

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 3 July 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Reid,

Officers in Attendance

Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McNally, Council Solicitor
Mr Stewart, Senior Planning Officer
Ms Grogan, Democratic Services Officer

Others in Attendance

Applicant Speakers

I/2013/0246/F	Ross Planning
LA09/2016/1010/F	Ross Planning
LA09/2016/1659/F	McKeown & Shields Architects
LA09/2016/1662/F	McKeown & Shields Architects
LA09/2017/0313/F	Manor Architects
LA09/2017/0948/F	Cllr Dominic Molloy
LA09/2017/0948/F	Manor Architects
LA09/2018/0158/DCA	Cllr Dominic Molloy
LA09/2018/0158/DCA	Manor Architects
LA09/2017/1241/O	Chris Cassidy – CMI
LA09/2018/0041/O	Chris Cassidy – CMI
LA09/2018/0042/O	Colm McGurk Architect
LA09/2018/0192/F	Terry Scullion Architect
LA09/2018/0213/O	Joe Diamond Architect
LA09/2018/0257/O	Donnelly Design
	Toirleach Gourley
LA09/2018/0398/O	Chris Cassidy – CMI
LA09/2018/0427/F	Aideen McFerran – RPS (Agent)
	Oonagh McCann – SGN (Applicant)
LA09/2017/0810/F	Manor Architects

The meeting commenced at 7 pm.

P089/18 Apologies

Cllrs Bateson, Mullan and Robinson.

P090/18 Declarations of Interest

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

Councillor Reid declared an interest in application LA09/2018/0153/O.

Councillor McPeake declared an interest in application LA09/2018/0192/F.

P091/18 Chair's Business

The Chair advised that the following planning applications would be deferred for an office meeting/withdrawn/submission of further information –

- LA09/2018/0041/O – Dwelling and garage approx 50m SE of 94 Kilrea Road, Portglenone for Mr Raymond Henry – deferred for an office meeting
- LA09/2018/0042/O – Site for dwelling 20m W of 15 Derrynoyd Lane, Moneyneena, Draperstown for Mr Aaron Kelly – deferred for an office meeting
- LA09/2018/0150/O – Dwelling and garage 200m E of 64 Springhill Road, Moneymore for Mr Thomas Nesbitt - withdrawn
- LA09/2018/0213/O – Site for dwelling and domestic garage at 60m SE of 101 Bancran Road, Draperstown for Mr Oliver Bradley – deferred for an office meeting
- LA09/2018/0257/O - Farm dwelling and garage 50m S of 75 Derrycourtney Road, Caledon for Mr Stephen Agnew - withdrawn
- LA09/2018/0398/O – Dwelling and garage 30m NE of 8a Rogully Road, Ballyrogully, Moneymore for Mr Thomas McVey – deferred for 30 days
- LA09/2018/0467/O – Site for dwelling and domestic garage 100m NE of 15 Ballydermot Road, Castledawson for Mr Mark Diamond – deferred for an office meeting
- LA09/2017/0810/F – Dwelling at Coltrim Lane, approx. 220m from Junction with Cookstown Road, Moneymore for Mr Mark Hamilton - until the outcome of an appeal

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved: That the above list of planning applications be deferred for an office meeting/ withdrawn or waiting on submission of further information and removed from tonight's list for consideration.

Matters for Decision

P092/18 Planning Applications for Determination

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

I/2013/0246/F Demolition of existing dwelling/out buildings and the construction of 24 new starter units opposite and adjacent to 9 Strifehill Road, Coolkeeghan, Cookstown for Mr Adrian Miliken

The Head of Development Management presented a report on planning application I/2013/0246/F advising that it was recommended for refusal and updated members on the situation to date.

The Chair advised that a request to speak had been received and asked Mr Ross to address the committee.

Mr Ross advised said that he was here tonight to speak against the application and was representing global business employers CDE and Keystone Groups as they were both major employers in the Mid Ulster area who generated a huge employment database.

