



04 August 2020

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 04 August 2020 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

Development Management Decisions

4. Receive Planning Applications

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2018/1612/F	Additional high welfare broiler poultry house (to house 37,500 max birds), 2 no. feed bins, reception hut / generator store and associated works at the existing poultry farm approx 200m NE of No 106 Knockmanny Road, Augher, for Roy Wright.	APPROVE
4.2.	LA09/2018/1693/F	Housing development with 14 dwellings, associated site works; installation of 5 speed	APPROVE

		control ramps, signs and lighting along the Dunnamore Road between 28 - 40 Dunnamore Road at Lands SW of 30 Dunnamore Road and roadworks between 28-40 Dunnamore Road, Dunamore, for Des Keenan.	
4.3.	LA09/2019/0305/O	Health care facility accommodation for multiple doctor surgeries and ancillary uses commonly associated with a medical centre; retail, café and car parking primarily accessed off existing Loy Street public car park at 2, 4, 6 and 8 Loy Street Cookstown and lands to the rear of Nos 4 to 12 Loy Street, Cookstown, for MACM (NI) Ltd.	APPROVE
4.4.	LA09/2019/0718/LBC	Replacement of windows and doors at 41 Castletown Road Aughnacloy for Felicity Dunlop	APPROVE
4.5.	LA09/2019/0869/O	Dwelling and domestic garage at site to the rear and N of 24 Washingbay Road Lower Annagher Coalisland, for Mr and Mrs G McClure.	APPROVE
4.6.	LA09/2019/1035/F	Change of use from smoking area to beer garden with external bar, smoking area and toilet facility at LJs Tavern, 62 Rainey Street, Magherafelt, for JP Forbes.	APPROVE
4.7.	LA09/2019/1394/O	Dwelling and detached garage, 40m E of 12 Newline Road, Cookstown for Laura Rafferty.	REFUSE
4.8.	LA09/2019/1418/F	Site for dwelling & domestic garage at approx 60m NW of 124 Lurgylea Road, Dungannon for Mr Christopher Kelly.	REFUSE
4.9.	LA09/2019/1432/O	Site for dwelling and garage 100m NW of No 84 Loup Road, Moneymore, for Mr Michael O'Boyle.	REFUSE
4.10.	LA09/2019/1484/O	Site for dwelling at 50m E of No 91 Aughrim Road, Magheraft, for Keith Fulton.	REFUSE
4.11.	LA09/2019/1543/F	Change of house type and garage (from approved	APPROVE

		H/2014/0441/F) at 20m SE of 29 Broagh Road, Knockloughrim, for Mr Sean McPeake.	
4.12.	LA09/2019/1553/F	Retention of two storey seminar/training room, office and store at 12 Ballynahone Road, Maghera for Emergency Medical Services (N.I) Ltd.	REFUSE
4.13.	LA09/2019/1562/RM	Dwelling & garage 50m NE of 28 Broagh Road, Knockloughrim, for Sean McPeake.	APPROVE
4.14.	LA09/2019/1638/F	Infill sites for 2 dwellings and garages adjacent to 7 Coalpit Road, Dungannon, for Shaun Kelly.	REFUSE
4.15.	LA09/2020/0022/O	Dwelling (infill site) at land adjacent to and S of 14 Drumkee Road, Dungannon, for Mr Noel Stephenson.	REFUSE
4.16.	LA09/2020/0047/O	Site for dwelling & garage approx.60m W of 121A Desertmartin Road, Moneymore, for Mr Henry and Mark Miller.	REFUSE
4.17.	LA09/2020/0062/O	Detached dwelling at site behind 11 Lodge Villas, Donaghmore, for Brian Gates.	REFUSE
4.18.	LA09/2020/0179/O	Farm dwelling approx. 71m W of 41 Aughagranna Road, Stewartstown, for Brian Morris	REFUSE
4.19.	LA09/2020/0194/O	Dwelling and Domestic Garage 100m SW of 4 Moboy Road, Pomeroy for Dean McNally.	REFUSE
4.20.	LA09/2020/0387/O	Dwelling and garage 82m W of 64 Carraloan Road, The Woods, Magherafelt for Mr John Gribbin.	REFUSE
4.21.	LA09/2020/0564/O	Dwelling and garage at lands between 121 & 127 Thornhill Road, Pomeroy for Cathal Hayden.	REFUSE

5. Receive Deferred Applications

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2019/0787/O	Dwelling and garage 40m SW of 44 Moyagoney Road, Portglenone, for Mr Paul Madden.	REFUSE
5.2.	LA09/2019/1158/O	Dwelling and garage 50m SE of 8 Scotts Road, Ballyrogully, for	REFUSE

		Thomas McVey.	
5.3.	LA09/2019/1367/O	Dwelling and domestic garage at site adjacent to 2a Tonaght Road, Draperstown, for Mr Jim Hegarty.	REFUSE
5.4.	LA09/2019/1376/O	Dwelling and garage on a gap site 50m S of 39 Baladoogh Lane, Cookstown, for Patrick McAleer.	REFUSE
5.5.	LA09/2019/1415/F	Replacement dwelling 60m E of 5 Drumgarrell Road, Cookstown, for D Conway.	REFUSE
5.6.	LA09/2019/1540/F	Dwelling and garage between 29 & 31 Macknagh Lane, Maghera, for Pdraig McGuigan.	REFUSE

6. Receive Consultation Response to Fermanagh & Omagh Council on LA10/2020/0206/F 5 - 12

Matters for Information

- 7 Minutes of Planning Committee held on 6 July 2020 13 - 32

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

8. Receive Enforcement Report

Matters for Information

9. Confidential Minutes of Planning Committee held on 6 July 2020
10. Enforcement Cases Opened
11. Enforcement Cases Closed

