

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 March 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

**Members Present**

Councillor S McPeake, Chair

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

**Officers in Attendance**

Dr Boomer, Planning Manager  
Mr Bowman, Head of Development Management\*\*  
Ms Donnelly, Council Solicitor  
Ms Doyle, Senior Planning Officer\*\*  
Mr Marrion, Senior Planning Officer\*\*  
Ms McAllister, Senior Planning Officer\*\*  
Ms McCullagh, Senior Planning Officer\*\*  
Miss Thompson, Democratic Services Officer

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

\*\* Denotes Officers present by remote means

The meeting commenced at 7.01 pm

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

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

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

**P028/21      Apologies**

None.

**P029/21      Declarations of Interest**

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

Councillor Robinson declared an interest in agenda item 4.18 – LA09/2020/1200/F – Retention of additional office space (amended description) at 15a Grange Road, Ballygawley for Exi-Tile Ltd.

## **P030/21      Chair's Business**

The Planning Manager advised that Mid Ulster District Council was again a finalist in the National Town Planning Awards, this time for its contribution to national heritage for the conservation and creation of the OM Dark Skies Observatory and Park and the protection of surrounding peatlands. The Planning Manager stated that Mid Ulster has been nationally recognised three times in the last five years for its excellence in town planning and recognised more times than all the other Councils in Northern Ireland put together. The Planning Manager highlighted that Mid Ulster District Council was still the only Council in Northern Ireland to win the award.

The Chair, Councillor S McPeake stated this was good news and that hopefully Council would be successful in the awards.

The Chair, Councillor S McPeake 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 4.4 – LA09/2019/0955/F – Retention of existing agricultural shed at 90m S of 91 Ballynagarve Road, Magherafelt for Mr Edmond Ferguson.

Agenda Item 4.11 – LA09/2020/1044/O – Replacement dwelling at 64 Glassdrummond Road, Aughnacloy for Mr John McBride.

Agenda Item 4.12 – LA09/2020/1045/O – Replacement dwelling at 66 Glassdrummond Road, Aughnacloy for Mr John McBride.

Agenda Item 4.13 – LA09/2020/1080/F – New vehicular access at approx. 200m E of 33 Oldtown Road, Bellaghy for Mrs Emma McCoy.

Agenda Item 4.20 – LA09/2020/1337/O – Dwelling and garage at 10m W of 45 Drumenny Road, Ballinderry for Gavin McGeehan.

Agenda Item 4.22 – LA09/2020/1387/O – Dwelling and domestic garage at site 40m E of 26 Washingbay Road, Coalisland for Mr Declan McClure.

Agenda Item 4.23 – LA09/2020/1394/O – Dwelling on infill site between 112 and 118 Ardboe Road, Moortown, Cookstown for Mr Ruari Donnelly and Ms Aimee O'Neill.

Agenda Item 4.24 – LA09/2020/1480/O – Dwelling and garage on a farm adjacent to 24 Draperstown Road, Annagh and Moneysterling, Desertmartin for Paschal Wilson.

Agenda Item 4.29 – LA09/2020/1660/O – Dwelling and garage at site adjacent to 135 Ballynease Road, Portglenone for Jim McAuley.

Proposed by Councillor Clarke  
Seconded by Councillor D McPeake and

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

Councillor Mallaghan proposed that agenda item 4.26 – LA09/2020/1548/F – Dwelling and garage at 40m NE of 59 Ferry Road, Coalisland for Patrick McNeice be deferred for an office meeting. The Councillor stated that the applicant felt he had made some errors in his approach to submitting the application and would like the opportunity to renegotiate with planning officers.

Councillor D McPeake seconded Councillor Mallaghan's proposal.

**Resolved** That planning application LA09/2020/1548/F be deferred for an office meeting.

## **Matters for Decision**

### **P031/21 Planning Applications for Determination**

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

<b>LA09/2017/0787/F</b>	<b>Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, Dungannon for M &amp; C McCallion</b>
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<b>LA09/2017/0788/LBC</b>	<b>Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, Dungannon for M &amp; C McCallion</b>
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Councillor Gildernew stated that there only appeared to be design issues in relation to these applications and asked if there was any merit in deferring the applications to try to reach a resolution.