He said that both business premises were close to the proposed development and that employment could be jeopardised if this application was approved. He said that in terms of manufacturing both involved outdoor activity of materials, dust and noise and that CDE in particular were looking to expand their business at the opposite side of the road which would be very close to the proposed development. He stated that zoned industrial land and PD8 were in place to protect the development and on the ground, he would commend the comments by the Head of Development Management to recommend refusal as this sends out a good news message to CDE and Keystone that the Council were being supportive of their rights as employers.

The Head of Development Management advised that the applicant had been issued a warning in 2011 when he proceeded to a pre-hearing, where it was deemed as an unsuitable site and now it has become more serious.

Councillor Clarke said that by listening to what was being said it seemed unfair to approve this application as it could lead to all sort of problems in the future and would agree with the proposed recommendation to refuse the application.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved: That planning application I/2013/0246/F to refuse the application.

LA09/2016/1010/F Replacement and repositioning of existing dwelling and garage and extension to site curtilage at 51 Knockanroe Road, Cookstown for Reid Engineering

Members considered previously circulated report on planning application LA09/2016/1010/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Cuthbertson and

Resolved: That planning application LA09/2016/1010/F be approved subject to conditions as per the officer's report.

LA09/2016/1659/F Light engineering workshop and retention of associated yard and car parking area (revised access) at 70m W of 108 Aghnagar Road, Altaglushan, Galbally, Dungannon for Mr Hugh Gormley

Members considered previously circulated report on planning application LA09/2016/1659F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/1659/F be approved subject to conditions as per the officer's report.

LA09/2016/1662/F Retrospective application for the retention of building in relation to machinery business (revised access) at 108a Aghnagar Road, Altaglushan, Dungannon for Mr Hugh Gormley

Members considered previously circulated report on planning application LA09/2016/1662/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/1662/F be approved subject to conditions as per the officer's report.

LA09/2017/0313/F Housing development (23 units) at 40m W of 23 Loran Vale, Cookstown for Tullanure Construction

Members considered previously circulated report on planning application LA09/2017/0313/F which was recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/0313/F be approved subject to conditions as per the officer's report.

LA09/2017/0475/O Dwelling and garage to the rear of 48 Carnaman Road and 2 & 3 Curraghbrook Lane, Knockloughrim for H Millar Esq

Mr McCrystal, SPO presented a report on planning application LA09/2017/0475/O advising that it was recommended for refusal. He updated members on the background of the application.

In response to Councillor Bell's query about what point does a number of houses become a cluster, Mr McCrystal referred to PPS21 CTY2a dwellings in the countryside and stated that a cluster development must lay outside a farm and consist of 4 buildings with 3 being dwellings. He said that this application was not associated with a focal point like a crossroads or community buildings and that the landowner was only looking an additional site where dwellings were in front.

In response to Councillor McKinney's query about objections raised, Mr McCrystal advised that one objection was made relating to the number of dwellings in the area with no focal point.

Councillor Reid said that he had listened to all the comments raised tonight regarding this application and said as there was no focal point and doesn't meet the policy, with no-one in attendance to make a case, he would be supportive of the recommendation proposed.

The Chair, advised that speaking rights were applied for but it was after the deadline.

Councillor Cuthbertson said that he wasn't aware of this application being raised before and if so it would have been on the deferred list.

Mr McCrystal stated that the application wasn't deferred but that the Planning Appeals Commission advised that the Council had to reopen the case and look at it afresh again.

Councillor Cuthbertson said that there was never a meeting for members to discuss issues unlike others and there was no opportunity to avail of an office meeting.

The Council Solicitor said members should exercise caution on this as this was more like a procedure type of application. She said that the application was looked at in the past and there was some type of issue relating to a wrong address and if looked at the other way the Objector may have merits on it.

Councillor Reid said that he would be happy to propose the recommendation but would be happier if clarity was given on whether the proper procedures were followed like availing of an office meeting etc so that he feels that both parties have been fairly treated.

The Chair advised that the application had went through full Committee but was refused on an error relating to the address and was returned for consideration.

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0475/O be refused.

