Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 12 June 2023 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor S McPeake, Chair Councillors Black, J Buchanan, Carney, Clarke, Graham, Kerr, Mallaghan, Martin*, McConnell*, McElvogue, McFlynn, D McPeake, Robinson, Varsani,
Officers in Attendance	Dr Boomer, Service Director of Planning (SD: Pl) Mr Bowman, Head of Strategic Planning (HSP) Mr McCreesh, Chief Executive Ms Doyle, Head of Local Planning (HLP) Ms Donnelly, Council Solicitor Mr Marrion, Senior Planning Officer (SPO) Mr McClean, Senior Planning Officer (SPO)** Ms McCullagh, Senior Planning Officer (SPO)** Ms McKinless, Senior Planning Officer (SPO) Ms S McNamee, ICT Support Mrs Grogan, Committee and Member Services Officer
Others in Attendance	LA09/2020/0472/F – Chris Tinsley*** LA09/2020/0780/O – Eamon Loughrey*** Richard Agus*** Kyle Somerville*** LA09/2021/0205/F - Johann Muldoon*** LA09/2022/0424/F - Hayley Wilson*** Ryan Dougan*** LA09/2022/0465/F - Sarah McCorry*** LA09/2022/0465/F - Mary B McKenna LA09/2023/0626/F - Malachy McCrystal LA09/2022/1420/F - Gemma Jobling*** LA09/2022/1509/F - Chris Cassidy*** LA09/2022/1572/O - Christopher Quinn*** LA09/2022/1730/O - Eamonn Cushnahan LA09/2023/0034/F - Neil Irvine LA09/2023/0164/F - Sarah McDowell LA09/2023/0328/F - David Suitor Councillor Bell Councillor Monteith*

* Denotes members and members of the public present in remote attendance
** Denotes Officers present by remote means
*** Denotes others present by remote means

The meeting commenced at 7.00 pm

P047/23 Notice of Recording

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

P048/23 Apologies

Councillor Cuthbertson.

P049/23 Declarations of Interest

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

P050/23 Chair's Business

The Service Director of Planning (SD: Pl) said that there were a few things he wished to bring to members attention. Firstly, there was an appeal decision which was dismissed and was a fine example where a person would be far better off working with planning department to get things all above board rather than leaving it to enforcement action. The second matter which he wished to bring to members attention and would suspect that will attract some media attention is the issue of ammonia in agricultural development supply. The SD: Pl read out a letter which he had received from NIEA which was basically saying that the Office of Environmental Protection which was similar to an Ombudsman which covers England and Northern Ireland and charged with looking into European legislation and the protection of the environment being properly adhered to. This body was having an examination done of the work essentially to see whether they are actively protecting the environment and have the right policies in place. Members will be aware that there has been a lot of long running issues in relations to spoils from large chicken and pig houses and the fact that this was resulting in ammonia omissions and once spread on the fields and in turn effects boglands, particularly sites of nature conservation and lands where there was a quite a deterioration and a loss of species and a real issue at hand. What also has occurred is that there is guidance from one side which was DAERA which says that the trigger which was needed for Council to carry out assessments was at one level and that European case should be at a lower level. The SD: Pl said that clearly there were efforts made to bring that in through the back door and DAERA did not change the policy but Mid Ulster District Council raised its own concerns, not just because we protect, not just the fact that there are a lot of large farms with large incomes, but the fact that it may be difficult to stand up under scrutiny which has proven to be the case and attempt to do that would mostly likely be unsuccessful. The SD: Pl advised that other Council had attempted to put a higher level and had lost and our position has now been vindicated. The SD: Pl said that DAERA has realised the fact that they had to look at change and relook at policy and consultation and bring everyone on board as one side they are telling us here that they were going to start the process but had in turn sent the planning department a list of planning applications which advised that they were going to pause and then providing us with consultation responses which was very concerning for a lot of farmers as they had invested massively in a lot of costs as building a chicken house is a serious investment, now just building the house is expensive there is also a lot of work and expense is getting expertise whilst building it

and making an application resulting in some people being left in a limbo situation. NIEA which is a body within DAERA haven't indicated that they were going to oppose the planning applications but were just on pause and was unsure what that really meant. One of the applications which was on pause was allowed to proceed to a decision because they had verified and given the go ahead and he was unsure whether this was a case of stopping everything.

The SD: PI said that the reason he raised this matter with members was that he was highly conscious that members could be asked by local farmers on what the position was. The position in terms of the Planning Department is that the SD: PI was trying to have staff work with the various bodies to keep things moving which can sometimes be seen as an uneasy atmosphere which staff were working in and this should be the message that should be getting across and not Planning Officers which were pausing things and more a case of Central Government not deciding which way it was going to go.

The Chair, Councillor S McPeake agreed that this was very confusing situation, not least for the applicant themselves whether to begin investment as landscapes can be confusing and the targeting of omissions at the moment and would be important that clarity was got from Central Government.

The Chair advised that Councillor Mallaghan wished to raise an issue under Chair's Business.

Councillor Mallaghan said that during the process of getting the Council up and going again after the elections, there was some discussion around committee start times and it was the view across most parties that because this committee seems to be the one that lasts the longest that perhaps a trial could be put in place with an earlier starting time i.e. 5pm. The member advised that given the fact that the life of a public representative can have in terms of late evenings that can occur and also staff may have be working from 8 am or 9 am in the morning to could be working potentially up to 11pm or 12 midnight and was not providing a healthy work-life balance and perhaps a 5 pm start for this committee would be of a huge benefit. If this was carried out for a trial period to see how it would work out, it could be potentially something the other committees could take into consideration also.

Councillor Mallaghan proposed a 5 pm start time for the Planning Committee for a trial period.

The Chair said that he wasn't aware that this was discussed recently but was aware of this being talked about through the years particularly when members and staff were facing late nights and bad weather. The Chair concurred with Councillor Mallaghan and said that it was conjunctive not leaving the meeting sometimes at 11.30pm to travel some distance home. He said that this proposal would benefit everyone from architects, applicants and most importantly staff who were stuck here from early morning and could be finished up at 4.30pm and sitting about to 7pm for the meeting and felt it was a sensible approach.

The Chair, Councillor S McPeake seconded the proposal.

Councillor McFlynn said that she would be supportive of Councillor Mallaghan's proposal to bring the meeting forward, but felt at 6pm would be more appropriate as there were people sitting at the Planning Committee who also work and may not be able to commit to a 5pm start time and asked that 6pm start time be taken as a consideration.

Councillor Black said that he had no issue with moving forward with the time but would echo what Councillor McFlynn had alluded to and asked if there could be a happy medium be struck where an appropriate time be agreed upon to allow people the time to finish up their day job to get here on time and enquired if there could be a slight bit of flexibility on a proposed time.

Councillor Kerr also concurred with Councillor McFlynn's suggestion of a 6pm start time as consideration also needed to be given to the public coming in to speak in support or against an application as they may not be able to commit to a 5pm start time also.

Councillor Mallaghan advised that this proposal would have to be brought to the P&R committee in order for it to be changed and suggested that in the interim that an email could be issued to members enquiring what their preferred start time would be to see if we can get agreement. He felt that members and the public have the ability to access the Planning Committee remotely using Zoom and this definitely increases the ability to be a bit more flexible.

The Chair agreed that this would be a good suggestion and when feedback was received that Officers could feed back to Council accordingly.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake

Resolved That an email be issued to members on their preferred option of a start time for the Planning Committee.

The Chair advised that members may see quite a number of refusals and requests from architects seeking deferrals and quite a number being successful in being granted.

The Strategic Director of Planning (SD: PL) referred to agenda for determination and sought approval to have the following applications withdrawn and deferred from tonight's meeting schedule for an office meeting –

Agenda Item 5.5 – LA09/2020/0780/O – Furniture storage/warehouse facility at site 80m W of 37 Charlemont Road, Moy, Dungannon for Moy Furniture Centre Ltd

Agenda Item 5.7 – LA09/2020/1423/F – 1 two-bedroom apartment and 2 one bedroom apartments at 28m NE of 30 Augher Road, Clogher BT76 for RMS Civils

Agenda Item 5.9 – LA09/2021/1396/O – Site for housing development at 34 Main Street, Tullyhogue, Cookstown for Calvert Developments Ltd

Agenda Item 5.11 – LA09/2021/1653/F – Extension of facilities, provision of new workshop, provision of new access to public road to replace existing substandard

access, provision of adequate parking, associated site works and landscaping at site immediately E of 19 Annagh Road, Lungs, Clogher for Malcolm Keys

Agenda Item 5.17 – LA09/2022//0454/F – Dwelling and garage on a farm at land approx. 60m SW of 6 Beaghbeg Road, Dunamore, Kildress for Louise Devlin

Agenda Item 5.21 – LA09/2022/0624/F – Section 54 application requesting to remove the requirement of road widening & provision of an additional footpath along the frontage of the development (LA09/2017/0487/F) at O'Rahilly GFC, 93 Washingbay Road, Coalisland for Clonoe O'Rahilly GFC