The Planning Manager advised that officers have been working on these applications since 2017 and that no one seemed to be willing to address the issues.

Mr Marrion (SPO) presented reports on planning applications LA09/2017/0787/F and LA09/2017/0788/LBC advising that they were recommended for refusal.

The Chair, Councillor S McPeake suggested deferring the applications for one month to allow the applicant to come forward and make representation on issues.

The Planning Manager stated he had some sympathy for those who take on a listed building and that the applicant is facing a difficult situation in that if the applications

are refused Council would have no alternative but to take enforcement action. The Planning Manager also highlighted that it is illegal to start work on a listed building without having the right consents. The Planning Manager suggested holding the applications for one month in order to arrange a meeting between the applicant, Historic Buildings and planning officers to see if a compromise can be achieved. The Planning Manager stated that if the applicant is not willing to work with officers then the application can go forward as a refusal and the applicant then has the option of a planning appeal.

**Resolved** That planning applications LA09/2017/0787/F and LA09/2017/0788/LBC be deferred for an office meeting

**LA09/2019/0730/O                      Housing development at land immediately NE of St Patrick's Primary School, Pomeroy Road, Donaghmore for Torrent Valley Initiative Ltd**

Members considered previously circulated report on planning application LA09/2019/0730/O which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2019/0730/O be approved subject to conditions as per the officer's report.

**LA09/2019/0955/F                      Retention of existing agricultural shed at 90m S of 91 Ballynagarve Road Magherafelt, for Mr Edmond Ferguson**

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

**LA09/2020/0121/F                      Factory building, car parking and all associated site works at lands 85m NE of 100 Coleraine Road, Maghera, for Specialist Joinery Group**

Members considered previously circulated report on planning application LA09/2020/0121/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2020/0121/F be approved subject to conditions as per the officer's report.

**LA09/2020/0362/F**                      **4 storage containers to be used as a 2 storey sports cafe and a museum; maintain existing vehicular access and provide ancillary parking and landscaping at lands at the junction of Carrydarragh Road & Turnaface Road; to the immediate E & NE of No.21 Turnaface Road, Moneymore for ARK Kingdom Ministry**

Ms McCullagh (SPO) presented a report on planning application LA09/2020/0362/F advising that it was recommended for refusal.

Councillor Colvin stated that given the officers report he would propose the recommendation to refuse the application.

Councillor Brown seconded Councillor Colvin's proposal.

**Resolved**     That planning application LA09/2020/0362/F be refused on grounds stated in the officer's report.

**LA09/2020/0395/F**                      **Change of Use from Barn (Old Piggery) to 2 residential units and associated ground works at site adjacent to Aughrim House, Creagh, Toomebridge for Shane Doherty**

Members considered previously circulated report on planning application LA09/2020/0395/F which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor Bell and

**Resolved**     That planning application LA09/2020/0395/F be approved subject to conditions as per the officer's report.

**LA09/2020/0632/F**                      **Residential development of 11 detached units; creation of new accesses on Tobermore Road and Fern Drive, private amenity space and landscaping at lands 40m N of 11 Desertmartin Road, Magherafelt, for Mullaghboy Construction Ltd**

Members considered previously circulated report on planning application LA09/2020/0632/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved**     That planning application LA09/2020/0632/F be approved subject to conditions as per the officer's report.

**LA09/2020/0791/F                      Split level dwelling with integral domestic garage at  
40m N of 9b Crocknamohil Road, Draperstown for  
Enda McGrath and Aimee Kelly**

Members considered previously circulated report on planning application  
LA09/2020/0791/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved**     That planning application LA09/2020/0791/F be approved subject to  
conditions as per the officer's report.

**LA09/2020/0795/O                      Dwelling and domestic garage at land between 37  
and 43 Tulnavern Road, Ballygawley for Noel Stinson**

Members considered previously circulated report on planning application  
LA09/2020/0795/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Gildernew and

**Resolved**     That planning application LA09/2020/0795/O be approved subject to  
conditions as per the officer's report.