LA09/2017/0601/F Retrospective planning application for change of use from light industrial to sui generis gymnasium at Unit A4 The Business Centre Workspace, Draperstown for J Max Fitness

Members considered previously circulated report on planning application LA09/2017/0601/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/0601/F be approved subject to conditions as per the officer's report.

LA09/2017/0948/F Alteration/refurbishment of dwelling including reinstatement of rear return as accommodation block and removal of existing boundary walls at ground level at 10 Circular Road, Dungannon for Mr R Carson

LA09/2018/0158/DCA Partial demolition of rear return and existing boundary walls at 10 Circular Road, Dungannon for Mr R Carson

Councillor Cuthbertson declared an interest in applications LA09/2017/0948/F and LA09/2018/0158/DCA.

The Chair advised that LA09/2017/0948/F and LA09/2018/0158/DCA would be considered together.

Members considered previously circulated report on planning application LA09/2018/0158/DCA which was recommended for approval.

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

Councillor Molloy advised that he was here tonight to speak against the application as the previous application for apartments had been refused. He said that residents in the area were concerned that the building would be turned into a HMO for rental as previous enforcement case for HMO raised concerns. He said that there were 2 separate houses and intensification of access raised concerns as it was dangerous and as it was a conservation area, residents in the area would like to see the retention of the trees as they want the character of the area to remain.

The Chair advised that a request to speak in favour of the application had been received from Manor Architects and invited Ms Muldoon to address the committee.

Ms Muldoon advised that she was speaking in support of the application as there was history to the building and would rebut the previous speakers comments as it was up for approval as there had been no issues relating to the last application for apartments on this site.

She said that this application was for the resurrection of the establishment of a house to its previous state. She stated that the site inspection indicated that this wasn't being used as a HMO and that Roads Service raised no concerns with access and as that was a conservation area, the same residents' contacted Environmental Health relating to vermin at the site. She said that any concerns raised previously would be dealt with and that the approval of this application wouldn't be prejudiced.

Councillor Clarke said that the site backs onto a hill and could be recognised for its archaeological potential and felt that there should be a condition included referring to the supervision of excavation in the event of something important being located.

Proposed by Councillor Clarke

To have a condition included referring to supervision of any potential archaeological excavation at the site.

Mr Marrion, SPO advised that reports came back satisfactory with no conditions outlined relating to archaeological findings.

Councillor Reid felt that there was a lot of space between the houses but according to the Officer's report and listening to speakers here together there is a clause to protect the site and would be happy to recommend approval.

Councillor Cuthbertson said that he declared an interest in this application as he had objected to it in the past whilst a Councillor in Dungannon because Roads Service at that time had indicated that access wasn't safe. He enquired how it was possible to accommodate 2 carparking spaces for a 7 bedroom dwelling.

Mr Marrion referred to the existing layout of the plan and said that the applicant could proceed with a refurbishment without requesting approval. He said that the proposed development was for a use as a single dwelling with 7 bedrooms with alteration/refurbishment of a dwelling, including reinstatement of rear return as accommodation block and removal of existing boundary walls at ground level for betterment of access and parking.

Councillor Cuthbertson referred to the existing building and said that currently the plan shows the front part being in reasonable condition, but that the rear being in disrepair and what is being proposed is to take away the back wall and rebuild it with a new configuration which results in less bedrooms.

In response to Councillor Clarke's suggestion regarding archaeological supervision, the Head of Development Management advised that the condition needed to be reasonable and the suggestion to rush something through without the support of the Department may not be the best decision and said that he was content that the Department had assessed this for an potential archaeological dig purposes.

Councillor Clarke said that his proposal was only a precautionary measure as it was an area of archaeological potential.

The Head of Development Management said that he had sought advice from the Department regarding this and they were happy and that he would err on the side of caution.

Councillor Clarke withdrew his proposal.

Proposed by Councillor Reid
Seconded by Councillor McKinney and

Resolved: That planning applications LA09/2017/0948/F and LA09/2018/0158/DCA be approved subject to conditions as per the officer's report.

LA09/2017/0977/F Farm build as cattle shed 40m NE of 28A Toomag Road, Galbally, Dungannon

Members considered previously circulated report on planning application LA09/2017/0977/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2017/0977/F be approved subject to conditions as per the officer's report.