Report on	Mid Ulster District Council's response to a consultation request from Fermanagh & Omagh District Council for planning application LA10/2020/0206/F for An energy storage facility consisting of 2 no. battery storage compounds, customer electrical substation compound, a grid electrical substation compound, rainwater harvesting area, site access track and other associated infrastructure, site to be surrounded by deer fencing, 5 no. CCTV locations and gates, South of Classic Marble ((Showers) Ltd, 31 Garvaghy Bridge Road, Garvaghy, Dungannon for Engie Developments Ireland Ltd
Date of Meeting	4 th August 2020
Reporting Officer	Phelim Marrion
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

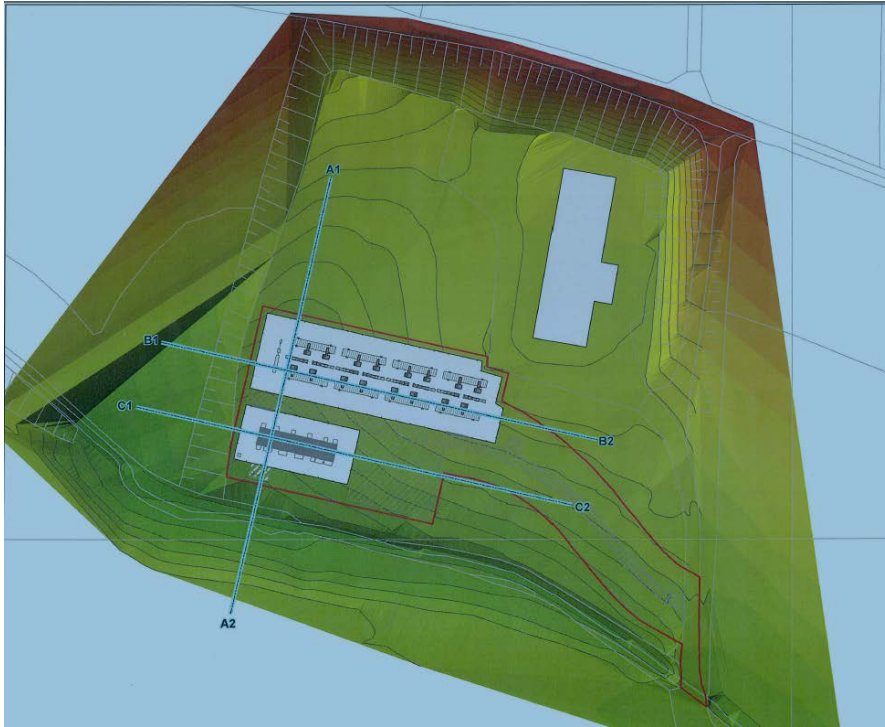
1.0	Purpose of Report
1.1	To seek members agreement to respond to a consultation on a planning application that Fermanagh & Omagh District Council) are considering.
2.0	Background
2.1	<p>Fermanagh & Omagh District Council have consulted Mid Ulster District Council on planning application LA10/2020/0206/F for An energy storage facility consisting of 2 no. battery storage compounds, customer electrical substation compound, a grid electrical substation compound, rainwater harvesting area, site access track and other associated infrastructure, site to be surrounded by deer fencing, 5 no. CCTV locations and gates, South of Classic Marble (Showers) Ltd, 31 Garvaghy Bridge Road, Garvaghy, Dungannon for Engie Developments Ireland Ltd. The planning application site has a boundary with Mid Ulster District Councils jurisdiction and the development is proposed to be accessed off a laneway off the A5, Protected Route. FODC have asked MUDC to comment on the development.</p> <p>Members are advised this is an amendment to a scheme that was consulted on and discussed at the committee on 5th March 2019.</p>
2.2	The previous proposal involved siting 8 no. steel containers, 16m long x 2.6m wide x 3.28m in height with 2 no HVAC equipment cabins 2.38m long x 1.48m wide x 1.4m in height, 16 inverter stations 8.24m long x 1.28m wide x 3.75m in height, a 28.5m long x 6.5m wide x 4.8m in height hipped roof sub station building al

	enclosed within a 2.3m high palisade fence and a 2,4m high mesh security fence. It was also proposed to have 5 security cameras mounted on 4m high poles.
2.3	<p>The scheme that FODC has now consulted on is for 14 no. steel containers, 16.15m long x 2.82m wide x 3.30m in height with 4 no HVAC cooling units (2.30m long, 1.35m wide and 1.55m in height) on top of each, 16 inverter stations 6.48m long x 2.80m wide x 3.30m in height, 2 pitched roof sub station buildings, one for SONI which is 11.9m long x 8.9m wide x 6.0m and one for Engie which is 9.0m long x 8.8m wide x 6.0m high and a cesspool and rain water harvesting area all enclosed within a 2.3m high palisade fence and a 2,4m high mesh security fence. The site is also to have 5 security cameras mounted on 4m high poles</p> <p>The sub station and battery array will be used in conjunction with the approved and built 110kV OH power line which links Tamnamore to Omagh and has a large substation close by.</p>
3.0	Main Report
3.1	Members are advised the site is part of an existing agricultural field which is access off a private laneway that opens onto the A5 Protected Route. The existing lane serves an existing substation and Classic Marble, a small rural factory is too the north and separated by a post and wire fence around the site boundaries.
3.2	FODC have asked for MUDC view on the proposed development and it is noted access to the development is via an existing laneway which is in MUDC's area. The access is onto the A5, a Protected Route where Policy AMP3 applies. This policy allows an existing access to be used where access cannot reasonably be taken from an adjacent minor road. There is the possibility of an access onto Garvaghy Bridge Road, however that road is a single vehicle width, it is undulating and has a poor surface and horizontal alignment. Traffic generation will be at a peak during the construction phase of the development with heavy machinery and equipment being brought to the site. I consider it would be unreasonable to access this site from the minor road and that traffic management arrangements could be put in place on the main road to mitigate against any road safety concerns.
3.3	The site is well integrated in the local landscape with views from the main road limited to close to the access position due to the landform. The site will also be viewed for a short distance from the Garvaghy Bridge Road to the east. It will be seen with the factory, the power lines and substation which gives the area quite an industrial appearance. I consider a landscaping scheme should be requested and implemented around the compound to help reduce the visual impact on what can be an open exposed landscape.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Not relevant

