

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 3 May 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

<b>Members Present</b>	Councillor Black, Chair	
	Councillors Bell*, Brown*, Clarke*, Colvin, Corry*, Cuthbertson, Glasgow, Hughes*, Mallaghan*, McFlynn, McKinney, D McPeake*, S McPeake* and Robinson	
<b>Officers in Attendance</b>	Dr Boomer, Service Director of Planning Mr Bowman, Head of Strategic Planning Ms Doyle, Head of Local Planning Mr Marrion, Senior Planning Officer Mr McClean, Acting Senior Planning Officer** Ms McIlveen, Legal Adviser** Ms Scott, Council Solicitor Mrs Forde, Member Support Officer	
<b>Others in Attendance</b>	Councillor Gildernew*** Councillor N McAleer***	
	LA09/2022/0242/F	Ms McKenna
	LA09/2021/0352/F	Mr Owens
	LA09/2021/0739/F	Mr Cassidy

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

\*\* Denotes Officers present by remote means

\*\*\* Denotes others present by remote means

The meeting commenced at 7.00 pm

**P057/22 Notice of Recording**

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

**P058/22 Apologies**

Councillor Quinn.

**P059/22 Declarations of Interest**

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

Councillor Robinson declared an interest in LA09/2021/1733/O - Replacement dwelling and garage at land approx. 65m NW of 68 Tullanafoile Road, Dungannon, for Mr Neville Robinson.

Councillor Clarke declared an interest in LA09/2018/0566/F - 6 dwellings and associated access road at approx 90m E of 96 Davagh Road, Omagh for M Conway and stated he wanted to speak on this application.

## **P060/22      Chair's Business**

The Chair, Councillor Black stated that as this was his last meeting as Chair of the Committee he wanted to take the opportunity tonight to thank officers for their help and support during his term of office and also Members for their support and co-operation.

The Service Director of Planning 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 –

Agenda Item 5.7 - LA09/2021/1129/O - Site for dwelling and domestic garage/store S of and adjacent to 71 Ballybeg Road, Dungannon for Mr Gerard McAliskey.

Agenda Item 5.9 - LA09/2021/1382/O - 2 storey dwelling & domestic garage on a farm at land approx. 130m SW of 19 Glendavagh Road, Aughnacloy for Dale Watters. It was noted that additional information had been supplied and although speaking rights had been requested they would not be availed of at this time but would be applicable in the future.

Agenda Item 5.10 - LA09/2021/1450/F - Dwelling and garage at site 100m NW of 4 Rogully Road, Magherafelt for Pat McVey.

Agenda Item 5.11 - LA09/2021/1592/O - Dwelling on a farm 30m NE of 32 Killynaul Road, Caledon for Mark Edwards.

Agenda Item 5.13 - LA09/2021/1751/O - Dwelling at lands SW of 46&46a & NW of 44 Annaghmore Road, Castledawson for Frances Taylor.

Agenda Item 5.17 - LA09/2022/0062/O - Infill dwelling and domestic garage at site W of 35 Drummurrer Lane, Coalisland for Mr Michael Corr.

Proposed by Councillor Colvin  
Seconded by Councillor Robinson and

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

## **Matters for Decision**

### **P061/22      Planning Applications for Determination**

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

#### **LA09/2018/0566/F                      6 dwellings and associated access road at approx. 90m E of 96 Davagh Road, Omagh for M Conway**

Councillor Clarke advised he was declaring an interest in this item as he had been contacted by a resident who had concerns regarding the development. Councillor Clarke stated he had advised the person to make contact with planning officers to raise those concerns. Councillor Clarke advised that the person had contacted him again today to say that he had raised his concerns however the Councillor noted that this is not included on the addendum.

The Chair, Councillor Black clarified Councillor Clarke's comments in that a member of the public has raised concerns regarding the application with the planning team but there is no mention of it included on the addendum for tonight's meeting.