**LA09/2020/1044/O                      Replacement dwelling at 64 Glassdrummond Road,  
Aughnacloy for Mr John Mc Kenna**

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

**LA09/2020/1045/O                      Replacement dwelling at 66 Glassdrummond Road,  
Aughnacloy for Mr John Mc Kenna**

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

**LA09/2020/1080/F                      New vehicular access at approx. 200m E of 33  
Oldtown Road, Bellaghy for Mrs Emma McCoy**

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

**LA09/2020/1084/F                      Detached material & tool storage building for  
adjacent retail outlet at 31 Dungannon Road  
Coalisland, for Mr Cathal Campbell**

Members considered previously circulated report on planning application  
LA09/2020/1084/F which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Clarke and

**Resolved**     That planning application LA09/2020/1084/F be approved subject to  
conditions as per the officer's report.

**LA09/2020/1100/F**                      **Covered area and partial reroofing with increase of ridge height for internal storage and 1 additional external storage bin at 4 Ballygillen Road, Coagh, for Thomas Hutchinson & Sons Ltd**

Members considered previously circulated report on planning application LA09/2020/1100/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Clarke and

**Resolved**     That planning application LA09/2020/1100/F be approved subject to conditions as per the officer's report.

**LA09/2020/1142/RM**                      **Two storey dwelling and domestic garage at 110m NE of 56 Sandholes Road, Cookstown for Claire McCarron and Adam McCulla**

Members considered previously circulated report on planning application LA09/2020/1142/RM which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2020/1142/RM be approved subject to conditions as per the officer's report.

**LA09/2020/1151/O**                      **Dwelling and garage at 200m SW of 107 Lisaclare Road (on the Aughagranna Road) Stewartstown, for James Canavan**

Members considered previously circulated report on planning application LA09/2020/1151/O which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Clarke and

**Resolved**     That planning application LA09/2020/1151/O be approved subject to conditions as per the officer's report.

**LA09/2020/1200/F**                      **Retention of additional office space (amended description) at 15a Grange Road Ballygawley for Exi-Tile Ltd**

Members considered previously circulated report on planning application LA09/2020/1200/F which had a recommendation for approval.

Mr Marrion (SPO) drew attention to the addendum which advised that condition 2 of approval is amended to state that 'visibility splays to be provided within 8 weeks of the date of decision.'

Councillor Cuthbertson asked whether there was a need for visibility splays as the application site is within the 30mph limit of Ballygawley.

The Planning Manager stated that whether an application is within a town or not does not alter the need for visibility splays, he advised it may reduce the distance but would not negate the need.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2020/1200/F be approved subject to conditions as per the officer's report and amended condition as per addendum.

**LA09/2020/1257/F Farm building at 16 Brantry Road, Dungannon, for Declan Rafferty**

Application withdrawn.

**LA09/2020/1337/O Dwelling and garage at 10m W of 45 Drumenny Road, Ballinderry for Gavin Mc Geehan**

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

**LA09/2020/1359/F Retention of existing general purpose farm shed at land approximately 70m S of 26 Tullyaran Road Dungannon for Ryan Burnside**

Members considered previously circulated report on planning application LA09/2020/1359/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2020/1359/F be approved subject to conditions as per the officer's report.

**LA09/2020/1387/O Dwelling and domestic garage at Site 40m E of 26 Washingbay Road, Coalisland for Mr Declan McClure**

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

**LA09/2020/1394/O Dwelling on infill site between 112 & 118 Ardboe Road, Moortown, Cookstown, for Mr Rauri Donnelly & Ms Aimee O'Neill**

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

**LA09/2020/1480/O Dwelling & garage on a farm adjacent to 24 Draperstown Road, Annagh & Moneystering, Desertmartin, for Paschal Wilson**

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



**LA09/2020/1509/O                      Dwelling at lands E of 37 Cookstown Road  
Dungannon for Raymond McCann**

Members considered previously circulated report on planning application LA09/2020/1509/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2020/1509/O be approved subject to conditions as per the officer's report.

**LA09/2020/1548/F                      Dwelling and garage.at 40m NE of 59 Ferry Road,  
Coalisland, for Patrick McNeice**

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

**LA09/2020/1601/F                      Dwelling at approx 60m SW of 110 Mullaghboy Road,  
Ballymacpeake Upper, Bellaghy, for Mr Darren Milne**

Members considered previously circulated report on planning application LA09/2020/1601/F which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor Bell and

**Resolved**     That planning application LA09/2020/1601/F be approved subject to conditions as per the officer's report.