Agenda Item 5.23 – LA09/2022/0630/O – 5 No. 2 storey dwellings (1 detached and 4 semi-detached) at 73 Main Street, Tobermore for Mr C Beatty

Agenda Item 5.24 – LA09/2022/0657/O – Dwelling & domestic garage at 40m W of 62 Ballynargan Road, Stewartstown for Nuala McReynolds

Agenda Item 5.31 – LA09/2022/1686/O – Dwelling and garage at 61 Ballynakilly Road, Coalisland for Terry McCann

Agenda Item 5.34 – 2022/1736/O – Dwelling and garage at approx. 210m SE of 59 Glengorma Road, Draperstown for Sean Donnelly

Agenda Item 5.36 – LA09/2022/1734/O – Dwelling and garage at approx. 30m W of 5 Carrydarragh Road, Moneymore for Mr Randall Crooks

Agenda Item 5.42 – LA09/2023/0076/O – Infill dwelling and garage at land between 6 and 15 Dungororan Road, Dungannon for Jessica Brown

Agenda Item 5.43 – LA09/2023/0141/O – Farm building for sheep handling and sheep feed store at 15m E of 101 Bancran Road, Draperstown for Dermot Brown

Agenda Item 5.49 – LA09/2023/0219/F – Proposed off-site replacement dwelling and garage in substitution of M/2007/0028/RM for Tiarnan McKenna

Agenda Item 5.53 – LA09/2023/0284/F – Single storey dwelling and access lane at lands approx. 20m NW of 10 Colliers Lane, Coalisland for Mr Brian Carron

Agenda Item 5.54 – LA09/2023/0317/F – Infill dwelling and garage 15m North West of 259 Hillhead Road, Knockloughrim for Albert Speer

The Chair referred to Agenda Item No. 5.50 – LA09/2034/0232/O – Infill site for dwelling between 139 and 143 Drumagarner Road, Kilrea for Mr Brian McCloskey – deferral sought as agent was on holidays – agreed

Proposed by Councillor Black
Seconded by Councillor Kerr and

Resolved That the planning applications listed above be deferred for office meetings.

The Strategic Director of Planning (SD: Pl) referred to request from the objector for a deferral relating to Agenda Item 5.18 - LA09/2022/0465/F - 25m high lattice telecommunications tower on elevated ground with antenna & dishes located within a new compound area to be enclosed with a 1.2m high timber stock proof fence & access track to installation at area of field approx. 750m NE of Ballnagilly Road, Lissan, Cookstown for Cornerstone Telecommunications.

The SD: Pl advised that when an objector requests a deferral, it would not be automatically granted as this could hold up applications indefinitely. He said that he was conscious that this was a 25m high lattice tower in an AONB and whilst it was to be debated tonight, felt it may be more appropriate for it to be deferred for a Members' site visit.

Councillor Clarke concurred with the SD: Pl and felt that this would be a good idea.

Proposed by Councillor Clarke
Seconded by Councillor Varsani and

Resolved That planning application LA09/2022/0465/F be deferred for a Members site visit.

Matters for Decision

P051/23 Planning Applications for Determination

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

LA09/2019/0335/F Six semi-detached 2 storey dwellings with private drive and associated site works at Lands opposite 9 Cabragh Road, Cabragh, Dungannon for Laurence McGuigan

Members considered previously circulated report on planning application LA09/2019/0335/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2019/0335/F be approved subject to conditions as per the officer's report.

LA09/2019/0937/F Amendment to road junction (approved LA09/2015/0881/F) to include new footpath along Anneeter Road and Ardean Close at Junction of Anneeter Road & Battery Road, Cookstown for St Malachy's GAC Moortown

Members considered previously circulated report on planning application LA09/2019/0937/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2019/0937/F be approved subject to conditions as per the officer's report.

LA09/2020/0368/F Change of use from a barber shop to a gym at 11-13 Rainey Street, Magherafelt for Shane Maguire

Members considered previously circulated report on planning application LA09/2020/0368/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0368/F be approved subject to conditions as per the officer's report.

LA09/2020/0472/F Winning and working of minerals (sand and gravel) across an area of c.12 ha; construction of a new site access and haul route; erection of processing plant and machinery (washing plant), weighbridge and office with restoration to agriculture (further info - Noise/Dust Report) at lands to the W of Iniscarn Road and N of Crocknamohil Road, Draperstown for Hollow Park Sand and Gravel Ltd

Members considered previously circulated report on planning application LA09/2020/0472/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Carney and

Resolved That planning application LA09/2020/0472/F be approved subject to conditions as per the officer's report.

LA09/2020/0780/O Furniture storage/warehouse facility at site 80m W of 37 Charlemont Street, Moy, Dungannon for Moy Furniture Centre Ltd

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

LA09/2020/0966/F Housing development of 26 two storey dwellings (20 semi-detached dwellings, 5 Townhouses and 1 detached dwelling), site road and associated site works at lands 20m W of 180 Battery Road, Moortown for Loughview Developments

Members considered previously circulated report on planning application LA09/2020/0966/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0966/F be approved subject to conditions as per the officer's report.

LA09/2020/1423/F 1 two-bedroom apartment and 2 one bedroom apartments at 28m NE of 30 Augher Road, Clogher, BT76 for RMS Civils

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

LA09/2021/0205/F Mixed use redevelopment of former convent building & school to include: public, community & interpretive spaces; event space including a restaurant/function room; Parish office, archive store & library facility; General office space; Existing chapel to be retained for occasional mass services; Nursery & Creche facility; Ancillary spaces & redevelopment of surrounding curtilage to provide gardens, interpretive space & car parking plus waste water treatment plant (revised description) at Sisters of Mercy Convent, 9 Northland Row, Dungannon, for Drumglass Parish Trust Fund

Members considered previously circulated report on planning application LA09/2021/0205/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0205/F be approved subject to conditions as per the officer's report.

LA09/2021/1396/O Site for housing development at 34 Main, Tullyhogue, Cookstown for Calvert Development Ltd

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

LA09/2021/1559/LBC Mixed use redevelopment of former convent building & school to include: public, community & interpretive spaces; event space including a restaurant/function room; Parish office, archive store & library facility; General office space; Existing chapel to be retained for occasional mass services; Nursery & Creche facility; Ancillary spaces & redevelopment of surrounding curtilage to provide gardens, interpretive space & car parking plus waste water treatment plant (revised description) at Sisters of Mercy Convent, 9 Northland Row, Dungannon, for Drumglass Parish Trust Fund

Members considered previously circulated report on planning application LA09/2021/1559/LBC which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1559/LBC be approved subject to conditions as per the officer's report.

LA09/2021/1653/F Extension of facilities, provision of new workshop, new access to public road to replace existing substandard access, adequate parking, associated site works and landscaping at site Immediately E of 19 Annagh Road, Lungs, Clogher for Malcolm Keys

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

LA09/2021/1708/F Access at 276 Mountjoy Road, Stewartstown, Dungannon. for Mr Stephen Hughes

Members considered previously circulated report on planning application LA09/2021/1708/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Varsani and

Resolved That planning application LA09/2021/1708/F be approved subject to conditions as per the officer's report.

LA09/2022/0047/F Store & associated parking at 80m N of 74 Kilmascally Road, Ardboe for Gary Campbell

Members considered previously circulated report on planning application LA09/2022/0047/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/0047/F be approved subject to conditions as per the officer's report.

LA09/2022/0264/F Renewal of LA09/2016/0361/F -free range poultry house at approx. 690m NE of 16 Greenhill Road, Ballygawley for Mr Eugene McBride

Mr Marrion (SPO) presented a report on planning application LA09/2022/0264/F advising that it was recommended for refusal.

Councillor Mallaghan requested that this application be held for 60 days as it was his understanding that there was a breakdown of communication between the agent and the applicant who was unaware that this application was coming forward tonight. The

member advised that there was a matter of an air dispersal model that has to be purchased from a private consultancy and the applicant needs to make a decision on whether this was something he needs to do and if permission was granted to hold this application for 60 days then he would have an opportunity to either get it done or let it go.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2022/0264/F be held for 60 days for submission of information and bring back to Committee.

LA09/2022/0281/F Housing development of 13 units (12 two storey semi detached and 1 two storey detached) opposite Cluntoe Park, Ardboe Rd, Cookstown, for Hagan Builders

Members considered previously circulated report on planning application LA09/2022/0281/F which had a recommendation for approval.

Ms McKinless (SPO) advised that this application was on for an approval and no speaking rights have been requested but there was a gentleman in the viewing gallery who was raising his hand to speak.

The Chair advised that no speaking rights had been made on this application.

The gentleman remained in the viewing gallery and advised that he had contacted Planning Department to raise his objection to the application.

The SD: PI said that Mr Quinn needed to go through the correct protocol which was clearly displayed on the Council website for everyone to see and was not a matter just turning up to a meeting and expect to speak when no request was submitted. When a later speaker wishes to raise an objection, then the Chair can do so at his discretion and may help the committee to let members of the committee know who he was.

The gentleman stated that he was Mr P Quinn and he was objecting to the approval of the application.