The SD: Planning advised there is an objection to the application which is on file and that there may be confusion in relation to making an objection and requesting speaking rights which are not the same thing. The Service Director advised that there is an officer report which takes into consideration the objection and grounds for objection and suggested that Members hear the officer report and further to this Councillor Clarke may be able to verify if the objections are all related.

Councillor Clarke stated he was unsure of what the objections are however the application has been ongoing for some time and things may have changed. The Councillor stated that the application is within the dispersed rural community.

Councillor Cuthbertson asked was it not in order to hear the officer report and asked if Councillor Clarke was speaking for or against the application.

The SD: Planning advised that Councillor Clarke was now moving to speak for the objectors and their objection and that Members should hear the officer report.

The Chair, Councillor Black asked for the officer report to be presented.

Ms Doyle (SPO) presented a report on planning application LA09/2018/0566/F which had a recommendation for approval. Ms Doyle advised that there was an objection received to the application in 2018 and that this objection is addressed within the report. The officer advised that she had not been alerted to any further objections being received.

Councillor McKinney proposed that the application be deferred for one month in order to address the issues raised by Councillor Clarke.

The SD: Planning stated that it appeared that someone wanted to object however confusion seems to have arisen and the person would like the opportunity to submit their objection and speak before the Committee.

Councillor Clarke stated this was correct and that the person had confirmed today that the information had been submitted on Friday. Councillor Clarke stated he agreed with the proposal to defer but that in the past site visits have been agreed when the Committee are unsure and in this case all Members have is a map with a red line in a green field and felt it would be worthwhile for Members to visit the site. Councillor Clarke proposed that a site meeting be held for this application.

The SD: Planning stated he had no objection to a site visit.

Councillor Clarke referred to the wording of a Dispersed Rural Community and stated that St Marys Church (disused) and used as the Community Centre and the Post Office form a locally significant focal point on the Broughderg Road and that clusters of development should be located close to a focal point. Councillor Clarke advised that the application site is half a mile away from the focal point of the Church/Post Office.

The Chair, Councillor Black stated that the points were noted but would be best addressed on site.

Councillor McKinney stated he would concur with undertaking a site visit and that Members would be going past this site next Tuesday for another site visit and it may be an opportunity to double up

Councillor S McPeake seconded Councillor Clarke's proposal for a site visit and felt it would be useful as the application has the potential to change the characteristics of the whole area.

The Chair, Councillor Black stated that the two points to be addressed are if there is an objector who believes they have submitted an objection which hasn't been addressed then time should be allowed to consider this and also to address concerns on site.

Ms McIlveen stated that this was a sensible way forward in the circumstances, particularly given the confusion regarding objections.

**Resolved** Agreed that application be deferred for a site meeting.

**LA09/2019/1028/F**                      **7 Stables with attached equipment store and new storage shed at 125m SW of 48 Moneysharvin Road, Swatragh for Seamus Lagan**

Members considered previously circulated report on planning application LA09/2019/1028/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2019/1028/F be approved subject to conditions as per the officer's report.

**LA09/2019/1648/F                      Retention of extended yard area for the purpose of storage of HGV vehicles and trailers at lands at 175m W of 66A Kilnacart Road, Dungannon for Mr Niall McCann**

Members considered previously circulated report on planning application LA09/2019/1648/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2019/1648/F be approved subject to conditions as per the officer's report.

**LA09/2021/0543/F                      Renewal of application LA09/2016/0282/F for proposed new vehicle entrance at adjacent to 17 Cullenfad Road, Dungannon for Libby Campbell**

Members considered previously circulated report on planning application LA09/2021/0543/F which had a recommendation for approval.

In response to the SD: Planning query Mr Marrion confirmed that the application for the proposed vehicle entrance superseded previous applications listed in the report.

Proposed by Councillor McKinney  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2021/0543/F be approved subject to conditions as per the officer's report.

