungannon, for Mr & Mrs G Burrows**

Previously agreed earlier in the meeting that planning application LA09/2020/0452/F deferred for an office meeting.

LA09/2020/0507/F **Replacement Timber Engineering Workshop and Office Accommodation at 36 Rossmore Road, Dungannon for Glenfort Timber Engineering**

Members considered previously circulated report on planning application LA09/2020/0507/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/0507/F be approved subject to conditions as per the officer's report.

LA09/2020/0523/O **Residential development at lands between Lindsayville and Ballyneil Road and to the rear of 122-128 Shore Road and to the rear of 1-6 Lovedale, Ballyronan, for Seamus Donnelly**

Members considered previously circulated report on planning application LA09/2020/0523/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0523/O be approved subject to conditions as per the officer's report.

LA09/2020/0714/O Dwelling and domestic garage at approx 30m S of 5 Tamlaghtduff Park, Bellaghy, for Mrs Sheila Fullerton

Members considered previously circulated report on planning application LA09/2020/0714/O which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/0714/O be approved subject to conditions as per the officer's report.

LA09/2020/0727/F Retention of hardcored area at 70m W of 39 Cullenramer Road, Greystone, Dungannon for Mr Sean McCaul

Mr Marrion (SPO) presented a report on planning application LA09/2020/0727/F advising that it was recommended for refusal.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0727/F be refused.

LA09/2020/0870/O Infill Dwelling and Garage at Approx 20m E of 14 Killyneill Road, Dungannon for Mr Kevin Rafferty

Previously agreed in the meeting that Planning Application LA09/2020/0870/O be deferred for an office meeting.

LA09/2020/0881/O Dwelling and Garage at Approx 140m NW of 57 Tullyodonnell Road, Rock, Dungannon for Mr Enda Mallon

Previously agreed in the meeting that Planning Application LA09/2020/0881/O be deferred for an office meeting.

LA09/2020/0888/O Site for dwelling at Drummurrer Lane 90m NE of 20 Annaghnaeboe Road Coalisland, for Mr Paul Henry

Previously agreed in the meeting that Planning Application LA09/2020/0888/O be deferred for an office meeting.

LA09/2020/0890/O Infill site for dwelling at Drummurrer Lane 60m N of 20 Annaghnahee Road Coalisland, for Mr Paul Henry

Previously agreed in the meeting that Planning Application LA09/2020/0890/O be deferred for an office meeting.

LA09/2020/0919/F New 3m wide vehicular access, 1.8m high close board gates & fence at 52 Tobermore Road, Magherafelt, for Eric Glendinning

Members considered previously circulated report on planning application LA09/2020/0919/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0919/F be approved subject to conditions as per the officer's report.

LA09/2020/0924/F Variation of condition 4 of LA09/2018/1296/O allowing a 8m ridge height and removal of floor area restriction at lands 75m S of 16 Ballyheifer Road, Magherafelt, for Glenbrook Stud

Members considered previously circulated report on planning application LA09/2020/0924/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/0924/F be approved subject to conditions as per the officer's report.

LA09/2020/1110/O Site for replacement dwelling at approx 40m E of 40 Ballymacilcurr Road, Maghera, for Declan Mc Kenna

Previously agreed in the meeting that Planning Application LA09/2020/1110/O be deferred for an office meeting.

LA09/2020/1208/F Stables/Farm shed at 70m SW of 30 Loughdoo Road, Pomeroy, for Karl Heron

Previously agreed in the meeting that Planning Application LA09/2020/01208/F be deferred for an office meeting.

LA09/2020/1217/F 2 semi detached dwellings with domestic garages, immediately adjacent to 12 Station Road, Moneymore, for Cherrybrook Developments Ltd

Previously agreed in the meeting that Planning Application LA09/2020/1217/F be deferred for an office meeting.

LA09/2020/1248/O Dwelling and garage at approx 60m S of 10 Castlefarm Road, Stewartstown, for Mr Michael Quinn

Mr Marrion (SPO) presented a report on planning application LA09/2020/1248/O advising that it was recommended for refusal.

Councillor Kearney enquired if it could be possible that the agent overlooked the deadline in these unprecedented times as he noticed that the next application for refusal was also the same agent.

The Planning Manager said in this instance he did not oppose the agent being invited to an office meeting.

Councillor Kearney said that he would be content with the outcome as he had only made a general observation.

Proposed by Councillor Kearney
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/1248/O be deferred until the Agent be invited to attend an office meeting.