The Chair advised that Planning Committee have a precedent in place and didn't allow this in the past. If Mr Quinn had of contacted a Councillor they could have spoken on his behalf, but due to the fact that committee had refused ad hoc interventions at this stage, was sorry to say that the proper protocol had to be followed.

The SD: PI advised committee that it may be beneficial for the case officer to provide a summary of the points raised.

Ms McKinless (SPO) took members through the application highlighting reasons for the approval.

The Chair advised that after hearing the case officers report that he was satisfied that everything had been fully considered and dealt with.

Councillor McFlynn said that whilst she did not know the site specifically enquired if this was on the same road as the primary school.

Ms McKinless (SPO) said that as far as she was aware it was on the same road and side as the primary school.

Councillor McFlynn stated that she was content that all issues were considered and would be happy to propose the recommendation to approve the application.

Proposed by Councillor McFlynn
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/0281/F be approved subject to conditions as per the officer's report.

LA09/2022/0424/F **Mixed use scheme comprising the erection of a three-storey building, retention and alterations to existing building on Rainey Street and existing rear return to provide 13 apartments (total), retention of 2 retail units, amenity space, car parking and ancillary site works at lands at 39-41 Rainey Street, Magherafelt, for Genmark Developments**

Members considered previously circulated report on planning application LA09/2022/0424/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Black and

Resolved That planning application LA09/2022/0424/F be approved subject to conditions as per the officer's report.

LA09/2022/0454/F **Dwelling and garage on a farm at land approx. 60m SW of 6 Beaghbeg Road, Dunamore, Kildress for Louise Devlin**

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

LA09/2022/0465/F **25m high lattice telecommunications tower on elevated ground with antenna & dishes located within a new compound area to be enclosed with a 1.2m high timber stock proof fence & access track to installation at area of field approx. 750m NE of Ballnagilly Road, Lissan, Cookstown for Cornerstone Telecommunications**

Agreed that application be deferred for site visit with Members.

LA09/2022/0576/O **Dwelling and garage at 35m W of 77 Carraloan Road, The Woods, Magherafelt for Mr John Gribbin**

Members considered previously circulated report on planning application LA09/2022/0576/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0576/O be approved subject to conditions as per the officer's report.

LA09/2022/0600/F **Battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the W at lands immediately E of Tamnamore Substation and 260m SW of 167 Ballynakilly Road, Coalisland, Dungannon for Heron Storage Ltd**

Members considered previously circulated report on planning application LA09/2022/0600/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Black and

Resolved That planning application LA09/2022/0600/F be approved subject to conditions as per the officer's report.

LA09/2022/0624/F **Section 54 application requesting to remove the requirement of road widening & provision of an additional footpath along the frontage of the development (LA09/2017/0487/F) at O'Rahilly GFC, 93 Washingbay Road, Coalisland, for Clonoe O'Rahilly GFC**

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

LA09/2022/0626/F **Two agricultural sheds for housing sheep/feed/machinery and the retention of two existing sheds. at 100m WSW of 43 Tullynagee Road, Moneymore for Paul McCrystal**

Members considered previously circulated report on planning application LA09/2022/0626/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0626/F be approved subject to conditions as per the officer's report.

LA09/2022/0630/O 5 no. 2 storey dwellings (1 detached and 4 semi-detached) at 73 Main Street, Tobermore, for Mr C Beatty

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

LA09/2022/0630/O Dwelling and domestic garage at 40m W of 62 Ballynargan Road, Stewartstown for Nuala McReynolds

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

LA09/2022/1183/O Site for dwelling on a farm at 250m NE of 19 Derrylatinee Road, Dungannon for Caolan Gildernew

Members considered previously circulated report on planning application LA09/2022/1183/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Carney and

Resolved That planning application LA09/2022/1183/O be approved subject to conditions as per the officer's report.

LA09/2022/1193/O Dwelling and domestic garage at 20m NE of 168 Washingbay Road, Coalisland for Mrs Anne Nugent

Members considered previously circulated report on planning application LA09/2022/1193/O which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Varsani and

Resolved That planning application LA09/2022/1193/O be approved subject to conditions as per the officer's report.

LA09/2022/1209/F Dwelling and integrated garage and associated site amenities at 180m NE of 40 Foygh Road, Castlecaulfield, Dungannon for Mr and Mrs McCausland

Members considered previously circulated report on planning application LA09/2022/1209/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2022/1209/F be approved subject to conditions as per the officer's report.

LA09/2022/1420/F Extension of existing factory to include new assembly/workshop, paint-line, offices to increase production of existing product. Extension of car parking & associated works at Emerson, Ballyreagh Industrial Estate, Cookstown for Emerson

Members considered previously circulated report on planning application LA09/2022/1420/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1420/F be approved subject to conditions as per the officer's report.

LA09/2022/1509/F Farm Storage Shed at 170m W of 4 Dunmurry Road, Draperstown for Joe McWilliams

Ms McKinless (SPO) presented a report on planning application LA09/2022/1509/F advising that it was recommended for refusal.

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

Mr Cassidy advised that the applicant lives in a housing estate in the middle of Draperstown and it has been confirmed by DAERA that the farm business is active and has been established since 2009. The applicant owns 38 acres and currently owns 29 beef animals in his herd and these details has been supplied to the Council. There are currently no buildings in his holding and Council accept that there is a need for this building. Council also accept that the character and scale of the shed is appropriate as the shed is set back 270m back from the road and not near any third-party dwellings. Mr Cassidy stated that the Council also accept that this would visually integrate at this location and also accept that it would not be a prominent feature on the landscape and using an existing laneway so this would have no impact on the surrounding area. This proposal is for the first agricultural building on the holding is before members tonight and asked that exception be made to the policy as there was a clear and accepted need for this building and would ask members to reconsider the decision.

Councillor Clarke said that given what was heard and the description felt that it met any conditions and the only reason for refusal was because there were no other buildings. The member referred to *Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that: (*a) *it is necessary for the efficient use of the agricultural holding or forestry enterprise*. The member felt that on grounds of that and no other buildings and the necessity for the building he would propose to overturn the recommendation and approved the application.

Ms McKinless (SPO) provided members with an update on exceptions to the policy.

The SD: PI advised that the case officer was quite right but looking at what the policy maker had written and if you had buildings on your farm there are instances where you could move away and that's where there are no available sites by the buildings due to health & safety or it's essential for the purposes on the farm. The SD: PI felt that Councillor Clarke made a very valid point where he stated that this was a holding that had 38 acres and quite reasonable to expect on a holding of that size it may be felt that it be appropriate to have some hardware or machinery at the site as this could be classed as essential. Essential could be classed as something which could be very useful in the operation of the farm in this instance. The SD: PI felt that when all these factors were put into the equation with no objections to the site chosen and not a building for any other use, it would be reasonable for members to determine whilst the policy does not explicitly allow, he felt that it would be reasonable to give this application a sympathetic consideration.

The SD: PI enquired if Roads Service required any visibly splays or any other matters.

Ms McKinless (SPO) advised that DfI Roads had been consulted on the proposal and offered no objection, subject to conditions.

Mr Cassidy in response to SD: PI confirmed that his applicant would adhere to any conditions made.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan

Resolved That planning application LA09/2022/1509/F recommendation for refusal be overturned to an approval subject to conditions made.

LA09/2022/1572/O Site for 2 storey dwelling between 8 and 14 Drumvale Avenue, Cookstown for Mr Fergal Eastwood

Members considered previously circulated report on planning application LA09/2022/1572/O which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Carney and

Resolved That planning application LA09/2022/1572/O be approved subject to conditions as per the officer's report.

LA09/2022/1686/O Dwelling and garage at 61 Ballynakilly Road, Coalisland for Mr Terry McCann

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

LA09/2022/1687/F Retention of commercial access and extension to storage yard approved (LA09/2021/0899/F) at 30 Tullyodonnell Road, Rock, Dungannon, for Mr Paul McGoldrick

Members considered previously circulated report on planning application LA09/2022/1687/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2022/1687/F be approved subject to conditions as per the officer's report.

LA09/2022/1730/O Dwelling & detached garage (Replacement) at approx. 45m SW of 239 Coalisland Road, Dungannon for Mr JP Canavan

Members considered previously circulated report on planning application LA09/2022/1730/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Carney and

Resolved That planning application LA09/2022/1730/O be approved subject to conditions as per the officer's report.

LA09/2022/1736/O Dwelling and garage at approx. 210m SE of 59 Glengorma Road, Draperstown for Sean Donnelly

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

LA09/2022/1740/O Site for farm dwelling and garage at 50m East of 18 Drummond Road, Dungannon for Mr Norman Watt

Members considered previously circulated report on planning application LA09/2022/1740/O which had a recommendation for approval.

Proposed by Councillor Black
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2022/1740/O be approved subject to conditions as per the officer's report.

LA09/2022/1743/O Dwelling and garage at approx. 30m W of 5 Carrydarragh Road, Moneymore for Randall Crooks

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

LA09/2022/1762/F Development of the existing playing field to incorporate pedestrian trim trail, formalised car parking area, access link to the existing children's playpark to the north of the site. Provision of a 70 sqm service building, new polytunnel and rainwater collection system at existing playing field and

allotment area within Park View, Castledawson for Mr Johnny McNeill

All members present declared an interest in the above application as related to Mid Ulster District Council.