**LA09/2021/0588/O                      Infill site for dwelling and garage between 34 Glenarny Road and 19 Knockaleery Road, Cookstown for Mr Richard McAlister**

Members considered previously circulated report on planning application LA09/2021/0588/O which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/0588/O be approved subject to conditions as per the officer's report.

**LA09/2021/0995/F**

**Extension to existing mushroom storage & distribution facility at 118 Trewmount Road, Dungannon for K Hughes & Co Ltd**

Members considered previously circulated report on planning application LA09/2021/0995/F which had a recommendation for approval.

Councillor Cuthbertson asked if the extensions was already under construction and thought that if so it should be stated in the application.

Mr Marrion said as far as he was aware it was under construction but would not be completed until planning permissions was finalised.

Councillor Cuthbertson said he had passed the site and saw the shed up and reiterated that in such instances the Councillors should be made aware.

Proposed by Councillor Glasgow  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0995/F be approved subject to conditions as per the officer's report.

**LA09/2021/1129/O**

**Site for dwelling and domestic garage/store S of and adjacent to 71 Ballybeg Road, Dungannon for Mr Gerard McAliskey**

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

**LA09/2021/1171/RM**

**Dwelling and detached domestic garage at approx. 30m S of 5 Tamlaghtduff Park, Bellaghy for John & Sheila Fullerton**

Members considered previously circulated report on planning application LA09/2021/1171/RM which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2021/1171/RM be approved subject to conditions as per the officer's report.

**LA09/2021/1382/O**

**2 storey dwelling & domestic garage on a farm at land approx. 130m SW of 19 Glendavagh Road, Aughnacloy for Dale Watters**

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

**LA09/2021/1450/F**                      **Dwelling and garage at site 100m NW of 4 Rogully Road, Magherafelt for Pat McVey**

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

**LA09/2021/1592/O**                      **Dwelling on a farm 30m NE of 32 Killynaul Road, Caledon for Mark Edwards**

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

**LA09/2021/1733/O**                      **Replacement dwelling and garage at land approx. 65m NW of 68 Tullanafuille Road, Dungannon for Mr Neville Robinson**

Members considered previously circulated report on planning application LA09/2021/1733/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McKinney and

**Resolved**      That planning application LA09/2021/1733/O be approved subject to conditions as per the officer's report.

**LA09/2021/1751/O**                      **Dwelling at lands SW of 46&46a & NW of 44 Annaghmore Road, Castledawson for Frances Taylor**

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

**LA09/2021/1805/F**                      **Infill dwelling and garage and associated site works at lands between 54 & 56 Ballynasaggart Road, Ballygawley for Tony Hughes**

Members considered previously circulated report on planning application LA09/2021/1805/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Corry and

**Resolved**      That planning application LA09/2021/1805/F be approved subject to conditions as per the officer's report.

**LA09/2021/1807/F**                      **Farm dwelling at 75m SW of 106 Derryfubble Road, Dungannon for Bronagh Long**

Members considered previously circulated report on planning application LA09/2021/1807/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1807/F be approved subject to conditions as per the officer's report.

**LA09/2022/0007/F**                      **Detached ancillary granny flat in the rear garden of 30 Claremount Drive, Coalisland for Adrian Devlin**

Members considered previously circulated report on planning application LA09/2022/0007/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2022/0007/F be approved subject to conditions as per the officer's report.

**LA09/2022/0062/O**                      **Infill dwelling and domestic garage at site W of 35 Drummurrer Lane, Coalisland for Mr Michael Corr**

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

**LA09/2022/0068/O**                      **Dwelling at site 50m NE of 1 Loveshill, Castledawson for Noel & Marie Lennon**

Members considered previously circulated report on planning application LA09/2022/0068/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2022/0068/O be approved subject to conditions as per the officer's report.

**LA09/2022/0153/F**                      **Regularisation of an operational Anaerobic Digestion (AD) plant including extension to curtilage and shed (housing feedstock hopper), hopper access lane, digestate storage tank, relocated pasteurisation tanks, macerator and heat exchanger within extension and proposed extension to shed, carbon filter and amendment to previously approved digestate storage tank at lands approx 200m NE of 14 Tullywiggan Cottages, Tullywiggan Road, Cookstown for PAR Renewables Ltd**

Members considered previously circulated report on planning application LA09/2022/0153/F which had a recommendation for approval.