	<p>Human: Constriction may cause issues of noise and dust during the construction period. Noise may be an issue during operation, from the equipment, however this is a matter for FODC to consider in consultation with their Environmental Health Officers. The nearest residential development, in Mid Ulster District Council Area is approx. 400 metres south of the development on the opposite side of the main road, twice the distance from the nearest property in FODC.</p>
	<p>Risk Management: Unlikely to be any risk to Mid Ulster District Council</p>
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications: No implications anticipated</p>
	<p>Rural Needs Implications: No likely to be applicable</p>
5.0	Recommendation(s)
5.1	<p>That members agree to the following response to be issued to OFDC Planning Department:</p> <ol style="list-style-type: none"> 1. Mid Ulster District Council have no concerns in relation to the access for the development and long term visual impacts of this development provided a robust and properly detailed traffic management plan and landscaping and maintenance proposals are agreed prior to commencement of development and properly condition for implementation.
6.0	Documents Attached & References
6.1	<ul style="list-style-type: none"> - Location map/Proposed site plan/elevations - Report from 2019

Comparison for battery array at garvaghy

Approved scheme vs proposed scheme



Report on	Mid Ulster District Council's response to a consultation request from Fermanagh & Omagh District Council for planning application LA10/2018/1589/F for An energy storage facility consisting of : a) a battery storage compound surrounded by palisade fencing and gates containing up to 8 no containers housing the battery units, up to 16no external HVAC equipment and associated ducting on the containers, up to 16no inverter stations, MV collection switchgear, Aux power transformer, Aux power distribution unit b) an electrical substation compound surrounded by palisade fencing and gates containing electrical substation building, parking, up to 500kV substation transformer c) rainwater harvesting area, d) temporary contractors compound, e) site access track and other associated infrastructure, f) site to surrounded by deer fencing, CCTV and gates, South of Classic Marble ((Showers) Ltd, 31 Garvaghy Bridge Road, Garvaghy, Dungannon for Engie Developments Ireland Ltd
Date of Meeting	5 th March 2019
Reporting Officer	Phelim Marrion
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek members agreement to respond to a consultation on a planning application that Fermanagh & Omagh District Council) are considering.
2.0	Background
2.1	Fermanagh & Omagh District Council have consulted Mid Ulster District Council on planning application LA10/2018/1589/F for An energy storage facility consisting of : a) a battery storage compound surrounded by palisade fencing and gates containing up to 8 no containers housing the battery units, up to 16no external HVAC equipment and associated ducting on the containers, up to 16no inverter stations, MV collection switchgear, Aux power transformer, Aux power distribution unit b) an electrical substation compound surrounded by palisade fencing and gates containing electrical substation building, parking, up to 500kV substation transformer c) rainwater harvesting area, d) temporary contractors compound, e) site access track and other associated infrastructure, f) site to surrounded by deer fencing, CCTV and gates, South of Classic Marble ((Showers) Ltd, 31 Garvaghy

	Bridge Road, Garvaghy, Dungannon for Engie Developments Ireland Ltd. The planning application site has a boundary with Mid Ulster District Councils jurisdiction and the development is proposed to be accessed off a laneway off the A5, Protected Route. FODC have asked MUDC to comment on the access to the development.
2.2	The proposal involves siting 8 no. steel containers, 16m long x 2.6m wide x 3.28m in height with 2 no HVAC equipment cabins 2.38m long x 1.48m wide x 1.4m in height, 16 inverter stations 8.24m long x 1.28m wide x 3.75m in height, a 28.5m long x 6.5m wide x 4.8m in height hipped roof sub station building all enclosed within a 2.3m high palisade fence and a 2.4m high mesh security fence. The site will also have 5 security cameras mounted on 4m high poles.
2.3	The sub station and battery array will be used in conjunction with the approved and built 110kV OH power line which links Tamnamore to Omagh and has a large substation close by.
3.0	Main Report
3.1	Members are advised the site is part of an existing agricultural field which is access off a private laneway that opens onto the A5 Protected Route. The existing lane serves an existing substation and Classic Marble, a small rural factory is to the north and separated by a post and wire fence around the site boundaries.
3.2	FODC have asked for MUDC view on the access which runs through MUDC area. The access is onto the A5, a Protected Route where Policy AMP3 applies. This policy allows an existing access to be used where access cannot reasonably be taken from an adjacent minor road. There is the possibility of an access onto Garvaghy Bridge Road, however that road is a single vehicle width, it is undulating and has a poor surface and horizontal alignment. Traffic generation will be at a peak during the construction phase of the development with heavy machinery and equipment being brought to the site. I consider it would be unreasonable to access this site from the minor road and that traffic management arrangements could be put in place on the main road to mitigate against any road safety concerns.
3.3	The site is well integrated in the local landscape with views from the main road limited to close to the access position due to the landform. The site will also be viewed for a short distance from the Garvaghy Bridge Road to the east. It will be seen with the factory, the power lines and substation which gives the area quite an industrial appearance. I consider a landscaping scheme should be requested and implemented around the compound to help reduce the visual impact on what can be an open exposed landscape.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Not relevant