**LA09/2020/1658/F                      Two storey side and rear extension at 2  
Dromdallagan, Straw, Draperstown for Seamus &  
Caitlin Bradley**

Members considered previously circulated report on planning application LA09/2020/1658/F which had a recommendation for approval.

The Chair, Councillor S McPeake highlighted the addendum and late objection received in relation to this application.

Ms McCullagh (SPO) stated that an objection had been received previously in relation to the application and most concerns were dealt with in the case officer report. It was advised that an additional concern had now been raised in relation to ownership and that land had not been transferred from the developer to the applicant. The planning officer advised that this has been checked with the agent and that the applicant is content that they own the land in question therefore officers are content that this is a civil matter, that there are no outstanding issues and that policy has been met.

Proposed by Councillor Clarke  
Seconded by Councillor D McPeake and

**Resolved** That planning application LA09/2020/1658/F be approved subject to conditions as per the officer's report.

**LA09/2020/1660/O Dwelling and garage at site adjacent to 135 Ballynease Road, Portglenone, for Jim McAuley**

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

**LA09/2021/0004/O Hotel development between Glenshane Filling Station at 31 Glenshane Road and 10 Fallagloon Road, Maghera for James Molloy Glenshane Services Ltd**

Members considered previously circulated report on planning application LA09/2021/0004/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2021/0004/O be approved subject to conditions as per the officer's report.

**LA09/2019/0838/F Hobby/Storage shed, portacabin, raised flower beds, polytunnels and car parking associated with Coalisland mens shed club. (Amended landscaping and drainage information provided) at lands 90m S of 177a Annagher Road Coalisland (DMAC Engineering Factory) for Lilac Cancer Support Ltd**

Members considered previously circulated report on planning application LA09/2019/0838/F which had a recommendation for approval.

The Head of Development Management highlighted the addendum circulated which set out additional conditions required by NIEA/Water Management Unit in relation to the updated response dated 19 February 2021 -

- 1 There shall be no external lighting on the site until a lighting plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:
  - a) Specifications of lighting to be used across the site, including model of luminaires, location and height.
  - b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, eg timing of lighting, use of low level lighting, screens, hoods, cowls etc.
  - c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site with boundary woodland, hedgerows and scrub to have light spill of less than 1 lux.

Reason: To minimise the impact of the proposal on bats and other wildlife.

(It was advised that this condition replaces condition 7 within the officer report.)

- 2 Prior the commencement of any development hereby approved, a full and unified drainage plan shall be submitted to the Council and agreed in writing with Water Management Unit. All the drainage elements (proposed and existing) which are to be used as part of the development should be shown, the pathways of all drainage channels should be shown in unbroken form, and all surface water and foul drainage as well as the siting of any existing and proposed septic tanks / treatment plants, soakaways, interceptors, sumps and silt traps with their associated drainage channels, with the direction of flow clearly labelled. The destination of all drainage should be clearly stated and identified. This plan should also identify the material surfaces of the site.

Reason: In the interest of ensuring the development will not have an adverse impact on the surface water environment.

The Head of Development Management also highlighted that Drawing No. 02/E is to be superceded to remove any reference to the adjacent car park application still under consideration.

The Chair, Councillor S McPeake asked if the applicant was aware of the additional conditions.

The Head of Development Management advised that the applicant was aware of the additional conditions and that plans have been submitted.

Councillor Gildernew proposed the officer recommendation to approve the application.

Councillor Quinn stated that when the application was brought to Committee last month it was being recommended for refusal due to environmental health concerns and he asked how this had been resolved. The Councillor referred to the car park which he thought was excessive and that objectors are convinced that there is an ulterior motive to this. Councillor Quinn asked what will happen after five years if the Mens Shed decide they don't want the shed anymore and if the site could then be taken over by another party. Councillor Quinn referred to the application being discussed at the Development Committee.