LA09/2020/1326/F Demolition of Existing Stone Built Store and Removal of Steel Building Used as Existing Cottage Bakery and Construction of New Bakery, Store and Loading Area at 27 Killymuck Road, Kilrea for Mary Bolton

Members considered previously circulated report on planning application LA09/2020/1326/F which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/1326/F be approved subject to conditions as per the officer's report.

LA09/2020/1352/F Single Storey Extension to 5 Scotchtown Lane, Coagh, Cookstown for Mr & Mrs Tom Workman

Members considered previously circulated report on planning application LA09/2020/1352/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/1352/F be approved subject to conditions as per the officer's report.

LA09/2020/1371/F Replace Cycle/Footpath (M/2004/0778/F) with a 2m Wide Footpath at Shanmoy Downs, Eglish for T G Developments Ltd

Mr Marrion (SPO) presented a report on planning application LA09/2020/1371/F advising that it was recommended for refusal.

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 advised that the proposal was primarily for the replacement of a 3m wide footpath with a 2m wide footpath and noted from the outset that the footpath runs from the Eglish Road at the front of the housing development to the northwest corner side where it bounds the Eglish football grounds a total of 535m in length. The original plan approval for the development was granted in 2010 and the stamped approved roads drawing indicates the details of roads, footways and cycle paths, with the first 110m was a path was approved as a 3m wide footpath and cycle path, the next 265m was for a 3m wide footpath and the remaining 160m was for a 3m wide walkway, the latter along the Oonagh River. He said that this in fact meant that the first 110m of path was approved as a cycle path, with the remainder/majority of the path, footpath and walkway and should be noted that when the housing development was initially approved in 2010, it also included a small section of cycle path which was linked on to the development onto the Killyliss Road. The applicant successfully gained planning permission in 2010 to change this small section of length of footpath to a footpath only and as a result the 110m cycle path as approved would only serve a small section of the development and would not link to any other roads or cycle networks as it was simply a cycle path into a small part of a housing development. He stated with all this in mind the application before members tonight is to make this entire length of pathway into a pathway to reduce the size from 3m to 2m in width and was not to remove the pathway. The applicant was aware that there were ambitions both at local level and wider regional level to provide additional walking and cycling facilities and fully supported the same. He concluded by saying that the proposal retained the existing pathway as was previously approved but simply reduces the width, with the potential link between Eglish Road and Eglish GAA football grounds would not be jeopardised as part of this planning application if approved and as such the proposal before the members does not offend any of the policies within PPS3 and PPS7.

Councillor Gildernew said that he was surprised to see the application refused and it was his belief that members could only make a decision on what was in front of them and not what may happen down the line and would be delighted to see a walkway or cycle path around his local village of Eglish along with the local people. He advised that the agent has confirmed that this still could continue on and unjustifiable to put a stop to the housing development as it as badly needed in Eglish and would propose to approve the proposal and not hold up the developer any longer.

The Planning Manager said that it was his understanding that there was a permission for the housing development and asked what would be the consequences if the cycle path wasn't provided.

Mr Marrion (SPO) advised that the cycle path was to provide a possible linkage walkway up to the Oonagh River for the future. He stated that DfI were the ones which were driving this forward and justification was sought on why and the presentation tonight from DfI in relation to the transport strategy and the Minister's aspirations for active communities, this was something DfI were trying to ensure where they have already got some of this infrastructure approved.

In response to Planning Manager's query, Mr Marrion (SPO) advised that there was no compromise to the housing development, but may mean that some houses may acquire larger gardens but does not jeopardise the development.

Mr Kelly advised the reason for reducing the path from 3m to 2m was to improve the quality of the housing development as 3m footpath was too close to some dwellings.

The Planning Manager felt that this would not improve the quality for children living in the housing development trying to ride their bicycles without it being dangerous for the children and pedestrians.

Councillor Colvin asked if the guidelines were already established and said that he was very persuaded by Councillor Gildernew's arguments. He enquired if this was sought retrospectively as members heard about a strategy going forward and he could understand that but was getting the impression that this was retrospective and Roads Service was now reacting to a new idea which they have. He said that Roads Service were not very quick in doing things as it took 30 years to get the bypass around Cookstown and would be supportive of Councillor Gildernew's point.

The Planning Manager advised that the guidelines were in place for over 20 years and felt that there may be a reasonable argument around connectivity and suggested deferring the application until further investigations were carried out on connectivity.