	<p>Human: Constriction may cause issues of noise and dust during the construction period. Noise may be an issue during operation, from the equipment, however this is a matter for FODC to consider in consultation with their Environmental Health Officers. The nearest residential development, in Mid Ulster District Council Area is approx. 400 metres south of the development on the opposite side of the main road, twice the distance from the nearest property in FODC.</p>
	<p>Risk Management: Unlikely to be any risk to Mid Ulster District Council</p>
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications: No implications anticipated</p>
	<p>Rural Needs Implications: No likely to be applicable</p>
5.0	Recommendation(s)
5.1	<p>That members agree to the following response to be issued to OFDC Planning Department:</p> <p>1. Mid Ulster District Council have no concerns in relation to the access for the development and long term visual impacts of this development provided a robust and properly detailed traffic management plan and landscaping and maintenance proposals are agreed prior to commencement of development and properly condition for implementation.</p>
6.0	Documents Attached & References
6.1	Location map/Proposed site plan/elevations

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 6 July 2020 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 Doyle**, Senior Planning Officer Ms McCullagh**, Senior Planning Officer Ms McNally, Council Solicitor Ms McNamee, ICT Support Ms Grogan, Democratic Services Officer
Others in Attendance	Councillor McLean* Mr Dermot Monaghan, MBA Planning* Mr O'Hagan, Head of ICT**

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

** Denotes Officers present by remote means

The meeting commenced at 7.02 pm.

P051/20 Apologies

None.

P052/20 Declarations of Interest

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

Councillor Mallaghan declared an interest in item 4.1 – LA09/2017/1366/F – Residential development of 52 units at 20 Dungannon Road, Cookstown for McKernan Construction Ltd.

Councillor Mallaghan declared an interest in item 4.2 - LA09/2018/1361/O – Extension to existing industrial business park at lands immediately W of Kilcronagh Business Park, Cookstown for MACM Ltd.

The Chairman, Councillor S McPeake advised that due to an ICT technicality there would be an adjournment of the meeting.

The meeting was adjourned at 7.03 pm.

The meeting reconvened at 7.21 pm.

The Chair, Councillor S McPeake welcomed members and members of the public to tonight's Planning Committee meeting, but further advised that there would be another adjournment due on ongoing ICT technical issues and stated that the meeting would recommence once all members had the opportunity to join the meeting.

The meeting was further adjourned at 7.21 pm.

The meeting reconvened again at 7.29 pm.

The Chair apologised to members and those watching through the live broadcast for ICT technical issues tonight but had made the decision to proceed with the meeting.

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 everyone had seen this document and had time to read it.

He said that he was aware that one committee member couldn't connect to the live stream still awaited confirmation regarding the earlier circulated agenda.

All confirmed that they had seen the addendum and had time to read it.

The Chair reiterated the importance of members using their microphones correctly so discussion is clear.

P053/20 Chair's Business

The Planning Manager provided members with an update on the following:

- **Correspondence**

He advised that the Housing Executive were undertaking a further consultation on the Definition of Affordable Housing and have provided a Stake Holder Briefing Paper, for which representations need to be submitted by 10th July 2020. The paper proposes to change the definition of affordable housing to read:

"Affordable housing is either: a) Social rented housing b) Intermediate housing for sale or rent that is provided outside of the general market, for those whose needs are not met by the market. Affordable housing which is funded by Government must

remain affordable or alternatively there must be provision for the public subsidy to be ***repaid or recycled in the provision of new affordable housing.***

However, they also wish to also explore private rented housing under the umbrella term. This is of concern as it appears they are looking for the Planning system to deliver this, which at present it is not designed to do, neither does it benefit from supporting legislation. He advised against further changes to the definition of affordable housing to include private rentals and suggest we challenge the Department of Communities to demonstrate clearly how they see this operating in Practice. A draft response is attached (appendix 1).

Proposed by Councillor Mallaghan
Seconded by Councillor Colvin and

Resolved That the draft letter be sent as proposed by the Planning Manager

- **Development Management Performance**

The Northern Ireland Annual Planning Performance Statistics are also out for Development Management for the period April 2019 to March 2020. The statistics make for good reading and demonstrate a marked performance on the previous year.

The key points are:

- 3rd highest number applications received and decided — only Belfast and Newry Mourne & Down have more. However, Mid Ulster had received the highest number of applications for commerce and industry
- Approval rate for major applications 100%
- 97.2% approval rate of local applications is highest
- Processing time reduced dramatically to 12.5 weeks, 4th fastest, despite having 3rd highest number of applications to deal with; 4th highest number to be processed within 15 weeks - only beaten by Antrim and Newtownabbey and Mid and East Antrim who receive nearly half the amount of applications and Fermanagh and Omagh who receive 30% less.
- 2nd lowest enforcement cases opened.
- 3rd highest number of enforcement cases concluded within 39 weeks - Court actions high in comparison to others at 11.
- 100% approval rate for renewable energy applications, which are among the highest — 14 received, 9 decided.