LA09/2017/1215/F Residential development of 43 dwellings, associated road access including right hand turning lane on Moneymore Road (change of house types on plots 13-47 and 95-103 of approval LA09/2016/0730) at 14 Moneymore Road, Magherafelt for DMD Developments

Members considered previously circulated report on planning application LA09/2017/1215/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Cuthbertson and

Resolved: That planning application LA09/2017/1215/F be approved subject to conditions as per the officer's report.

LA09/2017/1216/F Housing development of 5 accessible dwellings with associated access, roads and landscaping at site adjacent to 40 Moneymore Road, Cookstown for Rose House Developments Ltd

Members considered previously circulated report on planning application LA09/2017/1216/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Cuthbertson and

Resolved: That planning application LA09/2017/1216/F be approved subject to conditions as per the officer's report.

LA09/2017/1241/O Site for 2 storey dwelling and domestic garage at 30m N of 38 Airfield Road, Toomebridge for Centum NU Ltd

Mr McCrystal, SPO presented a report on planning application LA09/2017/1241/O advising that it was recommended for refusal.

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

Mr Cassidy stated that planning permission would be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings; - The Department are content this element is met
- The cluster appears as a visual entity in the local landscape; travelling both directions along the road site is read with existing development.
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross roads – the cluster is associated with 3 focal points:
 - a) Moyola Nature reserve runs adjacent to the site. This reserve consists of a formal pathway design to disabled standards, bird hides and fishing stands. It is widely advertised as depicted above and heavily used by the general public
 - b) A helicopter training school located adjacent to the site
 - c) The Moyola River that borders the site
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster – as depicted there is development to the east and south of the site
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and the development rounds of the cluster at this location
- Development would not adversely impact on residential amenity – there are no objections from neighbours and the Department are content the proposal will not affect neighbours.

Mr Cassidy referred to the latest planning appeal findings of the 6th June 2018 and said that the introduction of the proposed development would lie into the cluster being sited between No's 59 and 61 to the rear of No. 63, and it would not encroach into open countryside. The proposal meets the other five requirements of Policy 2a and can be

said to comply with the overall thrust of the policy which is to round off and consolidate an existing cluster of development without changing the overall character of an area. This being the case I do not find it a determining failing that the cluster is not located at a focal point or a crossroads. Policy CTY 2a is met in the round and the proposed development is acceptable in principle in the countryside under this Policy. The Council has not sustaining its third reason for refusal.

The Head of Development Management advised that there was an argument within the policy in and around criteria and if he wanted to go to Moyola Nature Reserve he didn't need to go down that road.

Mr Cassidy said that there was hectares of ground and that this was in the area.

In response to the Head of Development Management regarding the focal point to the site, Mr Cassidy advised that it was clearly seen when you walk down road and from the site where bird hides etc are visibly seen.

The Head of Development Plan advised that the helicopter training school was previously approved for residential only and enquired if this was still the case.

Mr Cassidy said that it was approved for 26 days per year flying and was based in Ballymena and not Toomebridge. He said that it's very busy as tours of the lough is extremely popular.

In response to a query about how long the school has been operational, Mr Cassidy advised that it was operational for 10 years, but that it wasn't just a training school as he had an office at the site for commercial use also.

The Head of Development Management referred to the Appeals Decision and said that the key things that jumped out at him was the Commissioner's comment where it only accepts it as a focal point as it integrated into the countryside and 2 houses to either sides.

Mr Cassidy said that he would have to contradict the Head of Development Management as there were 6 appeals for decision and that planning appeals were very consistent on that.

Councillor Gildernew asked if we could get clarification on what identifies a focal point and would like to see a list of these and it can be confusing.