Members considered previously circulated report on planning application LA09/2022/1762/F which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1762/F be approved subject to conditions as per the officer's report.

LA09/2022/1777/O 2 Storey dwelling and detached garage adjacent to and S of 14 Tullylinton Road, Dungannon for Mr R Hopper

The Marrion (SPO) presented a report on planning application LA09/2022/1777/O advising that it was recommended for refusal.

Councillor McFlynn in response to Mr Marrion (SPO) regarding submission of further information not being received, felt that it was a pity that a final opportunity not be given to the applicant, even for a month to see if the relevant can be submitted.

The Chair said that it possibly could on what Mr Marrion (SPO) had suggested by writing to them advising of deadline of one month for submission and if not forthcoming then issue the refusal.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1777/O be held for one month to allow applicant to submit additional information and bring back to committee.

LA09/2023/0034/F Amended rear pedestrian access to shop & first floor apartment at 108 and 108B Main Street, Fivemiletown for Mr Gary Coote

Members considered previously circulated report on planning application LA09/2023/0034/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2023/0034/F be approved subject to conditions as per the officer's report.

LA09/2023/0045/O Dwelling and domestic garage at lands immediately E and and adjacent to 103 Old Caulfield Road, Castlecaulfield for Eugene McKenna

Members considered previously circulated report on planning application LA09/2023/0045/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0045/O be approved subject to conditions as per the officer's report.

LA09/2023/0073/O Dwelling and domestic store on farm at lands 70m N of 158A Washingbay Road, Coalisland for Martin Hughes

Members considered previously circulated report on planning application LA09/2023/0073/O which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0073/O be approved subject to conditions as per the officer's report.

LA09/2023/0076/O Infill dwelling and garage at land between 6 and 15 Dungororan Road, Dungannon for Miss Jessica Brown

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

LA09/2023/0141/O Farm building for sheep handling and sheep feed store at 15m E of 101 Bancran Road, Draperstown for Mr Dermot Brown

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

LA09/2023/0148/O Site for dwelling and garage at adjacent and S of Killygullib Orange Hall, Tamlaght Road, Kilrea for Mr Terence Birt

Members considered previously circulated report on planning application LA09/2023/0148/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0148/O be approved subject to conditions as per the officer's report.

LA09/2023/0162/F Change of use of existing commercial property into 2 residential apartments at 27 Union Place, Dungannon for Mr John Rafferty

Members considered previously circulated report on planning application LA09/2023/0162/F which had a recommendation for approval.

Councillor Kerr advised that he wished to raise a few points before this application was recommended for approval.

Councillor Kerr said that whilst reading the report he felt it unusual for DfI Roads not to be asked for an opinion and this could start a precedent where a number of smaller proposals for true likeness without asking Roads Service for an opinion. There could be the potential of lots of residential apartments having 3 or 4 bedrooms having the potential of having up to 20 people living at that address. Water Service are indicating that there are continuous infrastructure issues which we should be taking heed of. The member felt that it was concerning that these two consultantees have not been consulted. The member advised that this area was continuously congested as staff working in the town used this area to park and now the new residents will do likewise and may be problematic as they wish to park close to their home. The residents of these flats will most likely have cars and will park adjacent to their property when there is already a shortage of parking.

Councillor Kerr proposed a site meeting before this application goes ahead and also consultation with Roads Service.

The SD: PI said he wished to ask the member a question primarily to protect himself and enquired if the representation in which he put forward was done so by himself or was he approached by someone and if this was the case then the member should have declared an interest in the application. The SD: PI advised that it was quite reasonable to take on someone's case but maybe this was the member's own feelings.

Councillor Kerr advised that over his 4-year term as Councillor he had consistently taken notes in which he could always refer back to and felt if an issue was worth raising then he had no issue doing so. The member said that he could wholeheartedly say that he had not been approached by anyone and does believe that it is necessary to speak to Water Service and Roads Service before making such important decisions.

D McPeake left the meeting at 8.04 pm and returned at 8.07 pm.

The SD: PI said that these were former offices in the town centre are quite substantial in size. During the days office are used primarily during the day which it would be on the street and in the public carparks at their busiest. He stated that the key demand is usually in the evening and whilst listening intently to the argument for 3 and 4 bedroom flats, it would be hard to see this being a problem useless it was being used by a huge family or HMO's which would be unlikely. In relation to point in regards to Water Service, members may know there are lots of objections being received from them on sewers and it would be hard to see two flats getting more use than a fully occupied office. It is difficult as Water Service is correct in its view that there is difficult in Dungannon in regards to infrastructure and there is a requirement to take each case on

its own merits otherwise there would be no housing in Dungannon. He said that it would be hard to see any more overloading or carparking in this instance. The SD: PI said that he was fully aware of concerns in regards to turning shop units on ground floor in Dungannon town centre to apartments but there is a need for people to live in town centres to give it a sense of security and vibrancy. When he referred to issue of how long it had sat vacant in the past and if it had of been viably profitable for office space, then obviously this was not the case as there was no market for it only for apartments.

Councillor Kerr said that he still believed that the points he had raised were valid and would still recommend a site meeting with Roads Service present to discuss this application further. The member also felt that this would be beneficial for members sitting on this committee to see for themselves but would ultimately accept the decision taken of the Planning Committee regardless.

The SD: PI stated that he wouldn't have any objections to facilitate this meeting as it was always healthy for members to look at things that they were not content with.

The Chair referred to comment made by Ms McKinless (SPO) regarding Roads Service advising that they felt that there were no additional pressures being put on and asked if this could be elaborated on.

The SD: PI stated that it needed to be clarified which Roads Service doesn't get also. Planning is the planning authority and we decide on an application and Roads Service determine roads safety. We have lots of applications which could have implications for road safety i.e. someone may be building an extension in a carparking space which could be close to a junction or corner, then Road Service gets involved by telling planning that there would be an impact on visibility etc and officers would be of the same opinion.

The Chair advised that in the past Roads Service were reluctant to come out to adjudicate on various planning issues as they felt that they had already contributed by way of reporting.

Councillor Kerr reiterated his previous question on whether DfI Roads Service were consulted on their opinion in regards to this application or was there a previous precedent set by Roads Service.

Mr Marrion (SPO) advised that DfI Roads Service were not consulted as they were only a statutory consultantee and only consulted when there is a proposal for either a new access or intensification using an access to a public road which is outlined in our Development Management regulations. Roads Service is not a statutory consultantee in this application as they are now proposing a new access as there was only a requirement to convert a two-storey building without any extension to it, converting it from a commercial use to apartments.

Councillor Mallaghan said that it was his understanding that in terms of policy consideration is that because this is town centre no parking was required and given the fact that there was already an existing use there was no further requirement of sewage connection because there was no intensification and only policy that needs to be given consideration to is whether or not we feel that these offices can be changed to

residential accommodation. Given those considerations and circumstances in Dungannon town centre and wanting to see more people living in our town centres. The member had attended a conference today at the Burnavon where all this was thrown into the mix where we can get more people living in town centres and proposed to accept the Officer's recommendation to approve the application.

Councillor Varsani seconded Councillor Mallaghan's proposal to accept the recommendation.

Councillor McElvogue seconded Councillor Kerr's recommendation to request a site visit with Roads Service in attendance.

Councillor Kerr's proposal to proceed with a site visit was put to the vote:

For	2
Against	12

Councillor Mallaghan's proposal to accept the recommendation was put to the vote:

For	12
Abstained	2

Resolved That planning application LA09/2023/0162/F be approved subject to conditions as per the officer's report.

Council solicitor left meeting at 8.20 pm and returned at 8.24 pm.

LA09/2023/0164/F **Redevelopment of existing Integrated College Dungannon to provide a new integrated post primary school to accommodate circa. 700 pupils (as existing). Works to include demolition of existing buildings, phased construction of new two-storey school accommodation and extension to existing sports block. Other works include 2 new grass pitches, 5 new tennis courts, hard play areas, a sensory garden, cycle parking area, fencing, retaining walls, car parking, landscaping and all associated site works. Vehicular and pedestrian access to the main school site will be maintained off Gortmerron Link Road and an additional access point is proposed through to Stevenson Park Rugby grounds, to facilitate the southern pitches. at Integrated College Dungannon, , 21 Gortmerron Link Road, Former Pitches to The South East and Portion of Dungannon Rugby, Club (Stevenson Pk) at 36 Moy Road, Dungannon for Board of Governors of Integrated College, Dungannon**

Members considered previously circulated report on planning application LA09/2023/0164/F which had a recommendation for approval.
Councillor Robinson sought clarification on the new access through Stevenson Park to Ranfurly Heights and enquired if local residents have been consulted.

The SD: PI advised that residents were consulted as it was backing up onto the playing fields.

In response to member's query, the SD: PI advised that the new access doesn't go onto the A29 and only Ranfurly Heights.

Ms Ms Doyle, Head of Local Planning (HLP) advised in respect of Ranfurly Heights, properties which were notified were No's 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26. A number of properties in Gortmerron Heights were also notified.