The statistics show that Mid Ulster remains a place to invest in particularly for Commercial and Industrial activities where we received the most applications of all the Council Districts in Northern Ireland.

It is also testimony to the efforts of the Head of Development Management and his teams, who have turned performance around and have much higher ratios of applications per officer than elsewhere.

The Chair congratulated the Planning Manager and his team on such impressive results.

The Planning Manager advised members that the Development Plan was now open to the public and a notice would be published. He said that they were in the process of discussions with officers throughout the period and that the closing date would be announced at 5pm on Thursday 24 September 2020.

- **Development Plan**

The Council Offices are now open to the public, and notices will be placed in the press inviting people to view the Draft Plan and other documentation and make appointments to discuss any concerns with Planning officers in the coming weeks. A closing date for representations is to be announced which will be 5 pm on 24th September 2020.

The Planning Manager said that it was on a sad note that he had to regrettably inform Members that Mid Ulster would be losing Sinead McEvoy, Head of Development Plan who would be moving closer to her home to take up the same role in Fermanagh and Omagh Council after the July Bank Holidays. She has been a great asset to this Council over the last 5 years and the Plan Strategy and all the accompanying research lays in testimony to her drive and dedication. He said that he would miss the support she has provided to him in delivering Planning Services.

The Chair concurred with everything that the Planning Manager said and stated that Ms McEvoy would be hard to replace. He said that Ms Evoy's leaving was Mid Ulster's loss but Fermanagh & Omagh Council's gain and passed on the good wishes of the committee and wished her well in her new role.

Councillor Mallaghan agreed with previous sentiments and said that he was disappointed to hear of Ms McEvoy's intention of moving to Fermanagh & Omagh Council but felt that this was a good opportunity for her and would envisage that she would carry out her role in a very professional manner as she done so here over the years.

Councillor Mallaghan enquired why the Planning Manager had not brought any refusals to tonight's committee for consideration as the agenda was very short and felt that this was a perfect opportunity to get these addressed as there were a high volume of refusals currently out in the community.

Councillor Mallaghan referred to the matter of enforcement and advised that he had been contacted by Councillor Molloy raising concerns regarding Enforcement team dealing with matters in Moy village. He asked that this matter be investigated due to the robust measures being taken and asked that an update be provided.

The Planning Manager in referring to more refusals being put on the agenda, advised members that it was his intention that buildings would be made more accessible and return to normal working hours hopefully in August, where a deferral

could be requested and availability of technology meant that this could be progressed and felt there was no reason why this could not be worked upon.

In referring to concerns raised regarding enforcement measures in Moy, the Planning Manager advised that he did not wish to discuss the matter in this arena tonight but asked that Councillor Molloy send his concerns in writing to him where he would issue a reply.

Councillor McKinney wished Ms McEvoy well in her new position and said that she was always well prepared and professional when presenting to this committee.

Councillor McKinney said that he was once again disappointed with ICT technology at tonight's meeting and said that a total of 20 hours had been lost of working teams which was unacceptable.

He concurred with member's comment about bringing forwarded refusals and said that he was happy that it would be an item on the agenda for next month's meeting.

Matters for Decision

P054/20 Planning Applications for Determination

LA09/2017/1366/F Residential Development of 52 Units at 20 Dungannon Road, Cookstown for McKernan Construction Ltd

Councillor Mallaghan withdrew to the public gallery.

Members considered previously circulated report on planning application L09/2017/1366/F which had a recommendation for approval.

The Planning Manager drew attention to late objection circulated tonight from Inaltus Limited on behalf of the objector regarding this application's recommended refusal. He read out the letter and went through concerns raised by the objector and felt that best way forward would be a deferral but said that this was up to the committee to decide.

He stated that by looking at the letter, you could read into it three different ways:

- 1) Deferral be sought
- 2) Objection being sought
- 3) Series of legal threats being made

He said that he has taken great offence at the assumption outlined in the letter regarding the alleged wrong-doing by the case officer working on the application as they were nothing but professional carrying out their duties.

He stated that this was the decision for this committee on what way to proceed.

Councillor Colvin said after contemplating the matter it would be in his best interest to declare an interest in the application L09/2017/1366/F and withdrew from the committee.

Councillor Bell sought clarification on protocol regarding the receipt of the letter and eligible timeframe for acceptance of late items.

The Planning Manager advised that the letter was received after 6 pm this evening.

Ms Doyle advised that the letter was received at 6.15 pm.

Councillor Bell stated that 12 noon prior to the meeting was the cut off time for protocol and felt that the letter contained substantive points very late in the day, which was wholly unfair.

The Council Solicitor said that there were a few issues to be considered regarding this correspondence and what could be read as a deferral request. In relation to the protocol for operation of the Planning Committee, deferral requests would have had to have been made by noon last Thursday, but that the Chair always had discretion in relation to late requests and what fairness may dictate.

She said that the fact the letter was received so late and referred to the letter where it stated they just became aware it was on the agenda, then it is plausible that the objectors may not have been aware of the application being on tonight's agenda. In light of the particular circumstances of COVID19 and that Committees has just restarted last month, then the interests of fairness may require careful consideration to be given to a deferral request.

Finally, the Council Solicitor referred to the fact that the letter raises a number of material considerations that the objector is saying have not being properly addressed and this may have an impact on any decision for the committee to make tonight.

She concluded by stating that a recent High Court case had suggested there is a need to discuss a deferral request and the reason for granting same or not.

The Planning Manager felt that this was nonsense that the notion of this only being considered in the month of July, he said that planning works all year round, month on month, but is aware of some other Councils only considering approvals in August which wasn't the case for Mid Ulster.