Ms Doyle (SPO) advised that the agent had been in contact in relation to condition 4 and that there is to be a slight rewording of this condition as follows –

*All imported feedstocks, except silage and EWC Code 02 02 02 animal-tissue waste, shall be brought onto site within sealed tankers and off loaded into a sealed*



*reception tank with any displaced air vented through the Carbon Filter. There shall be no external storage of approved imported feedstocks brought onto the site except for silage.*

*Reason: In the interests of amenity of residents living in the surrounding area and in the interests of environmental protection.*

Proposed by Councillor McKinney  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2022/0153/F be approved subject to conditions as per the officer's report and rewording of Condition 4 as noted above.

**LA09/2022/0242/F                      Retention of domestic store (not in accordance with LA09/2021/0259/F) at 20 Ardchrois, Donaghmore for Conrad McGuigan**

Mr Marrion (SPO) presented a report on planning application LA09/2022/0242/F advising that it was recommended for refusal.

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

Ms McKenna stated she would take the lead on speaking and was also speaking on behalf of Messrs McLaughlin and Quinn.

Ms McKenna stated she was the owner of 20 Torrent View and that Mr Quinn was the owner of 19 Torrent View. Ms McKenna advised that both herself and Mr Quinn have lodged objections to the application previously. Ms McKenna referred to the photographs of the shed shown as part of the officer report and that this shed runs along the fence line at the rear of her property. Ms McKenna stated that the original planning approval was gained in April 2021 and if herself and Mr Quinn been made aware at the time they would have objected. Ms McKenna advised that it was only at the time of construction that the tenant of her property made contact with her and when she saw what was happening and where foundations she knew the shed was being built in the wrong location and that there is not even room to put in the proposed screening of the shed. Ms McKenna stated that the height of the shed is affecting the amenity of her property and other neighbouring properties ie. Over shadowing, loss of sunlight. Ms McKenna stated there has also been a detrimental effect on the value of her property as a result of the construction of the shed. Ms McKenna stated she welcomed the recommendation to refuse the application and trusted that the Members would accept the recommendation.

The Service Director of Planning stated that the key issue is that the shed has been moved closer to the boundary and is very dominant in relation to neighbouring properties. The Service Director reminded Members that a property valuation is not a key concern but rather the impact on amenity.

Councillor Cuthbertson asked in relation to a complaint regarding loss of light a process has to be gone through with a light meter in a room classed as a living

space and asked if this applies to planning. Councillor Cuthbertson asked what constitutes loss of amenity.

The SD: Planning stated there is confusion in relation to this and that in planning it is taken as a valued judgement. In this case, it is clear there could be overshadowing particularly in the garden area but it would be hard to say it will make a dwelling uninhabitable. The Service Director stated that from the photographs it is clear that the shed is over dominant both in terms of visual impact and overbearance. In response to question from the Service Director of Planning Mr Marrion advised that the houses of the objectors are to the East of the shed.

The Service Director of Planning stated this would then impact the afternoon/evening sun in the garden area primarily and the overbearing nature of the shed.

The Chair, Councillor Black stated that when he had read the report also had concerns that the shed had been built higher to what was approved and much closer to the boundary.

Councillor Mallaghan stated that the drawings and imagery supplied in relation to the application were good but that he would like to propose to see the site.

Councillor S McPeake seconded Councillor Mallaghan's proposal.

Councillor McKinney stated that he did not object to a site visit but that if the shed is too close and too high there is nothing can be done to change that.

The Service Director of Planning stated that the benefit of a site meeting is to see what is there against what is on paper. The Service Director added if the application is refused that the next step would be enforcement action.

The Chair, Councillor Black stated that the photographs were quite telling but that there was no harm in visiting the site.