Councillor Colvin said that perhaps it may be more beneficial to see the site on the ground to provide a better understanding of it.

Councillor Brown enquired if the plan was approved in 2004 for a 3m footpath, then why was it coming back now after all these years for a 2m footpath and felt that this could be called into question.

The Planning Manager felt that it would be in everyone's best interests to defer the application for one month to allow the agent time to plot a map out.

Proposed by Councillor Gildernew

Seconded by Councillor Robinson

Resolved That planning application LA09/2020/1371/F be deferred for one month until further investigations are carried out.

**LA09/2020/1380/F Retention of dwelling at adjacent & 100m E of 18
Shantavny Road, for Ciaran Owens**

Previously agreed in the meeting that Planning Application LA09/2020/1380/F be deferred for one month for additional information.

LA09/2020/1432/F Change of house type and position of replacement dwelling (LA09/2019/1415/F) at 60m E of 5 Drumgarrell Road, Cookstown for D Conway

Members considered previously circulated report on planning application LA09/2020/1432/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/1432/F be approved subject to conditions as per the officer's report.

LA09/2020/1462/O Dwelling and garage 40m NW of 158 Kilrea Road, Kilrea for Mrs Shirley Lynch

Members considered previously circulated report on planning application LA09/2020/1462/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/1462/O be approved subject to conditions as per the officer's report.

LA09/2020/1525/O Dwelling on a farm, garage & associated siteworks at approximately 300m SW of 159 Davagh Road, Draperstown for Mr Quinn

Members considered previously circulated report on planning application LA09/2020/1525/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/1525/O be approved subject to conditions as per the officer's report.

LA09/2020/1536/O Dwelling and garage (infill site) between 74 & 76 Hillhead Road, Toomebridge for Mr J Nugent

Previously agreed that planning application LA09/2020/1536/O be deferred for an office meeting.

LA09/2020/1576/F Single storey extension to front & rear of dwelling including replacement garage at 10 Lomond Heights, Cookstown for Mr Gary McCusker

Members considered previously circulated report on planning application LA09/2020/1576/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/1576/F be approved subject to conditions as per the officer's report.

LA09/2020/1664/F Agricultural machinery shed at 86m NW of 92 Gulladuff Hill Road, Knockloughrim for Michael McCrystal

Members considered previously circulated report on planning application LA09/2020/1664/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/1664/F be approved subject to conditions as per the officer's report.

LA09/2021/0006/F Roadside hot food sales and ancillary development (farm diversification scheme) at 100m SSE of Knockaconny House, 37 Sandholes Road, Cookstown for IT and RS Mayne

Previously agreed in the meeting that Planning Application LA09/2021/0006/F be deferred for an office meeting.

LA09/2021/0053/F Change of house type from I/2008/0439/F at approx. 120m E of 24 Muntober Road, Cookstown for Daniel Ward

Previously agreed in the meeting that Planning Application LA09/2021/0053/F be deferred for an office meeting.

LA09/2021/0060/F Garage and store at 65A Lissan Road, Cookstown for Paul Donnelly

Ms McCullagh (SPO) presented a report on planning application LA09/2021/0060/F advising that it was recommended for approval.

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

Councillor Milne advised that he had been contacted by an objector to this application and felt that in the interest of openness, clarity and fairness the objector should have some kind of voice to get this concerns across. He said he was aware of building being moved back from the property but the objector still had concerns as he still was not happy and requested that consideration be given to further moving the building back as it was blocking out his light, sun and privacy etc. The Objector

sought clarity from Officers on whether survey/tests were carried out on height restrictions and how it fits within the planning policy.

The Planning Manager felt that this question relates to Building Control and due to the size of the garage it would have needed Building Control permission as the largest area was 30m.

Ms McCullagh (SPO) in response to a query advised that the building measured 7.7m finished floor level, with distance 5m from the common boundary, 9m from the edge of the sunroom and the proposed garage.

The Planning Manager stated that given it was a bungalow and 7m was quite imposing and said that he wouldn't be opposed to asking the agent to consider moving the building back another few metres to maximise the distance from the boundary. He suggested to deferring the application for one month.

Ms McCullagh (SPO) agreed to contact the agent to see if this could be a possibility.

Proposed by Councillor Bell
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0060/F to defer for one month.