In relation to issues relating to Covid-19 concerns, this is a matter for the committee to consider and enquired if this would have been stopped because of investment. He said that the application was received and considered at the last committee and no refusals were brought tonight. He referred to major investment in schools in Cookstown and felt that it would have been a shame if this was lost.

The Chair said he took the Council Solicitor's point on board regarding the lateness and our duty, but felt that this be considered and perhaps maybe worthwhile getting

more details. He agreed with the Planning Manager's comments and said that Mid Ulster wants to make planning work for everyone and was in members best interest to promote application approvals, as we were duty bound and wanted to reiterate that there was no ulterior motive in taking this application forward at this time.

Councillor Brown said that he took on board previous comments made by the Planning Manager and Councillor Bell but felt that consistency was not being adhered to. He said that at previous planning meetings, that when late agenda items were circulated on the night requesting deferrals, no-one questioned this and decisions were made at the last minute.

He felt that the objectors had sent their thoughts to this committee for consideration after the application being previously deferred at a previous meeting, and felt that it was up to this committee to give them the benefit of the doubt regarding the issue of Covid-19 concerns.

Proposed by Councillor Brown

To defer the application for one more month and bring back to August committee after all investigations are carried out properly.

The Planning Manager stated that there was a procedure to follow and members should be very careful with this situation as he did not want to write a different set of procedures, but this was literally a decision for the committee to make.

Councillor Cuthbertson concurred with Councillor Brown and said that there could be some confusion for people as the Planning meeting was always held on the first Tuesday of each month. He said that he did not agree with late items being circulated on the night of the meeting and stated that in his view, a planning application was live until a decision was made.

Councillor Cuthbertson seconded Councillor Brown's proposal.

The Chair advised that the committee be adjourned until some ICT technical issues be addressed.

The meeting was adjourned at 8.05 pm.

The meeting reconvened at 8.10 pm.

The Planning Manager said that when a request was previously made for a deferral, a person had the opportunity to speak to committee and stated that one of the things that concerned him was there could be grounds for a grievance, as planning members give their approval to speak at the meeting. He said that previously the response was not ready with the view of the planning application, with planning appeal being a charade and all these consultants against the application and a barrister for the applicants agreeing with Planners.

He said that Mid Ulster Council does not want to be seen as an organisation not operating in a proper way and felt that the best way forward would be to allow a deferral to show complete transparency.

Councillor Bell said that he understood what the Planning Manager was saying, but would like clarity for those who wanted to speak as the deadline for requests was 12 noon on Friday before the meeting.

The Planning Manager advised that a request for speaking rights was agreed at a previous meeting and said he wouldn't be an advocate of seeking a deferral for the sake of it. He said if it is the case of not being the right decision, there is always someone against something and everybody is right and felt in this instance the best decision would be that everybody has had an opportunity to make representation.

The Chair said that the general opinion would be to defer the application until the August Committee.

Resolved That planning application LA09/2017/1366/F be deferred until the August meeting where a final decision will be made.

Councillor Mallaghan said that where we stand, the committee has set a difficult precedent going forward as with previous applications. He said that he understood what the Planning Manager was saying and how this is treated, but felt that when a contentious application comes forward and we miss the deadline this is not feasible. In the past when there were objections to a major supermarket in Cookstown, the Planners were praised for their great work in taking it forward and six months down the line, we are seeing a very different scenario.

The Planning Manager advised that everything before this was different, no other circumstance will be the same and late correspondence is always on the agenda each month.

Councillor McKinney said he wanted to make a note that this Planning committee has in the past deferred a deferral and in some cases, deferred an application for a third time and this was nothing new as this has been done numerous times.

Councillor Brown asked that members speak properly into the microphones, as it is sometimes difficult to hear what the committee was saying.

Councillor Colvin returned to the meeting at 8.18 pm.

LA09/2018/1361/O Extension to Existing Business Park at Lands Immediately W of Kilcronagh Business Park, Cookstown for MACM Ltd

Members considered previously circulated report on planning application which LA09/2018/1361/O had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2018/1361/O be approved subject to conditions as per the officer's report.

Councillor Mallaghan returned to the meeting at 8.20 pm.

LA09/2019/0665/F Demolition of Existing School Building, Construction of new 16,000m², 1300 Pupil School Building and Associated Works on the Existing School Site; 3G Synthetic Pitch and Multi-Use Games Areas at Holy Trinity College, 9-29 Chapel Street, Cookstown for St Patrick's Educational Trust Limited

Members considered previously circulated report on planning application which LA09/2019/0665/F had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor McFlynn and

Resolved That planning application be LA09/2019/0665/F approved subject to conditions as per the officer's report.

LA09/2019/1259/F Change of Use from an Existing Ground Floor Bike Shop/Store to 5 Single Bedroom (Bedsit) Apartments at Ground Floor, Northland House, 2 Northland Row, Dungannon for Milford Properties Ltd, Homecare Housing

Members considered previously circulated report on planning application which LA09/2019/1259/F had a recommendation for approval.

Councillor Cuthbertson said that after reading over the application this afternoon, he would have some hesitations regarding the recommendation. He said that he would have to disagree with the Planning Manager's idea that this site was part of the town centre as it was not familiar with people coming to the area and opposite to the Royal School. He stated that a major concern would be parking facilities at this property and space for wheelie bins etc. as he had dealt with these kind of issues in the past and wanted some guidance.