The SD: PI stated that no objections had been made by residents but obviously there had been concerns that by providing this additional rugby pitch there could be the potential intensification which could obviously disrupt traffic around Ranfurly Heights. The SD: PI said that following this, Officers had contacted the agent and a series of questions were asked.

Ms McCullagh (SPO) provided members with an update on what questions and answers were provided as follow:

Q. Southern Pitches currently in the College's ownership or have they purchased them?
A. The land and new pitches were owned by Donnelly Bros with an agreement in principle that they will sell the land to the college once planning permission was secured, solicitors involved and everything written up
Q. Was there any carparking spaces being lost at Dungannon Rugby Club?
A. No carparking spaces has been lost and referred to (overhead drawing) where vision of of pavement will be shown along the lane of the southeastern boundary, some retention of the bank along the boundary to facilitate this and removal of an LPG tank
Q. Access for people getting to the Southern Playing Fields?
A. No direct physical link at the moment between the school and the Southern Playing fields so a minibus is going to be used which takes approx. 3 minutes from Gortmerron Link Road to the location and staff will travel with the children.
Q. What would happen on match day if also the Rugby pitch was operating?
A. The College will only use the pitch during school hours 9am – 4.15pm Monday to Friday – any matches on school days or larger matches will be played on neutral grounds elsewhere and will never operate simultaneously

Councillor Robinson enquired if DfI made any comment regarding the intensification of traffic on that road.

Ms McCullagh (SPO) advised that a condition was put in place for that:
Condition 2 -During the construction works hereby permitted, hard surfaced areas shall be provided to provide adequate facilities for parking, servicing and circulating within the site.
Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

Proposed by Councillor Varsani

Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0164/F be approved subject to conditions as per the officer's report.

LA09/2023/0175/F Change of house type to M/2009/0967/RM, extension of dwelling curtilage and erection of domestic garage at 103D Ballagh Road, Fivemiletown for Mr Cormac McGale

Members considered previously circulated report on planning application LA09/2023/0175/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0175/F be approved subject to conditions as per the officer's report.

Councillor Black left the meeting at 8.26 and returned at 8.27 pm.

LA09/2023/0211/F 2 infill dwellings adjacent to and immediately SE of 26 Whitetown Road, Newmills, Dungannon for Sydney Brown

Members considered previously circulated report on planning application LA09/2023/0211/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2023/0211/F be approved subject to conditions as per the officer's report.

LA09/2023/0219/F Off-site replacement dwelling and garage (substitution of M/2007/0028/RM) at lands approx. 75m NE of 83 Clonavaddy Road, Galbally, Dungannon for Mr Tiarnan McKenna

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

LA09/2023/0232/O Infill site for dwelling between 139 and 143 Drumagarner Road, Kilrea for Mr Brian McCloskey

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

LA09/2023/0280/F Single storey extension to the rear of 21 Loran Vale, Cookstown for Ryan McKenna

Members considered previously circulated report on planning application LA09/2023/0280/F which had a recommendation for approval.

Proposed by Councillor McFlynn

Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0280/F be approved subject to conditions as per the officer's report.

LA09/2023/0281/F Single storey extension and alterations at 58 Station Road, Maghera for Mr & Mrs Leslie & Sharon Smith & Lynd-Smith

Members considered previously circulated report on planning application LA09/2023/0281/F which had a recommendation for approval.

The Chair said that by going through the report he had noticed that there had been a lot of detailed objections received and wanted to be reassured that all the objections had been taken into consideration.

Ms McKinless (SPO) advised that one letter of objection had been received and concerns raised with the objection were fully considered by the case officer. Objection related to:

- Concerns over reduction of natural light
- Raised patio area overlooks 60 Station Road
- Glazing facing 60 Station Road so concerns over privacy

Ms McKinless (SPO) stated that the case officer had noted that the objector had raised the above issues relating to:

- Loss of light issues at 60 Station Road Maghera, the 45 degree assessment was conducted and from the assessment the case officer was content that there will be no issues pertaining to overshadowing.
- Privacy of neighbouring residents, concerns over the raised patio area overlooking the property, additionally, regarding the topography of the area overlooking will not be greater than the existing.
- Onlooking glazing, the separation distance (approx. 15m) and the boundary wall separating the two dwellings, case officer concluded that the proposed will not have a greater impact on privacy than the existing.
- Unacceptable loss or damage to trees or other landscape features which contribute significantly to local environmental quality. Case officer's opinion was that this proposal will not cause loss of trees or landscape features.
- Proposed single storey extension and alterations to the existing dwelling – it was noted that part of the rear patio will be lost as part of this proposal. Overall the case officer was content that there would be sufficient space with the curtilage for recreational and domestic purposes and parking will remain unaffected.

The (SPO) advised that the case officer having evaluated the proposed single storey extension and alterations to existing dwelling was content that the proposal complies with Policy EXT1 of Addendum to PPS7: Residential Extension and Alterations. Additionally, it was felt that he could not attach any determining weight to the objectors concerns over the loss of light and privacy of neighbouring residents.

Proposed by Councillor Robinson
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2023/0281/F be approved subject to conditions as per the officer's report.

LA09/2023/0284/F Single storey dwelling and access lane at lands approx. 20 NW of 10 Colliers Lane, Coalisland for Mr Brian Carron

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

LA09/2023/0317/F Infill dwelling and garage at 15m NW of 259 Hillhead Road, Knockloughrim for Albert Speer

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

LA09/2023/0318/O Dwelling in an existing cluster at 50m SE and adjacent to 166 Washingbay Road, Coalisland for Michelle O'Hagan

Members considered previously circulated report on planning application LA09/2023/0318/O which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0318/O be approved subject to conditions as per the officer's report.

LA09/2023/0328/F Renewal of LA09/2017/1700/F extension to rear and side of dwelling to accommodate at 5 Coolmount Drive, Cookstown for Emma McAleer

Ms McKinless (SPO) previously circulated report on planning application LA09/2023/0328/F which had a recommendation for approval.

The Chair advised that a letter of objection had been received from Councillor Wilson which was circulated with the addendum tonight.

The Chair said that it was his understanding from the SPO that all objections had been considered.

Ms McKinless (SPO) advised that this was the case as only one objection had been received to the additional objections in time of renewal and no new issues raised which have been fully considered and didn't merit a recommendation for refusal.

The SPO stated that Councillor Wilson had made a comment about the case officer not being in the back yard of an adjacent property and could confirm entirely if the case officer went into that property but were in the back garden of No. 5 which is the application site which was highlighted on the powerpoint tonight.

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

Mr Suitor advised that he was the resident and owner of 4 Coolmount Park and stated that he wasn't notified of the initial planning application in 2017 therefore didn't have an opportunity to object at that time or make any comment to this negative impact on his property. Previous 2017 application expired on 18 April 2023 therefore no planning is technically in place and the new application was submitted on 24 March 2023. Assisted as a new application he asked how he could possibly comment on what the drawings or plans are when none are attached to this application on the portal. He assumed that he had located the correct one from the previous application but was unsure which causes doubt in his mind and possibly also the committee. The plot at 5 Coolmount Drive comes into direct contact with five other properties: No's 2, 4, 6, 10 Coolmount Park and 7 Coolmount Drive and out of those five properties, two had objected to the planning application, being 4 and 6 Coolmount Park. The committee report also indicates that there was also an objection from No. 7 Coolmount Drive which means 60% properties in direct contact have objected. He does not believe that his concern regarding the lack of sunlight has been addressed within the committee report and only those concerns at No. 7 Coolmount Drive have been addressed even though his property will suffer the most due to the two-storey extension running along the majority of his back fence. He said that he was aware that the Councillors had not viewed the property themselves and referred to the plans for ground floor and advised if you stood looking at the applicant's back kitchen door the sun would be to the left at the early part day and gradually move right and his back garden would be at the immediate right to the master bedroom on the proposed first floor plan. The further point to the front of the proposed site would be built within ½ metre from the partition between the two properties and believes will tower approx. a further 4½ metre over the the 1.8 metre fence so would result in a loss of amenity to his property. The committee report outlines its initial plans from 2017 were amended to reduce height and asked what plans were being worked to. The amendments would only benefit those affected by the proposed three-storey extension to the rear, the houses in Coolmount Park, particularly his property will be negatively affected by the oversized two-storey extension at this site. He enquired if the planning officer had assessed the impact the proposed extension would have from his property or indeed the rest of Coolmount Park and would be grateful to get a response to this query.

Mr Suitor said that he would like to invite any Councillor and members in attendance present this evening to his house to see the effect that this proposal would have on his property. In his opinion this would be an overdevelopment of the site with the property practically taking up the full footprint of the plot and all other properties in the immediate areas are similar being semi-detached 3-bedroom houses and this would be the first of its size and believes that it would be considered out of character for the area.

In summary Mr Suitor wished to object to the proposed plans on the following grounds:

1. The actual drawings of the proposals are not clear
2. Loss of amenity at his property being his outdoor space
3. No assessment made on the plans from respective of his row in Coolmount Park
4. Overdevelopment of the site and proposals being out of character in the area
5. Loss of sunlight which has been enjoyed to the rear of his property since construction over 20 years ago

Mr Suitor requested that a site visit be carried out by the committee to see for themselves the impact this proposal will have on his property and stated that the assessment not fully understood from the report he was reading.