LA09/2021/0239/F Garage/store at 2 Ranakerran, Draperstown for Miss Kathleen Glass

Members considered previously circulated report on planning application LA09/2021/0239/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Kearney and

Resolved That planning application LA09/2021/0239/F be approved subject to conditions as per the officer's report.

LA09/2019/0060/F 2 Holiday Villas at 60m E of 62 Loughbracken Road, Pomeroy for Karl Heron

Members considered previously circulated report on planning application LA09/2019/0060/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2019/0060/F be approved subject to conditions as per the officer's report.

LA09/2019/0944/F Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) with new access

**laneway 130m W from the Junction of Iniscarn
Road/Gortahurk Road, for Mr Paul Bradley**

Previously agreed in the meeting that Planning Application LA09/2019/0944/F be deferred for one month until additional information was submitted.

**LA09/2020/0153/O Dwelling & domestic garage adjacent & NE of Junction
with Mullaghmoyle Road on Colliers Lane, Coalisland, for
Ms Marianne Sturtridge**

Mr Marrion (SPO) drew members attention to last objection received in relation to above application which was on tonight's addendum. He advised that the objection related to sewage disposal and also from adjacent site and the need for Consent of Discharge and asked members to note the conditions contained within the report which set out the requirement by the developer to prior to provide Council with copies of the Consent of Discharge before they commence with any development on the site. Other objections relating to flooding and policy considerations about the proposal have already been addressed within the report.

Councillor Cuthbertson left the meeting at 9.25 pm.

Members considered previously circulated report on planning application LA09/2020/0153/O which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0153/O be approved subject to conditions as per the officer's report.

**LA09/2020/0331/O Site for dwelling and domestic garage at approx 15m NE
of 153 Sixtowns Road, Owenreagh, Draperstown, for Ms
Lisa Murray**

Ms McCullagh (SPO) presented a report on planning application LA09/2020/0331/O advising that it was recommended for refusal.

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

Mr Cassidy advised that the committee were aware that one size does not fit all when dealing with infill and to the west there was a large detached house, travelling east there is a gap which would only accommodate 2 houses and at the end there was a group of 3 large agricultural buildings. Building 1 was constructed over 40 years ago and consisted of a round group cattle shed measuring 26m x 9m, building 2 sits adjacent to this and was built 20 years ago and also measures 26m x 9m and also used as a cattle house, building 3 sits in front of the other 2 sheds and measures 14m x 10m with the building being constructed 8 metres ago and used for storage. He asked if this group was classed as three separate buildings or one singular building and Council accept that these were built as three interlock blocks

and as illustrated in the photographs supplied, the buildings all built at different times were bookended each other but clearly read as three different units and no dispute about this. The layout for the policy is a gap located between 4 buildings and Council accept that a site here could be satisfactorily integrated into the locality, with all consultations being returned without any objections nor any objections from any neighbours. He said that the applicant was a key worker who continued to work throughout the pandemic and wanted to build her home in the family ground and asked as a Council was it reasonable to refuse planning permission where all policy was met and refused solely because the three buildings were set side by side and felt that this was crucially unfair and asked members to reconsider the recommendation.

Ms McCullagh (SPO) in response to query advised that the distance between the curtilage of the dwelling house and agricultural sheds were 110m and curtilage of the dwelling was 40m and would be looking at 40m for the dwelling, 60m, 50m and then 40m and in her opinion the site was only big enough to accommodate two sites.

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

Councillor Clarke said that he had a fair knowledge of the area and the sheds which were built on the large farm had been passed down to the third generations and the buildings were not used by one single person but by different members doing different things on the farm.

Councillor B McGuigan said that in terms of this application, this site was gifted to the applicant by her uncle and was acknowledged by the Council that this infill could accommodate two sites. He said that these agricultural buildings had three interlinks but seen as one singular building, with one being used for cattle, another for feed and final one for lambing of sheep. He concluded by saying that the proposed site dropped very steeply and the bungalow would cause no impact to the detriment of the rural character and on that note asked that the application be approved.

Ms McCullagh (SPO) asked that if application was approved that the Planning Manager be allowed at his discretion to implement any condition he deems necessary including ridge height.

Proposed by Councillor Mallaghan
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0331/O be approved with conditions outlined at the Planning Manager's discretion.

LA09/2020/0841/O Site for a dwelling and domestic garage at approx 45m W of 59 Lurgaboy Lane, Dungannon for Mr Darren McKenna

Mr Marrion (SPO) presented a report on planning application LA09/2020/0841/O advising that it was recommended for refusal.