The Planning Manager advised that there were three applications in the mix for DMAC Engineering – the application brought to committee last month related to chimneys being sited on the engineering works and that there was conflict with Environmental Health in relation to this. The Planning Manager stated he hoped that all parties would work together on these issues. The Planning Manager stated that the second application related to a lorry yard and that this should not be prejudiced with the application before Members tonight. The Planning Manager stated that the point raised in relation to what happens after 5 years was relevant and asked if conditions require the removal of the temporary structures.

The Head of Development Management advised that the second condition of approval states that –

“Upon the expiry of 5 years from the date of permission the site shall be cleared of all buildings and structures and suitably restored in accordance with a plan to be submitted and agreed by the Council within 6 months before the use ceases on the site.”

Councillor Bell seconded Councillor Gildernew’s proposal.

Councillor McKinney asked in what way this application had been discussed at the Development Committee as it was not protocol to discuss a live application at another committee.

Councillor Quinn stated the matter was raised under Chair’s Business at the Development Committee, that there had not been much in depth discussion on the application and that he did not feel there had been any attempt to prejudice the application.

The Chair, Councillor S McPeake stated that he felt that anyone can mention an application and it was not improper to do so and that he was not aware of any other in depth discussions taking place or any prejudice being made.

Councillor Glasgow stated he would also have some concerns regarding planning Members who also sit on the Development Committee discussing an application and that they could run the risk of challenge. The Councillor stated that those Members of Planning who also sit on the Development should perhaps declare an interest in this application.

The Chair, Councillor S McPeake stated Members were aware of protocol and Code of Conduct and if anyone felt they had taken part in discussions relating to this application it was up to the individual to raise this.

Councillor Clarke stated he did not recall the matter being discussed at the Development Committee but would declare an interest in this application.

Councillor Black stated he also sat on the Development Committee and could not recall any discussion that would prejudice this application but would declare an interest none the less.

Councillor Kearney also declared an interest in the application.

The Planning Manager stated he did not feel that any Member had moved to prejudice the outcome of this application. He stated that he was aware of a campaign by the agent/applicant when the application first came up as a refusal and that he did not feel this had been helpful as it had taken a lot longer to resolve the planning issues.

The Planning Manager stated that the lesson from this situation is that when someone gets too involved in trying to achieve an outcome it does not help and actually delays the process and makes things more difficult. The Planning Manager stated he did not believe any Members were involved in this way with this application.

**Resolved** That planning application LA09/2019/0838/F be approved subject to conditions as per the officer's report and additional conditions as per addendum.

**LA09/2019/1466/O                      Infill dwelling and garage, approx 102m E of 260 Ballygawley Road, Dungannon for Mr Kevin McCaul**

Members considered previously circulated report on planning application LA09/2019/1466/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2019/1466/O be approved subject to conditions as per the officer's report.

**LA09/2019/1638/F                      Infill sites for 2 dwellings and garages adjacent to 7 Coalpit Road, Dungannon, for Mr Shaun Kelly**

Members considered previously circulated report on planning application LA09/2019/1638/F which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2019/1638/F be approved subject to conditions as per the officer's report.

**LA09/2020/0399/O                      Dwelling and domestic garage at 60m NW of 58 Annaghquin Road, Rock, for Patrick McGuire**

Members considered previously circulated report on planning application LA09/2020/0399/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2020/0399/O be approved subject to conditions as per the officer's report.

**P032/21                      Receive Report on Call for Evidence on Legislation**

The Planning Manager presented previously circulated report which considered the review of the Implementation of the Planning Act (NI) 2011.

In addition to the report the Planning Manager suggested that comment be included on when a legal start is deemed to be made on an application and felt that, similar to English legislation, if an access to an application has been made then the application should be kept live.

The Planning Manager stated that Covid has proved that technology can be used a lot more and there was a movement towards the electronic age for publications, placing

advertisements etc and that he felt the whole system should be updated. He did not feel however that pre application notification advertisement and consultation process should be that prescriptive as to have the exact wording.

The Planning Manager stated he also felt that there was no need for pre determination hearings as this Council gives everyone the chance to have their say either at the Planning Committee or at an office meeting.

The Chair, Councillor S McPeake referred to call ins and the delays in determining applications as a result.

The Planning Manager stated it would be fair to suggest time limits for call ins.

Councillor Cuthbertson stated he agreed with the comments in relation to fees as he felt some fees needed to be significantly higher especially in relation to a CLUD.