Councillor McKinney asked if both the objector's garden and the shed would be visited.

The SD: Planning advised that either or both could be visited but that it would be important to look at the application from the objector's perspective.

Councillor Colvin referred to the objector's concern regarding the use of the shed.

The Chair, Councillor Black stated that concern regarding use was not raised this evening but had been raised previously and is detailed within the report.

Mr Marrion referred to addendum circulated and supporting statement from the applicant which states the shed is for vintage vehicles. Mr Marrion stated that the proposal is for domestic uses and conditions can be imposed regarding this. Mr Marrion advised that the domestic use condition formed part of the previous approval. Mr Marrion stated that if the application is approved for domestic purposes and is used for anything other than domestic use then enforcement action can be taken.

**Resolved** That planning application LA09/2022/0242/F be deferred for a site meeting.

### **Receive Deferred Applications**

**LA09/2015/0523/F**      **Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI at approx. 80m SE of 60 Desertmartin Road, Moneymore for Mr Robert Carmichael**

Members considered previously circulated report on planning application LA09/2015/0523/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2015/0523/F be approved subject to conditions as per the officer's report.

**LA09/2018/1564/F**      **4 apartments with associated parking with access onto Woodlawn Park and on site waste water treatment plant at 10m to the rear of 60 Union Place, Dungannon for Mr Brendan Cunningham**

Members considered previously circulated report on planning application LA09/2018/1564/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2018/1564/F be approved subject to conditions as per the officer's report.

**LA09/2018/1623/F**      **Retention of new access and associated turning bay at existing commercial yard (TAF and Auto Track) at lands at 200m W of 66A Kilnacart Road, Dungannon for Niall McCann**

Members considered previously circulated report on planning application LA09/2018/1623/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2018/1623/F be approved subject to conditions as per the officer's report.

**LA09/2019/0712/F**      **General purpose agricultural buildings and associated groundworks 25m NE of 34**

**Castlecaulfield Road, Donaghmore for Mr Joseph O'Neill**

Mr Marrion (SPO) presented a report on planning application LA09/2019/0712/F advising that it was recommended for refusal. Members noted that the application had been deferred in March to allow the applicant to provide further information that the required reports was requested but none of which were forthcoming. The agent had acknowledged the correspondence from Council but again no reports was submitted.

The Chair, Councillor Black acknowledged that the aforementioned had been the case on a number of occasions.

Proposed by Councillor Mallaghan  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2019/0712/F be refused on grounds stated in the officer's report.

**LA09/2020/0024/F                      3 lodges for short term accommodation at 210m SW of 35 Brookend Road, Ardboe for Donal Coney**

Members considered previously circulated report on planning application LA09/2020/0024/F which had a recommendation for for refusal.

The Chair advised the committee that Councillor N McAleer had requested to speak and invited him to address the committee.

Councillor N McAleer felt there was opportunity for officers and Members to undertake a site visit to the Brookend Road. Councillor McAleer stated that the site was specifically chosen due to its proximity to the Brookend Nature Reserve, an area which supports rare plants and is a popular destination for walkers, bird watchers and those who enjoy the rural countryside. The Councillor added that there is a walkway around "The Moss" at which the applicant has placed bins and helps to maintain. Councillor McAleer stated that the application has been submitted with sustainability in mind and that the rural location would be of appeal to those wanting to book a stay in one of the proposed lodges. Councillor McAleer stated that there appeared to be a precedent set for similar projects in the District and that he could provide references to support this. The Councillor stated that this project would help to address the shortage of beds in Mid Ulster for overnight stays and provides the opportunity to promote tourism and provide an economic boost to the area. Given the shortage of beds and the absence of any similar lodges in the surrounding loughshore area it would appear a refusal would be an opportunity missed by Mid Ulster Council to further enhance tourism opportunities and economic growth which is not served by an abundance of locations for overnight stays. Councillor McAleer felt that it would be better to view the proposal on site rather than judging the application on maps and drawings.