In response a query, Ms McKinless (SPO) confirmed that Mr Suitor was not notified about the first application but was formally notified under this current application.

Mr Suitor advised that this was when he had the issue with the planning application and submitted his objection.

The SD: Pl stated that he understood what the objector was saying but in this instance it was very peculiar to be in this position as normally this would go through as a straight forward approval but could equally see why the objector was concerned but could not expect not to have no development here which would be totally unreasonable, but could understand the objector's concerns.

The SD: Pl said that it was up to members to decide whether to proceed to a site visit or not but felt that it may be worthwhile having further consideration of this.

Councillor Black said that by taking the comments on board and obviously during normal circumstances this would be a straight forward approval, but given the concerns which have been raised by the objector and if indeed if he was not notified of the first application and the fact that the extension does seem to be in close proximity of his property and his concerns are genuine to the loss of amenity and potential loss of light, would propose a site visit to the location by the committee to get further detail of the application on site.

Councillor Graham left the meeting at 8.43 pm and returned at 8.45 pm.

Proposed by Councillor Black
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/0328/F be deferred for a site visit.

LA09/2023/0407/O Infill site for dwelling with garage, driveways and septic tanks lands between 112 and 116 Lismoyle Road, Swatragh for Mr Paul Tohill

Members considered previously circulated report on planning application LA09/2023/0407/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0407/O be approved subject to conditions as per the officer's report.

LA09/2023/0408/O Infill dwelling and garage at lands between 112 and 116 Lismoyle Road, Swatragh for Mr Bosco Tohill

Members considered previously circulated report on planning application LA09/2023/0408/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/0408/O be approved subject to conditions as per the officer's report.

LA09/2023/0423/F Infill dwelling and outbuildings at lands between 7 and 11 Roughan Road, Stewartstown for Mr Martin Armour

Members considered previously circulated report on planning application LA09/2023/0423/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0423/F be approved subject to conditions as per the officer's report.

LA09/2020/0093/O Dwelling and garage on a farm at 60m E of 43 Carnaman Road, Gulladuff for Mr James McErlean

Members considered previously circulated report on planning application LA09/2020/0093/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0093/O be approved subject to conditions as per the officer's report.

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

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

Councillor McElvogue left the meeting at 8.47 pm and returned at 8.50 pm.

Proposed by Councillor McFlynn
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0352/F be refused.

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

Members considered previously circulated report on planning application LA09/2021/0739/F which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor Varsani and

Resolved That planning application LA09/2021/0739/F be approved subject to conditions as per the officer's report.

LA09/2021/1286/O Dwelling and garage under CTY10 at 30m SW of 30 Cloane Road, Draperstown for Sean Gallagher

Members considered previously circulated report on planning application LA09/2021/1286/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Kerr and

Resolved That planning application LA09/2021/1286/O be approved subject to conditions as per the officer's report.

LA09/2021/1366/F 5 Glamping Pods and associated external works at 170m SE of 52 Derrycourtney Road, Caledon for Mr Jim Moore

Members considered previously circulated report on planning application LA09/2021/1366/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1366/F be approved subject to conditions as per the officer's report.

LA09/2022/0490/O Dwelling and garage on a farm at 194m SW of 8 Killybearn Lane, Cookstown for Martyn Devlin

Members considered previously circulated report on planning application LA09/2022/0490/O which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0490/O be approved subject to conditions as per the officer's report.

LA09/2022/0654/O Dwelling and Garage at lands 40m SW of 50 Battery Road, Coagh for Joanne Devlin

Members considered previously circulated report on planning application LA09/2022/0654/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0654/O be approved subject to conditions as per the officer's report.

LA09/2022/0732/O Dwelling and garage at 110m NE of 26 Broagh Road, Knockcloghrim, Magherafelt for Martin McErlean

Members considered previously circulated report on planning application LA09/2022/0732/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/0732/O be approved subject to conditions as per the officer's report.

P052/23 Receive Report on Revised Fees for Property Certificates

The Service Director of Planning (SD: PI) presented previously circulated report to seek approval for revisions to the charges for Regional Property Certificates (RPC) processed by the Planning Department.

- **OPTION 1**
  The basic fee could be increased to £80.50 in line with the that implemented by Fermanagh & Omagh Council who are administering RPC's for all the other Councils'. This would keep MUDC in line with the charge for the RPC in all the other Council areas.
- **OPTION 2**
  The fee could be increased to £80.50 in line with the that implemented by Fermanagh & Omagh Council who are administering RPC's for all the other Councils'. However, a £10 administration fee could be introduced for those applications not received online when this facility becomes available.
  This would keep the parity with the other Council areas but would also meet the audit requirement that Council policy on claims not made online have an additional administrative charge.
- **OPTION 3**
  The fee could be increased to £90 in line with what is charged by Building Control for processing the LPC, with the £10 additional fee for those applications not received on-line when this facility becomes available.
  Whilst this would provide uniformity within MUDC, we could be criticized for charging more for the same service than that received for other council areas.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That Option 2 be approved as the preferred option and that the increases be introduced alongside the improved system implementation.

P053/23 Receive Report on DfI's Consultation on Revised Regional Strategic Planning Policy

The Head of Strategic Planning (HSP) presented previously circulated report and advised that the purpose of this report was to invite members views on how the Council should respond to a current public consultation exercise on a draft Regional Strategic Policy on Renewable and Low Carbon Energy. The consultation period ends at 5pm on the 30th June 2023.

Councillor Kerr referred to 3.2 and would like the relevant department to provide detail on what they mean by "emerging technologies" in regard to fracking as this is causing a devastating effect internationally around the globe. The member said that any emerging technologies should be benefitting the communities first.

The SD: PI advised that there is actually a policy relating to "emerging technologies" not just for fracking but also for gold mining where chemicals like arsenic and bio-mining which is sticking a large amount of bacteria down to eat the carbon in the atmosphere, there's also methane, a lot of emerging processes which are evolving. This Council agrees in precautional principle not to explore experimental ground as we try to ensure that things are safe and properly signed off.

Councillor Clarke said that he wished to raise a few comments regarding the Sperrins which could be the main problem. The member referred to a major application in the Sperrins and a lot of information came out of that application. Those high Sperrins is all blanket bog which is the best storage possible for carbon and although quite a bit of it has been degraded, but what should be done here is to improve the quality of the blanket bog and that would make a major improvement in the carbon sequestration. The other issue is that this area is far away from where the electricity is and infrastructure need to be moved, a new line from Magherafelt to wherever and also the need for an interconnector. The member advised that a lot of things needs to be done and people should be looking elsewhere rather than attacking the landscape and heritage that lays in that area.

The SD: PI concurred with Councillor Clarke and said that he had spoken very wise words. He said that there was something not explicit within this policy to steer us to put wind turbines exactly where we don't want to and if members remember during the Development Plan we looked to see where there were areas which were ideal and one of the criteria's was to keep a single turbine at least 500m from the nearest residential property. An exercise was carried out where officers plotted on map the distance from each property in the district of what would be 500m and low and behold we only come across two areas which had those distances, one was in the Sperrins and the other was in Fivemiletown area, Clogher Valley. Fivemiletown was being protected because the ridgeline along the Clogher Valley is marvellous and Fivemiletown was purposely kept out because of the windfarm to allow for further expansion. The SD: PI advised that

further areas could be identified but that would be causing a blanket for the residents in those areas. Pomeroy is a prime example as it has the height but quite highly populated which means that you could be put into a situation and could be quite feasible that you could put into an area where properties which could be blighted and no-one signed up for that. The SD: PI said that he really felt that this policy hasn't been thought through properly in any form as every single paragraph was about windfarms and there was a need for more thought on the policy.

Councillor Mallaghan advised that there needs to be a more considered approach to the micro-generation of power because an opportunity should be there to allow people to be more self-sustainable rather than all the time focusing on the micro, the big stuff. The member said that there was a warning on the news today that the single operator for the electricity network issued an amber warning that there wasn't going to be enough electricity produced for the needs of today due to not enough wind and wind turbines not blowing to generate that extra need for electricity. The member agreed that there was too much focus on wind energy and should be more focus on providing people with that micro-opportunity and all government approach to do that. The member felt that there was going to be a serious drive in technology over the next 10 – 15 years and should keep an open mind until we see what these new technologies look like. He felt that the report had covered well the concerns that Councillors on this Council have particularly where it comes to areas where they really need our protection.

Councillor Clarke said that he would be very concerned about removing dwelling from the scene, previously you could install 24 solar panels and now this is reduced to 16 panels. The price that is given from the electricity supplier is ridiculous 4 pence per unit and they are selling it around 36 pence and feels that the householder should be paid more.

The Chair asked that members comments be incorporated into the report.

Proposed by Councillor Kerr
Seconded by Councillor Mallaghan and

Resolved Agreed that this report is forwarded to the Department as its formal response to the consultation exercise.