Proposed by Councillor Glasgow  
Seconded by Councillor D McPeake and

**Resolved** That Council responds to the Review of the Implementation of the Planning Act (NI) 2011 by making the suggestions contained within the report and including commentary in relation to legal starts, pre determination hearings, the wording of advertisements, call ins and fees.

## **Matters for Information**

### **P033/21 Minutes of Planning Committee held on 2 February 2021**

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

### **P034/21 Receive Appeal Decisions**

Members noted previously circulated report which advised on the outcome of appeals against the Council decisions to –

- 1) Refuse planning permission for Retention of a 20ft x 8 ft container to house vending machines at 42 Main Road Moygashel for Mr Bryan Turkington,
- 2) Issue an enforcement notice against the unauthorised siting of a metal container used for retailing at Lands/premises 30m East of 41 Main Street, Moygashel, Dungannon BT71 7QU

### **P035/21 Receive Report on A5 Cycle Path**

Members noted previously circulated report which advised of a Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) for the A5 Western Transport Corridor (A5WTC).

*Live broadcast ended at 8.00 pm.*

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

Proposed by Councillor Glasgow  
Seconded by Councillor D McPeake 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 P036/21 to P048/21.

### **Matters for Decision**

- P036/21 Receive Urban Capacity Study Report
- P037/21 Receive response to criticisms of Landscape Character Assessment Review
- P038/21 Receive report on Covid 19 – Implications for the LDP
- P039/21 Receive report on the implications of the draft Marine Plan on the DPS
- P040/21 Receive Retail and Leisure Capacity Study Report
- P041/21 Receive report on letter from DfI – Mid Ulster draft Transport Study
- P042/21 Receive EIA Forest Service Consultation Reports - ERA 20-21-77 Glenlark – Proposed Forest Road Works
- P043/21 Receive EIA Forest Service Consultation Reports - ERA 20-21-78 Kileenan – Deforestation
- P044/21 Receive EIA Forest Service Consultation Reports - ERA 20-21-83 Aughnacloy - Afforestation

### **Matters for Information**

- P045/21 Confidential Minutes of Planning Committee held on 2 February 2021
- P046/21 Enforcement Live Case List
- P047/21 Enforcement Cases Opened
- P048/21 Enforcement Cases Closed

### **P049/21 Duration of Meeting**

The meeting was called for 7 pm and concluded at 9.01 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.



## ADDENDUM TO PLANNING COMMITTEE AGENDA

**FOR PLANNING COMMITTEE MEETING ON: 2<sup>nd</sup> March 2021**

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4,18	Condition 2 amended 'visibility splays to be provided within 8 weeks of the date of the decision'	Members to note
4.28	Late objection received	Members to note
5.1	<p>Additional conditions required by NIEA / Water Management Unit on updated Consultation response dated 19<sup>th</sup> Feb 2021.</p> <p>1. There shall be no external lighting on the site until a lighting plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:</p> <p>a) Specifications of lighting to be used across the site, including model of luminaires, location and height.</p>	

	<p>b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, eg timing of lighting, use of low level lighting, screens, hoods, cowls etc.</p> <p>c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site with boundary woodland, hedgerows and scrub to have light spill of less than 1 lux.</p> <p>Reason: To minimise the impact of the proposal on bats and other wildlife.</p> <p>(this condition is to replace Condition 7 in your report)</p> <p>2. Prior the commencement of any development hereby approved, a full and unified drainage plan shall be submitted to the Council and agreed in writing with Water Management Unit. All the drainage elements (proposed and existing) which are to be used as part of the development should be shown, the pathways of all drainage channels should be shown in unbroken form, and all surface water and foul drainage as well as the siting of any existing and proposed septic tanks / treatment plants, soakaways, interceptors, sumps and silt traps with their associated drainage channels, with the direction of flow clearly labelled. The destination of all drainage should be clearly stated and</p>	
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	<p>identified. This plan should also identify the material surfaces of the site.</p> <p>Reason: In the interest of ensuring the development will not have an adverse impact on the surface water environment.</p> <p>Members also to note that Drawing No. 02/E to be superceded to remove any reference to the adjacent car park application still under consideration.</p>	