The Service Director of Planning referred to the suggestion of a site meeting and asked officers if it is felt there would be any merit in such a meeting.

Mr Marrion advised that the issues relate to policy in terms of the principle of the development. Mr Marrion stated that the application has been assessed against tourism policies previously and when an amended scheme was submitted it was assessed against farm diversification policies. Mr Marrion referred to Councillor McAleer's comment in relation to precedent and that the examples related to a farm diversification scheme. Mr Marrion advised that the principle of a farm diversification scheme relates to a proposal being run in conjunction with agricultural activities on the farm and in the other examples this was clearly shown. In this proposal the applicant has advised they own the land but that it is let out and that a contractor is employed to maintain the ground. Whilst this would be enough to demonstrate that the farm business is active and established it does not show that the proposal would be run in conjunction with agricultural activities on the farm. Mr Marrion stated that policy for farm diversification requires that the proposal is for conversion of existing buildings or that its grouped with existing buildings on the farm, it was highlighted there are no buildings on the farm with this proposal. Mr Marrion stated that the applicant has put forward proposals that it is linked to Brookend Nature Reserve and highlighted that the policy for tourism development require that the development should be associated with an existing or approved tourist amenity which is a significant visitor attraction and that there have been no details submitted to demonstrate the Brookend Nature Reserve is a significant attraction. It was advised that the information was requested on two occasions however nothing has been brought forward.

The Chair, Councillor Black stated that the issues were purely on policy and the circle cannot be squared based on the information submitted by the applicant.

Councillor Glasgow referred to request for additional information from SES and NIEA and asked if this was recent or since the application had been in the system.

Mr Marrion stated the requests were made at the outset of the application being submitted as the proposal would require the waste water and storm water from the development to be disposed of. Mr Marrion stated that the proposal is close to Lough Neagh and that the applicant would have to demonstrate how they would deal with the waste water however the information has not been provided.

Councillor Glasgow proposed the officer recommendation.

Councillor Bell stated he wanted it noted that over the past years there has been a shortage of beds for overnight stays and it is disappointing to hear that the policy is to be refused on policy grounds. The Councillor stated he was unsure what policy the application has been judged against but referred to previous discussions regarding tourism and that it should be enhanced within Mid Ulster and it was disappointing that yet again there are opportunities being missed.

The Chair, Councillor Black stated that the comments in relation to tourism are valid in their own right however the Committee needs to work within the policy and that all applications need to be judged against the relevant policy.

The SD: Planning highlighted that the case being put forward is in relation to the proximity to nature conservation interests however the applicant has not been willing to provide demonstration that they are not going to harm those interests.

Councillor Colvin seconded Councillor Glasgow's proposal.

Councillor Glasgow stated he would be keen to hear the legal advice as he suspected the Committee would be on dangerous ground if it disregarded policy.

Ms McIlveen stated that if specific legal advice is required on policy then she would ask for the application to be deferred so that it can be considered.

The SD: Planning stated that there was no issue with policy and that it has been considered since the application was submitted and that every opportunity has been given for information to be submitted. The Service Director advised that there are two policies, one in relation to tourism which has not been satisfactorily met and another in relation to farm diversification which has not been met because of lack of buildings. The Service Director advised that if someone is not satisfied with a decision then it can be taken to planning appeal.

**Resolved** That planning application LA09/2020/0024/F be refused on grounds stated in the officer's report.

**LA09/2021/0273/O**                      **Site for dwelling and garage at land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m S of 57 Tullaghmore Road, Dungannon for Joanne Badger & Jamie Allen**

Members considered previously circulated report on planning application LA09/2021/0273/O which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/0273/O be approved subject to conditions as per the officer's report.

**LA09/2021/0352/F**                      **Stable and store at lands approx. 55m W of 303 Battleford Road, Dungannon for Mr Patrick McKenna**

Mr Marrion (SPO) presented a report on planning application LA09/2021/0352/F advising that it was recommended for refusal.