The Planning Manager advised that this was the town centre and its boundary. He said that this application had concerned him as it was ultimately for a non-residential use and there was an onus on us to try and protect retail use and the retail core, but this does not stretch out to this as Perry Street was in a dilapidated state. He advised that the Prime Minister was carrying out a review on turning shops into residential units and there was no reason to refuse this application as in his opinion it is in the town centre and parking facilities has been considered within the report. He stated that there was a level that we should not go below where other Councils deem acceptable like canopies on basement windows etc. and when hard comes to hardy, we do not have a reason to refuse this application because of assumptions and would have to favour the applicant.

Councillor Cuthbertson said that he appreciated where the Planning Manager was coming from but was concerned about parking facilities and the lack of space for wheelie bin. He felt that this was just another nail in the coffin for Dungannon as the retail core was dying and serious problems relating to surrounding flats which was damaging the image of Dungannon.

The Planning Manager said that in the report all these concerns have been addressed by the Developer.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application be LA09/2019/1259/F approved subject to conditions as per the officer's report.

LA09/2019/1337/O Residential Development at Vacant Site E of 19-25 Station Road and between No's 25 & 31 Station Road, Magherafelt for Telereal Trillium

Members considered previously circulated report on planning application which LA09/2019/1337/O had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application be LA09/2019/1337/F approved subject to conditions as per the officer's report.

LA09/2019/1634/F Change of Access (approved under LA09/2017/1230/F) adjacent to 6 Downings Road, Ballynease-Strain, Portglenone for John McCann

Members considered previously circulated report on planning application which LA09/2019/1634/F had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application be LA09/2019/1634/F approved subject to conditions as per the officer's report.

LA09/2020/0164/F Dwelling and Detached Domestic Garage at Approx. 70m SE of 84 Fintona Road, Clogher for Teresa Dunphy & Jonathan Coney

Members considered previously circulated report on planning application which LA09/2020/0164/F had a recommendation for approval.

Proposed by Councillor McKinney

Seconded by Councillor Mallaghan and

Resolved That planning application be LA09/2020/0164/F approved subject to conditions as per the officer's report.

LA09/2020/0318/RM Bungalow and Domestic Garage at Site S of 63 Anneeter Road, Coagh for Oliver Conlon

Planning application LA09/2020/0318/RM withdrawn from the schedule.

LA09/2020/0321/O Infill Site for 2 Dwellings at Lands Adjacent to 26 Crewe Road, Maghera for Mr & Mrs R Shiels

Members considered previously circulated report on planning application which LA09/2020/0321/O had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application be LA09/2020/0321/O approved subject to conditions as per the officer's report.

LA09/2018/1598/O Dwelling and Garage in a Gap Site, 40m NW of 109 Drumenny Road, Ardboe for Anthony Mallon

Members considered previously circulated report on planning application which LA09/2018/1598/O had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor Bell and

Resolved That planning application be LA09/2018/1598/O approved subject to conditions as per the officer's report.

LA09/2019/0767/O Dwelling and Garage (Amended Access) at Approx. 150m NE OF 230 Coalisland Road, Gortin for Mr Cathal Keogh

Members considered previously circulated report on planning application which LA09/2019/0767/O had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application be LA09/2019/0767/O approved subject to conditions as per the officer's report.

P055/20 Receive Report on Consultation with DfI Regarding Planning Application LA03/2017/0310/F (Lough Neagh)

The Planning Manager presented previously circulated report to provide members with an overview and a draft reply to the consultation from the Department for Infrastructure (DfI) on a consultation under Section 76(3) of the Planning Act in respect of Planning Application LA03/2017/0310/F for 'Extraction, Transportation and Working of Sand, Gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totaling some 3.1km², in the North-West of Lough Neagh situated approximately East of Traad Point, North of Stanierds Point, West of Doss Point and South of Ballyronan and the ancillary deposition of silt and fine material'.

The consultation was received by the Council on 28th May 2020 and asked for a response within 30 days. The Department have been advised that due to committee meeting dates a response could not be provided within that timeframe. They have therefore asked that a response be issued as soon as possible after the July committee meeting.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved To note the contents of the report and the attached consultation, and to agree that the draft response letter at Appendix 3 be issued to DfI.

**P056/20 Receive Report on Council's Consideration of Application by
Dalradian Gold Ltd (LA10/2017/1249/F)**

The Planning Manager presented previously circulated report to provide members with information on a planning application by Dalradian Gold Ltd (LA10/20107/1249/F) for 'Underground valuable minerals mining and exploration, surface level development including processing plant and other associated development and ancillary works, Greencastle, County Tyrone. (Please see application P1, sheet 1 for full project description).

Councillor McFlynn said that she fully welcomed the report due to the extent of community anger as there were over 40,000 plus objections and welcomed this. She said that issues around environment and health had to be addressed as Dalradian had expressed their intention to use radon gas.

She proposed that this Council is represented and also with legal representation as the residents of Mid Ulster want us to be the guidance as there was a need to fully pursue this.

The Planning Manager concurred with member comments and said that Fermanagh and Omagh needed to take the lead on this project as there were a lot of factors to take into consideration and said that Mid Ulster would need to err on the side of caution. He said that he would have no qualms about attending the public arena to raise concerns when the time comes and would be willing to take guidance from the committee on best way to proceed.

The Chair advised the member that her proposal would be revisited closer to the time.

Councillor Mallaghan said that he welcomed the inquiry as in the past Minister Michelle O'Neill and Councillor Declan McAleer were at the forefront campaigning that Chris Hazzard MP take this on board and now we have that decision.