Councillor McKinney left the meeting at 9.40 pm and returned at 9.42 pm.

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

Mr Cassidy said that this was also another infill application and this time it was the plot size which was in dispute and stated that the first step in determining whether an infill exists is to actually identify where there is a substantial frontage and west to the site is No. 59 which was a frontage to the public road, south to the site there are two sheds and a row of houses extending from 35 to 45 Lurgaboy Lane with the site sitting between this development clusters and gap between them. The next step of the element requires the pattern of development is respected in terms of size, scale setting and plot size and the images provided and shown tonight illustrates the proposed plot size and is similar to the plots which sits around it. He referred to plot marked blue and advised that this was an identical house type as sits in plot 3 marked green on the overhead map and was neither filled in nor spaced out to fill the gap and how a house can sit comfortably within the plot. He stated that house in plot 3 had a house size of 0.48 hectares and the proposed site has a plot size of 0.39 hectares and the remaining site outlined on overhead map in pink has also a plot size of 0.39 hectares rendering them almost identical. In conclusion he said that he was satisfied that the infill site could accommodate two houses by respecting the development pattern along the frontage and complies with planning and environmental requirements and asked members to reconsider the recommendation.

The Planning Manager said that policy did not facilitate the use of a town's boundary for an infill development under the provisions of CTY8. However, consideration can be given to making an exception because of other arterial considerations. Whilst it is not formulated in planning policy, one exception could be where it resulted in rounding of a settlement He said that by looking at the overhead photographs it looks as if you were looking out into a rural laneway and it looks like a dwelling here would mar the distinction of what is rural and what is the town and lead to urban sprawl. The Chair said that he found it difficult to visualise as the overhead photographs did not do this justice and felt that a site meeting would be beneficial in this case.

The Chair said that he found it difficult to visualise as the overhead photographs did not do this justice and felt that a site meeting would be beneficial in this case.

Councillor Mallaghan said that he listened carefully to what was discussed tonight and proposed that a site meeting be arranged in this instance.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0841/O be deferred for a site visit.

Councillor Colvin said that the Planning Manager was drawing attention to the boundary of Dungannon and the implications and felt that it would be prudent to get clarification before going out for a site visit.

The Planning Manager advised that within main towns it was sometimes difficult to define the end of a town and find as much natural breaks as possible and when most was discussed tonight it would be difficult to justify a rural infill within a town

boundary as there could be no round off in this instance. He said that this was an opportunity for members to decide for themselves if this was acceptable or not.

LA09/2020/0887/O Site for dwelling at lands approx. 25m E of 22 Blackrock Road, Dunnamore, Cookstown, for Mr M Mallon

Members considered previously circulated report on planning application LA09/2020/0887/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/0887/O be approved subject to conditions as per the officer's report.

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

Previously agreed that planning application LA09/2020/1082/O be withdrawn.

Matters for Information

P054/21 Minutes of Planning Committee meeting held on 2 March 2021

Members noted minutes of Planning Committee held on 2 March 2021.

Live broadcast ended at 9.52 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Glasgow
Seconded by Councillor Brown 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 withdrawn from the meeting whilst Members consider items P055/21 to P061/21.

Matters for Decision

P055/21	Receive DPS Consultation Report
P056/21	Receive Report on Late Representations to the DPS
P057/21	Receive Annual Housing Monitor Report
P058/21	Receive Enforcement Report

Matters for Information

P059/21	Confidential Minutes of Planning Committee held on 2 March 2021
P060/21	Enforcement Cases Opened
P061/21	Enforcement Cases Closed

P062/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 11.35 pm.

Chair _____

Date _____



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 12 April 2021

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

Item 3.1 - Deputation - Department for Infrastructure - Mid Ulster District Local Transport Strategy Study

Members will be aware that the Draft Local Transport Study was previously made available to you at March Planning Committee. DfI will provide a presentation on The Mid Ulster Local Transport Study which has now been published and can be viewed at the link below:

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/mid-ulster-dc-local-transport-study.pdf>

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	Late objection received	Members to note
4.3	Late objection received and late letter of support	Members to note (check if this is correct, may have been put in instead of 4.1)
4.11	Late request to speak and request for deferral for OM by Councillor.	Chair to advise
5.3	Late objection received	Members to note
5.6	Typing error LA09/2020/0877/O should be read LA09/2020/0887/O	Members to note
5.7	Application has been withdrawn	Members to note