Matters for Information

P054/23 Minutes of Planning Committee held on 4th April 2023

Members noted minutes of Planning Committee held on 4th April 2023.

P055/23 Receive Planning Department Service Plan 2023-24

Members noted Planning Department Service Plan for the period 2023-2024.

Live broadcast ended at 9.22 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Kerr
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 P056/23 to P063/23.

Matters for Decision

P056/23 Receive Report on Staffing Structure
P057/23 Receive Report on Advanced Notice of Listing – Fivemiletown
P058/23 Receive Report on Advanced Notice of Listing - Maghera
P059/23 Receive Enforcement Report

Matters for Information

P060/23 Confidential Minutes of Planning Committee held on 4 April 2023
P061/23 Enforcement Cases Opened
P062/23 Enforcement Cases Closed
P063/23 Enforcement Live Cases List

P064/23 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.50 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: 12 June 2023

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

Chairs Business –

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.4	System pulled through 12 objections, rather than 9 mentioned on the report (3 were from one person and 2 from another). All objections were uploaded, available and fully considered in report.	Members to note
5.5	Additional information to address DFI Rivers comments and DFI Roads comments.	Members to note
5.11	Report only notes 1 letter in support, 10 letters received and an additional letter of support since the report was produced, no new issues raised. Letter received requesting meeting	Members to note
5.28	Following discussion with Env Health, Conditions 4 and 5 are no longer required.	Members to note
5.43	Letter of objection	Members to note
5.46	Report indicates 1 objection; this was recorded in error and was a non-committal query which has	Members to note

	been answered. No objection has been received.	
5.56	Letter from Cllr T Wilson	Members to note
6.5	Revised plans showing finishes and levels submitted	Members to note drawing 02B received 7 JUN 2023 to be substituted in conditions 2, 3, 4 and 6

Planning Appeals Commission

Enforcement Appeal Decision

4th Floor
92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2021/E0066
Appeal by:	Mr Christopher Cunningham
Appeal against:	An enforcement notice dated 22nd Decemeber 2021
Alleged Breach of Planning Control:	The siting of an Unauthorised Modular Dwelling
Location:	Lands/Premises located at approximately 100 metres south of 28 Aghaloo Road, Aughnacloy, Co. Tyrone
Planning Authority:	Mid Ulster District Council
Authority's Reference:	EN/2021/0316
Procedure:	Written Representations with site visit on 2nd March 2023
Decision by:	Commissioner C McDonagh dated 30th May 2023

Grounds of Appeal

1. The appeal was brought on Grounds A, C, F and G as set out in Section 143 (3) of the Planning Act (Northern Ireland) 2011 (the Act). There is a deemed planning application by virtue of Section 145 (5) thereof.

The Notice

2. The Enforcement Notice (the EN) states the alleged breach of planning control is "*the siting of an unauthorised modular dwelling without the grant of planning permission so required. The approximate position of the unauthorised modular dwelling is shown highlighted in blue on the attached site location map.*" The appellant considers that the EN is defective to the extent that it is a nullity as the use of the word 'siting' is misleading and confusing. It is argued that the actions for remedial works in the EN which require the removal or demolition of the building do not marry with the alleged breach and are therefore unreasonable. They consider the Council has failed to adequately identify the alleged breach and they should have identified that a change of use of the land has occurred. They conclude there is an inherent conflict between the alleged breach and remedy rendering the EN hopelessly ambiguous and unclear.

3. Case law confirms that the recipient of an EN is entitled to know "*fairly what he has done wrong and what he must do to remedy it.*" The terms of an EN must not go beyond what is necessary to remedy the alleged breach of planning control nor should it seek to enforce against the right to use the land as per the parameters of the General Permitted Development Order (NI) (GPDO). Part 4 of the EN comprises of three remedies, namely, to remove from the site or demolish the

unauthorised modular dwelling; to remove all resulting debris and rubble from the site; and to restore the site to its previous condition.

4. The EN refers specifically to Section 131 (1) (a) of the Act which relates to the carrying out of development (my emphasis) without the planning permission required. The EN clearly identifies the alleged breach of planning control (the unauthorised modular dwelling) and that is the development which requires planning permission irrespective of whether it is operational development or a change of use. The accompanying aerial photograph identifies the location of the subject modular dwelling within the appeal site and the EN clearly sets out the steps required to remove it from the site. The remedies do not exceed the matter covered within the description of the alleged breach.

5. I accept the appellant's interpretation that the appeals for the siting of modular dwellings referred to by the Council were not challenged on the basis of the description of the alleged breach or in respect of ambiguity or nullity. PAC decision 2019/E0055 (for the unauthorised stationing of a caravan for use as a dwelling) is also referred to in support of the appellant's claim that the reference to 'siting' makes the EN a nullity. However, in that appeal the remedy included the removal of oil tanks, boiler housing, access steps and hardstanding which were not included in the description of the alleged breach. Accordingly, none of the appeals referred to are directly comparable to this current appeal.

6. For the reasons given above, I find that the EN is neither hopelessly ambiguous nor unclear.

Ground (c) That those matters (if they occurred) do not constitute a breach of planning control.

7. The appellant considers the development subject to the EN is lawful in accordance with the schedule of development permitted under Article 3 Part 5 (Class A) Temporary Buildings and Uses of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO). It is argued that the modular dwelling is a temporary building and connected with approval LA06/2020/1408/F for a dwelling on land to the west of the appeal site. The appeal site overlaps with that permission as it relies on the same access from Aghaloo Road.

8. Part 5 of the schedule to the GPDO, Class A states "*The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land*". It further states that *"Development is not permitted by Class A if: (a) the operations referred to are mining operations; (b) planning permission is required for those operations but is not granted; or (c) it is within a site of archaeological interest."* While the appeal site is within 620m of an archaeological 'enclosure' the Council did not raise any concerns about the land being in an area of archaeological interest.

9. The Council considers the modular dwelling is not 'required temporarily' and has now achieved some form of permanency through the modifications carried out since it was erected in 2020 including the addition of wood cladding to the exterior and the use of the address (No. 26 Aghaloo Road). The appellant considers that no weight should be attached to *Wilson V FSS & Tewkesbury BC* which supports

the proposition that the larger and more permanent the building the less likely it is to be genuinely required temporarily. He states that the appeal building is not of a permanent design and is not built using methods or materials that could be considered in keeping with permanent construction practice.

10. I accept the appellant's intention is to remove the modular dwelling once the approved dwelling is constructed and I attach little weight to the use of the address as the receipt of mail would be required even for a temporary period. However, there is force in the Council's argument about its permanency given the modifications carried out. Also, operations referred to in the GDPO must be in connection with the building works ongoing, so they allow for a temporary workman's hut for example. They make no reference to residential uses or to residential accommodation as this use would exceed the duration of the operations. There is a relevant policy to consider such an occurrence in regional rural planning policy. The modular dwelling requires planning permission and this has not been granted.

11. As the previous agents response to a warning letter (in which they accepted the mobile would be subject to a planning application under CTY9) does not represent their final position, it has not been relied on in this consideration. The additional arguments presented by the appellant do not change the conclusion that planning permission is required.

12. I find that the modular dwelling is not permitted development in accordance with Class A of Part 5 of the schedule to the GPDO. The appeal on ground (c) fails.

Ground (a) and the Deemed Planning Application

13. The main issue is whether the development is acceptable in principle in the countryside. Matters related to integration, rural character and other environmental considerations including road safety are also relevant.

14. Section 45 (1) of the Act states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6 (4) of the Act requires the Commission, in dealing with the appeal, to have regard to the LDP, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Dungannon and South Tyrone Area Plan 2010 operates as the LDP for the area within which the appeal site is located. The site is in open countryside on un-zoned land. The plan provides no policies in relation to the appeal development.

15. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. In respect of the development on the appeal site, policy contained in the SPPS is broadly consistent with the policies set out in Planning Policy Statement 21

Sustainable Development in the Countryside (PPS21). Thus, in accordance with the transitional arrangements, retained policies apply.

16. Policy CTY 1 'Development in the Countryside' of PPS 21 sets out a range of types of development which, in principle, are considered to be acceptable in the countryside. Such examples include a residential caravan or mobile home in accordance with Policy CTY 9 'Residential Caravans and Mobile Homes'. Policy CTY 1 continues that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. The Council and third parties consider the development does not meet policies CTY 1 and CTY 9.

17. Policy CTY 9 states that planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances. Such circumstances include the provision of temporary residential accommodation pending the development of a permanent dwelling; or where there are compelling, and site specific reasons related to personal and domestic circumstances. The use of the word 'or' between them indicates that if the stated circumstances are consistent with either of the examples cited, they will meet the policy test.

18. The appellant relies on the first exceptional circumstance cited in Policy CTY 9 as outlined above. Planning permission LA09/2020/0479/F was granted for a dwelling on 4th September 2020 (change in house type to that previously approved under M/2008/1007/F in November 2008). A further planning permission LA09/2020/1408/F for another change in house type was subsequently granted on 3rd February 2021. The modular dwelling was delivered to the site in October 2020, and it has been in use as residential accommodation by the appellant's family since March 2021. They advise this is a temporary measure whilst the dwelling house is built on the adjacent site. The accompanying amplification text at paragraph 5.36 of Policy CTY9 states that a mobile home can be a sensible temporary solution to meeting the need for residential accommodation in the countryside.