The Head of Development Plan outlined to members what identified as a focal point in the countryside for new dwellings:

- *The cluster lies outside of a farm and consists of at least four buildings of which at least three are dwellings (excluding ancillary buildings such as garages or outbuildings);*
- *The cluster appears as a visual entity in the landscape;*
- *The cluster is associated with a focal point;*
- *The site provides adequate enclosure and is bounded on at least two sides with other development in the cluster;*

- *Development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alters its character or visually intrude into the open countryside;*
- *Development would not have an adverse impact on residential amenity.*

Councillor Reid said that crossroads, community centres etc have all been discussed and maybe even a river, an old bridge and railway and agreed with Councillor Gildernew that it can be sometimes be a bit unreliable. He said that there were 7 other dwellings and asked how long that this been established and the Officer indicated that it was open into the countryside, with some trees being planted to blend it in as it was beside No. 38. Fishing and wildlife are prominent and he found it hard to know because there are some good points and some bad points.

Councillor Clarke agreed with Councillor Reid and said that he raised a relevant point. The focal point in this cluster and asked if it had a name as 7 dwellings were within a short space and proposed to defer the application until further discussions have taken place to get clarification.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2017/1241/O be deferred for an office meeting.

The Council Solicitor said that this came up last month and that members should take time to look at the wording as the focal point has not been defined and has to be in the context of the policy itself. She said that whilst there was an element of flexibility the policy has be adhered to.

LA09/2017/1619/F A three bay cantilever bus shelter at the footpath outside and adjacent to 42 Main Street, Bellaghy for Clear Channel NI Ltd

Mr McCrystal, SPO presented a report on planning application LA09/2017/1619/F advising that it was recommended for refusal.

Councillor McAleer left the meeting at 8 pm and returned at 8.03 pm.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/1619/F to refuse.

Councillor McPeake said that it was important that another solution was found as a matter of urgency due to the other existing bus shelter being removed before the winter emerges.

Councillor Reid suggested that a letter be sent out to the applicant asking him to relocate the bus shelter as soon as possible due to safety concerns.

LA09/2017/1727/F Playground incorporating play equipment with wet pour safety surfacing and asphalt concrete surfacing; 2.4m wire mesh fence and 3m wide double gate at lands to the rear of business units, Linenhall Business and Community Centre, 67 Kilrea Road, Upperlands for Mid Ulster District Council

All members declared an interest in the above item.

Members considered previously circulated report on planning application LA09/2017/1727/F which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/1727/F be approved subject to conditions as per the officer's report.

LA09/2018/0041/O Dwelling and garage approx. 50m SE of 94 Kilrea Road, Portglenone for Mr Raymond Henry

Resolved: That planning application LA09/2018/0041/O to be deferred for an office meeting.

LA09/2018/0042/O Site for dwelling 20m W of 15 Derrynoyd Lane, Moneyneena, Draperstown for Aaron Kelly

Resolved: That planning application LA09/2018/0042/O be deferred for an office meeting.

LA09/2018/0150/O Dwelling and garage, 200m E of 64 Springhill Road, Moneymore for Mr Thomas Nesbitt

Resolved: That planning application LA09/2018/0150/O be withdrawn.

LA09/2018/0192/F 2 Storey rear extension of 5 Harmony Hill, Castledawson for Mrs P Ryan

Members considered previously circulated report on planning application LA09/2018/0192/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2018/0192/F be approved subject to conditions as per the officer's report.

**LA09/2018/0213/O Site for dwelling and domestic garage at 60m SE of 101
Bancran Road, Draperstown for Mr Oliver Bradley**

Resolved: That planning application LA08/2018/0213/O be deferred for an office meeting.

**LA09/2018/0257/O Farm dwelling and garage 50m S of 75 Derrycourtney Road,
Caledon for Stephen Agnew**

Resolved: That planning application LA09/2018/0257/O be withdrawn.

**LA09/2018/0288/O 2 No. dwellings between 4 & 8 Aghaginduff Road, Dungannon
for Mr Cathal Quinn**

Members considered previously circulated report on planning application LA09/2018/0288/O which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2018/0288/O be approved subject to conditions as per the officer's report.

**LA09/2018/0317/O 2 No. dwellings at lands between 61 & 65 Kilnacart Road,
Dungannon for Mr Thomas Cassidy**

Members considered previously circulated report on planning application LA09/2018/0317/O which was recommended for approval.

Councillor Gildernew said that he was concerned about the size of the site and asked for clarification.