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

Mr Owens said the real issue with the proposal was that of ribbon development and alluded to how it was described in the report. The main concern is the view point from North on the Armagh side of the site which is on left side of Battleford Road. He said the site is in view of two buildings one 303 Battleford Road the main dwelling house and associated detached garage. The proposed development would be behind mature hedging and thus the viewing from front would be restricted. Mr Cassidy drew attention to the term 'ribbon development' and would acknowledge for an existing ribbon to appear there had to be no gaps and be more than two

buildings. The existing building and garage would not be a ribbon and would not add to a ribbon as there is none there. Secondly due to the gap between the proposed building and the two existing it would not create a ribbon of development in its own right. The report refers to a vision of ribbon in figure one it does not appear as there will be a gap. I think officers have concern about future reports but this application must be considered in its own right. As there is no existing ribbon any reference to ribboning would be future applications. The proposed development is well screened in existing landscape. The alternative site is outside the current application site. It would also impact the movement of horses, the field is twice the size and that there may be amenity issues with neighbours.

The SD: Planning said Members must remember when you talk of ribboning like this it is creating an infill opportunity. He highlighted that the applicant has been given the opportunity of an alternative site.

In response to Councillor Glasgow Mr Marrion provided clarity regarding the location of the site.

Councillor Colvin said that planners are helpful in all applications and given that they had suggested an alternative site and this was not considered he would second the proposal.

#### Proposal one

Proposed by Councillor Glasgow  
Seconded by Councillor Colvin

That the application be refused as per officer's recommendation

The Chair, Councillor Black concurred that there could be an alternative site and given the comments of the SD: Planning there is an alternative site and accommodation could be made through a new application.

Councillor S McPeake said that given the fact the agent said the site is well screened and the officer mentioned alternative sites it should have a look at it.

In response to SD: Planning Mr Marrion advised that the building is for domestic purposes, the policies OS3 of Planning Policy Statement 8 open spaces makes it clear. The director said considering this would then have no justification in a site meeting as it would not change the facts.

#### Proposal Two

Proposed by Councillor S McPeake  
Seconded by Councillor Mallaghan

That the application be deferred for a site meeting.

The Chair Councillor Black called for a vote on proposal one

For 7  
Against 8

Proposed by Councillor Glasgow  
Seconded by Councillor Colvin and

That planning application LA09/2021/0352/F be refused on grounds stated in the officer's report.

The SD: Planning highlighted that the application could not be moved for approval given that integration was not the issue but the adherence to policies. He said he struggled to understand why a site meeting was requested.

Councillor S McPeake said that given that comparison sites were mentioned he felt it was important to view the site as the agent said it was well screened.

The SD: Planning again highlighted that policy must be applied and if in this case there is exception it could cause serious implications.

The Chair, Councillor Black reiterated that the applicant had been requested to consider alternative sites.

Councillor Glasgow said he could not understand the logic as the report detailed alternative sites explored and to pass the application policy would have to be disregarded. He said he would attend the site meeting but effectively the committee was 'kicking the can down the road'.

The Chair, Councillor Black said he did not see the benefit of a site meeting but he was at the mercy of the committee.

Councillor S McPeake stated he felt a site visit would be beneficial.

The SD: Planning said that a vote should be called for the site meeting as in voting against refusal would mean the site was approved.

In response to Councillor McKinney the SD: Planning suggested that a site meeting perhaps may help the applicant to reconsider.

Councillor S McPeake reiterated a site visit would be beneficial especially as alternative sites had been mentioned.

The Chair, Councillor Black called for a vote on Proposal Two.

For 8  
Against 7

**Resolved** that the application be deferred for a site meeting



The SD: Planning referred to standing orders and said that it was imperative that both votes had been taken as per standing orders the second was equivalent to an amendment and because of the order of the proposals there may have been confusion.

The Chair, Councillor Black reiterated that the proposal was now clear that the application was deferred for a site meeting.