He said that it was interesting to hear the Planning Manager's opinions and felt that he was under enough pressure as it was without taking the lead on this matter. He stated that when Shackleton Resources tried to mine in the Sperrins, this Council was successful in having the application refused and sometimes we think it is not our place to get involved, but we need to do the right thing for our communities. He said that Dalradian site was bordering on Mid Ulster lands and if there was a better vein in our lands they would have no issue holding back on pursuing that also and said going forward, he would support Councillor McFlynn's suggestion, as there was a number of questions down the line to deal with and serious conversations when the time arrives.

The Planning Manager said that he would be happy for members to come to his office for discussion when the time arrives, as we do not have the scientific background which is needed and do not want to let the public down.

The Planning Manager agreed that once the letter was issued to the Department, the committee could discuss how measures can be brought forward.

Councillor Mallaghan to follow up on what the Planning Manager had said, suggested that this be brought back as an agenda item and discussed as a Task Group.

Councillor Clarke advised that this was not Mid Ulster's remit, but in close proximity and if Dalradian gets approval, the obvious impact would be on Mid Ulster's Dark Skies initiative at Davagh and the nearby river and agreed with the suggestion of setting up a group discussion to raise concerns.

Proposed by Councillor Bell
Seconded by Councillor McFlynn and

Resolved To note the contents of the report and agree that the Planning Manager write to the Department for Infrastructure (DfI) requesting that a Public Inquiry be held in relation to application LA10/2017/1249/F and provides the Department a copy of this report as to the reasons why.

Matters for Information

P057/20 Minutes of Planning Meeting held on 2 June 2020

Members noted Minutes of Planning Meeting held on 2 June 2020.

Live broadcast ended at 8.46 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Robinson
Seconded by Councillor Mallaghan 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 P058/20 to P061/20.

Matters for Decision

P058/20 Receive Report on Davagh Dark Sky Planning Guidance

Matters for Information

P059/20 Confidential Minutes of Planning Committee held on 2 June 2020

P060/20 Enforcement Cases Opened

P061/20 Enforcement Cases Closed

P062/20 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.55 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 please raise your hand in the normal way and keep raised until advised to lower
- 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.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 6th July 2020

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	Letter of objection received	Members to note
4.5	Suffix error - should be O (outline) rather than F.	Members to note.
4.8	Withdrawn from the agenda to correct red line in relation to visibility splays.	Members to note.
7	Late objection received	Members to note.



Mid Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel - 03000 132 132
Email developmentplan@midulstercouncil.org

Definition of Affordable Housing
Further Stakeholder Engagement
Department for Communities
Housing Division
Level 3, Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Dear Sir / Madam

RE: Response to Further Stakeholder Engagement Briefing Paper Regarding the Definition of Affordable Housing

Mid Ulster District Council welcomes the opportunity to engage with the Department in this Further Stakeholder Engagement on the Definition of Affordable Housing. The comments made in this engagement should be read in conjunction with the comments made by MI-JDC in response to the initial consultation on this matter, which was dated 9th September 2019.

We note that the Department, having taken on board the comments made as part of the initial consultation process, has proposed to make the following changes to its original document;

i. Revised definition to include direct reference to social housing ii. Low cost housing without subsidy is no longer considered affordable housing within the context of the definition; although the concept is proposed to be examined in relation to low cost housing for rent such affordable build to rent schemes.

With regard to the 2 questions posed in the briefing paper, MI-JDC would make the following comments in relation to each question.

Q1 — Do you agree with the proposed changes to the definition?

Specific Comments

MI-JDC welcome the express reference to social rented housing within the definition of affordable housing as well as the commitment that there will be no negative impact on the level of access to social housing or interfere with the Department's Social Housing Development Programme. Mid Ulster has the second lowest number of social housing

properties in NI and the additional products put forward by the Department as constituting intermediate housing, in the original consultation document, are often beyond the means of those on lower incomes and those on the social housing need register. We welcome therefore, the direct reference to social rented housing, within the umbrella term for affordable housing, which can be used in local plans and policies moving forward.

Given that the remainder of the definition is unchanged from the initial definition put forward by the Department, the comments made by the Council in relation to that definition in our consultation response dated 9th September 2019 remain unaltered.

Q2 — Do you think there is anything further we should consider regarding low cost housing without subsidy?

Specific Comments

The Department states in its further briefing paper that whilst low cost housing without subsidy is no longer considered as being within the definition of affordable housing, they wish to further consider this concept as a means of delivering houses in Build to Rent schemes.

From a planning point of view, MI-JDC would have serious concerns regarding the governance of such schemes. Unless these properties are subject to a new legislative regime and the Department of Communities is going to oversee their delivery and retention, it is difficult to imagine how such a scheme could operate with integrity and the appropriate level of control. It would certainly be inappropriate for the planning department of local councils to be expected to oversee such a scheme. Furthermore it would allow people claiming to be offering low cost rented accommodation access to policy provisions reserved for social housing, which inevitably would be abused.

In its original consultation document, the Department implied that such schemes could be regulated through planning conditions (para. 7.10) and this implication does not seem to have been altered by the further briefing paper. The Council is of the view that this approach would place the burden of regulating tenure and rental value on the planning system and this is clearly not the role of the local planning authorities. Planning can only provide an opportunity at the point at which permission is granted to ensure social housing is provided by a housing authority. After this point, it is the housing authority's responsibility to regulate tenure and value.

In conclusion we would oppose this change at the current time. This said we would challenge the Department of Communities to undertake further work to set out how they perceive this working in practice, what their role would be, what supporting legislation they propose to bring forward and what resources they process to bring to the table to assist deliver and manage this.

Yours Faithfully

Dr. Chris Boomer, Planning Manager
Mid Ulster District Council