Mr Marrion said that a similar site had been approved across the road where it has already been accepted. He said that the road had a double infill and if someone came forward with the same site characteristics that this would have to be approved also.

Proposed by Councillor Reid
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2018/0317/O be approved subject to conditions as per the officer's report.

The Council Solicitor said that members should be mindful of the previous decision as this may not have been the best decision as it could be deemed by some as a poor decision.

LA09/2018/0398/O Dwelling and garage 30m NE of 8a Rogully Road, Ballyrogully, Moneymore for Mr Thomas McVey

Resolved: That planning application LA09/2018/0398/O be deferred for 30 days.

LA09/2018/0427/F Approximately 3.5km underground gas transmission pipeline with associated temporary site works at lands at Coltrim Road from the Moneymore Road to Coltrim Lane, the Drumrot Road between Coltrim Lane and Moneyhaw Road from its junction with Drumrot Road, Bridger Street to Hammond Street, Circular Road to the Magherafelt Road, Moneymore for SGN Natural Gas

Members considered previously circulated report on planning application LA09/2018/0427/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2018/0427/F be approved subject to conditions as per the officer's report.

LA09/2018/0467/O Site for dwelling and domestic garage 100m NE of 15 Ballydermot Road, Castledawson for Mark Diamond

Resolved: That planning application LA09/2018/0467/O be deferred.

LA09/2018/0475/F Access laneway with associated entrance pillars and gates to serve dwelling and garage approved under planning ref H/2014/0246/O and LA09/2017/1179/RM immediately adjacent to 62 Killycon Road, Portglenone for Seamus McAllister

Members considered previously circulated report on planning application LA09/2018/0475/F which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2018/0475/F be approved subject to conditions as per the officer's report.

LA09/2017/0810/F Dwelling at Coltrim Lane, approx. 200m from junction with Cookstown Road, Moneymore for Mr Mark Hamilton

Mr McCrystal, SPO presented a report on planning application LA09/2018/0810/F advising that it was recommended for refusal.

Resolved: That planning application LA09/2018/0810/F be put on hold until the outcome of an appeal.

**LA09/2018/0153/O Dwelling and garage 72m NW of 21 Whitetown Road, Newmills
for Mr Kenneth Reid**

Councillor Reid declared an interest in the above application and withdrew to the public gallery.

Members considered previously circulated report on planning application LA09/2018/0153/O which was recommended for approval.

Proposed by Councillor McAleer
Seconded by Councillor Gildernew and

Councillor Cuthbertson asked how the situation had changed as the committee didn't want anything going out of the meeting.

Mr Marrion advised that the issue related to a 10 year rule and information was provided that clarified that this was well within 10 years, between 2004 and 2005 before planning policy came into force, so the application was properly within the timeframe and approval granted.

Resolved: That planning application LA09/2018/0153/O be approved subject to conditions as per the officer's report.

Councillor Reid returned to the committee.

Councillor Reid said that he wanted to clarify to members that all proper procedures were followed and done accordingly.

Councillor Cuthbertson said his reason for asking was because he remembered distinctively Dr Boomer stating that he would require a face to face meeting to see why the application was refused and only wanted clarification on why it was overruled.

Matters for Information

P093/18 Minutes of Planning Committee held on 5th June 2018

Members noted minutes of Planning Committee held on Tuesday 5th June 2018.

P094/18 Receive information on recent Judicial Review decision for consideration.

The Head of Development Management updated members on recent Judicial Review decision for consideration.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Reid
Seconded by Councillor Bell 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 P095/18 to P100/18.

Matters for Decision

- P095/18 Receive draft Development Plan Strategy – Introduction & Growth Strategy
P096/18 Receive Enforcement Reports

Matters for Information

- P097/18 Confidential Minutes of Planning Committee held on Tuesday 5 June 2018
P098/18 Enforcement Live Case List
P099/18 Enforcement Cases Opened
P100/18 Enforcement Cases Closed

P101/18 Duration of Meeting

The meeting was called for 7pm and concluded at 9.15 pm.

Chair _____

Date _____