**LA09/2021/0739/F                      Dwelling & garage/store at 150m NE of 230 Coalisland Road, Gortin, Dungannon for Mr Cathal Keogh**

Mr Marrion (SPO) presented a report on planning application LA09/2021/0739/F advising that it was recommended for refusal.

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

Mr Cassidy stated that the applicant had submitted the application following the approval of outline planning permission on the site and the current application is within the red line of the original approval. He said that the outline approval put a condition on any future house in the area marked blue but their proposal increases it. He stated that this was for three reasons; (i) privacy looking into and out of the proposed dwelling into Furlough Manor a development of two storey semi detached dwellings, if the proposed house was situated in original position it would be within seven meters of common boundary. Residents would be looking into each others bedrooms and gardens. The new proposal prevents this from happening. (ii) overhead area has two sets of power lines one being three phase. NIE advise that the site moved would have operational and amenity reasons which would prevent the house being directly under the lines and eliminate the main health and safety concerns regarding electric transfers. He stated that Council had detailed that the lines could be moved but due to environmental, technical and cost reasons experience would dictate that the national grid prefers them to stay in situ and encourages developers to take them into consideration and plan accordingly. In the case presented the lines would remain and the house would be as close as is both safe and practicable. (iii) the house is proposed on land to the rear of the site and a lane is included as part of the proposal which allows access to farming lands at rear. The proposal is similar to the outline approval the garage and garden area in blue area and house in approved area. He further advised that the proposal still meets the criteria for a cluster which is development on three sides. The screening would leave the property invisible from public vantage points and rounds off the cluster with no detriment to hamlet and neighbours. Mr Cassidy concluded that the proposal is a common sense approach giving applicants a long term home without fear of power lines above them

The SD: Planning pointed out the proposed dwelling on the map and Mr Marrion clarified the reasons detailed in the report why it was not deemed appropriate.

*Councillor Cuthbertson left the meeting at 8.40pm*

The SD: Planning suggested that consideration should be given in visiting the site.

The Chair, Councillor Black sought Members wishes.

Proposed by Councillor Colvin  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2021/0739/F be deferred for an site meeting

**LA09/2021/1274/F Dwelling at site between 87 and 91 Kinrush Road, Cookstown for Dwayne Mc Kenna**

Members considered previously circulated report on planning application LA09/2021/1274/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/1274/F be approved subject to conditions as per the officer's report.

**P062/22 Receive update to Planning Officer Authorisation List**

Mr Bowman drew attention to the previously circulated report which sought approval for Mr David Stewart and Mrs Grace Heron to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That Mr David Stewart and Mrs Grace Heron be nominated as authorised officers to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

**Matters for Information**

**P063/22 Minutes of Planning Committee held on 5 April 2022**

Members noted minutes of Planning Committee held on 5 April 2022.

*Live broadcast ended at 8.44 pm*

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

Proposed by Councillor Glasgow  
Seconded by Councillor McKinney and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P064/22 to P067/22.

**Matters for Information**

P064/22	Confidential Minutes of Planning Committee held on 5 April 2022
P065/22	Receive Report on Presentation to Officers from NIHE on the draft Mid Western Housing Market Analysis (SHMA)
P066/22	Enforcement Cases Opened
P067/22	Enforcement Cases Closed

**P068/22 Duration of Meeting**

The meeting was called for 7 pm and concluded at 9.05 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## **Annex A – Introductory Remarks from the Chairperson**

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.

- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## **ADDENDUM TO PLANNING COMMITTEE AGENDA**

**FOR PLANNING COMMITTEE MEETING ON: 3 May 2022**

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

**Chairs Business –**

<b>ITEM</b>	<b>INFORMATION RECEIVED</b>	<b>ACTION REQUIRED</b>
5.6	Members to note Schedule 6 Consent from Rivers Agency has been granted.	Members to note
5.9	Additional information in support of proposed site	
5.20	Amended Plans received showing development as built and supporting statement.	