19. The Council refer to little progress being made on the construction of the approved dwelling since the initial works were undertaken. I observed foundations and ground floor slabs with some block corners on the adjacent site where the permanent dwelling is to be erected. A retaining wall has also been constructed along the lower section of the laneway leading to the vehicular access with the road. These works are not recent. However, the appellant anticipates that more progress will be made on building the dwelling during 2023. Also, there are extant planning permissions for a change of house type on the adjacent site. Policy CTY 9 provides for accommodation for a temporary period only and states that all permissions will normally be subject to a three-year time limit. The modular dwelling has been on site for less than three years. On this limited basis, I accept that the first exceptional circumstance is met.

20. Policy CTY 9 goes on to state that permission will depend on the ability to integrate the unit within an existing building group and screen it from public view. As the planning permissions on the adjacent site relate to a single dwelling which has not progressed beyond foundation stage, it could not be considered 'an existing building group' for the purposes of the policy. There is an existing building group

to the north of the appeal site. However, there are fields in between and they are at a distance of over 70m away. I do not therefore agree that the modular dwelling is integrated with them at all or even 'to a marginal extent' as claimed by the appellant.

21. The appeal site is a relatively flat roadside field with a central area of hardstanding aggregate on which the modular dwelling is located. The northern, eastern and western boundaries of the site comprise of post and wire fencing. To the west and rear of the modular dwelling adjacent to the car park area is a wooden garden shed with pitched roof used as a washer/dryer alongside a dog kennel. A children's treehouse/slide set and oil tank are also located to the rear of the modular dwelling. A soil mound sits within the appeal site to the south of the modular dwelling separating it from the lane leading to the commenced dwelling under construction.

22. The appellant accepts that the modular dwelling can be seen from Aghaloo Road however, he argues this is tempered by the small scale of the development, its temporary nature and its elevational treatment with wood cladding. I agree with the appellant that the road alignment, mounding inside the access area and the wide upward sloping grass verge across the site frontage assists with screening the unit from public view when viewed from the south. However, the downward sloping nature of the topography and absence of vegetation along the fenced northern and western boundaries on approach from the north means that the modular dwelling does not benefit from sufficient screening when viewed from these public vantage points. The limited scale and use of material finish does not assist with blending the building into the landscape given its road frontage location. The modular dwelling therefore does not satisfactorily visually integrate with an existing building group nor is it adequately screened from public view.

23. Policy CTY 9 also says that the siting of a mobile home will be subject to the same planning and environmental considerations as a permanent dwelling. The Council and third parties also consider the modular dwelling to be contrary to Policy CTY 13 'Integration and Design of Buildings in the Countryside' of PPS 21 and supplementary guidance within 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside'. They argue that the design of the appeal building is not suitable for this countryside location.

24. The justification and amplification text at paragraph 5.35 of Policy CTY13 states that the design and finishes of a residential caravan or mobile home limits its potential for integration into the landscape. It continues, for this reason, planning permission will not be granted for a permanently sited residential caravan or mobile home in the countryside.

25. The scale and design of the modular dwelling is typical of that of a temporary mobile home with windows of different scale and proportion with a shallow pitched roof. Since it was delivered to the site additions have included the external fixing of wood panelling, a wooden deck area around the western and southern elevation, additional sheds and children's play equipment. It also has underground drainage services/manhole, an oil tank and electrical connection. To my mind, the modular dwelling no longer exhibits temporary characteristics and given the lack of screening, its road frontage location means that it appears visually incongruous in the local landscape. For this reason and those outlined above, I consider that the appeal development fails to visually integrate into the surrounding landscape

and is not in keeping with the form and design of permanent dwellings in the area. Accordingly, the third party objections and Council's refusal reason relating to Policy CTY 13 are sustained.

26. The Council also consider the appeal development to be contrary to Policy CTY 14 'Rural Character' of PPS 21. They argue it adds to an existing build-up of development resulting in 'suburban style build up' and its retention would have a detrimental impact on rural character. The appellant refers to a scattered development pattern in the area, with single houses and associated farm/out buildings being common. To the north of the appeal site there is a group of buildings. No. 28 Aghaloo Road (approximately 85m to the north of the appeal site) is a one and a half storey road frontage dwelling with associated out-buildings and garage. A bungalow at No. 30 Aghaloo Road (approximately 70m to the northwest of the appeal site) shares its access with No 28 Aghaloo Road. It can be viewed set back from the Aghaloo Road behind an agricultural field. A further dwelling (No. 27 Aghaloo Road) and its associated farm buildings are located across from No 28 Aghaloo Road. These buildings are visually linked with one another. While there is a gap between this group and the modular dwelling, I consider that given its road frontage location, the topography and the lack of sufficient intervening vegetation, the modular dwelling reads with the aforementioned dwellings when travelling along Aghaloo Road, particularly from the north. There is an appreciable awareness of the modular dwelling behind this grouping which results in suburban style build-up of development. This is detrimental to the rural character of the area. Accordingly, the Council's concerns in respect of Policy CTY 14 are sustained.

27. Policy CTY 9 also implicitly allows for exceptional circumstances other than those listed. The appellant did not argue that they had compelling, and site-specific reasons related to their particular personal circumstances. While they referred to the current economic climate impacting on building costs for the adjacent dwelling and causing delays in its construction, this argument is not persuasive and insufficient to meet the policy hurdle. Accordingly, while the modular dwelling provides for temporary residential accommodation pending the development of a permanent dwelling, the remaining requirements of Policy CTY 9 are not satisfied. The Council's and the third party objections based on Policy CTY 9 are sustained.

28. In addition to matters related to the principle of development which are discussed above and the loss of quality agricultural land, third parties also raise concerns in respect of the removal of a hawthorn hedge and associated displacement of nesting birds. The vegetation remains in place alongside the access laneway to the south of the modular dwelling. Based on the aerial photograph attached to the EN, a hedge fronting Aghaloo Road appears to have been removed since that image was taken. Notwithstanding, I was not provided with any persuasive evidence that birds, which are a protected species under the Wildlife and Natural Environmental (NI) Act 2011 will be affected by the appeal development. This aspect of the third-party objection is not therefore sustained. Furthermore, there is nothing in the policy that prohibits the loss of quality agricultural land.

29. Third Parties refer to the soil that was excavated which remains on site in a large mound alongside the access laneway, describing it as an eyesore and a road safety risk as it obstructs sight lines when exiting the site. The appellant states that the site access was formed a number of years ago. I have not been provided with any consultation from Transport NI in respect of road safety. I must therefore rely

on my own observations whilst on site. The mound sits behind the visibility splay to the left of the exit and it did not obstruct my view onto Aghaloo Road. I also observed low volumes of traffic which was moving at an average speed of approximately 30 miles per hour and no evidence of any accidents because of the access was provided. Furthermore, the use of the access is (and would be) limited to a single property. For these reasons, I do not consider the soil mound raises any adverse road safety impact. This objection is not sustained.

30. The previous advice provided by the Council, the intentions of the third parties, the motives of the appellant, the alternative siting options and the other issues raised are noted, but they would not, either individuality or cumulatively, warrant the refusal of the deemed planning application. Notwithstanding this, as the appeal development fails to meet the requirements of policies CTY 9, CTY 13 and CTY 14 of PPS 21, it does not constitute an acceptable form of development in the countryside. As no overriding reasons as to why the development is essential have been provided, it also fails to comply with Policy CTY1. Accordingly planning permission is refused and the appeal on ground (a) fails.

Ground (f) - that the steps required by the notice to be taken, or the activities required to cease, exceed what is necessary to remedy the breach of planning control.

31. The EN requires that the modular dwelling is to be removed from the site or demolished, that all resulting debris or rubble is removed, and the site is restored to its previous condition. Matters in respect of alleged ambiguity of the EN have already been considered. The steps to be taken are proportionate to remedy the breach of planning control. Accordingly, the appeal on ground (f) fails.

Ground (g) – that the period for compliance falls short of what should reasonably be allowed.

32. The appellant seeks to extend the 120-day period to twelve months to allow him adequate time to seek alternative accommodation locally and allow for site restorative works. The evidence presented including the rising cost of construction materials, the cost-of-living crisis, or economic uncertainty does not justify the time extension sought which would be tantamount to granting temporary permission for a year. Accordingly, the appeal on ground (g) fails.

Decision

The decision is as follows: -

- The appeal on Ground (c) fails.
- The appeal on Ground (a) fails.
- The appeal on Ground (f) fails.
- The appeal on Ground (g) fails.
- The Enforcement Notice is upheld.

COMMISSIONER CARRIE McDONAGH

List of Documents

Planning Authority: -	
Mid Ulster Council	"A1" Statement of Case and Appendices
	"A2" Rebuttal Comments
Appellant: -	
Chris Cunningham	"B1" Statement of Case, CD Consulting
	"B2" Further Comments and Rebuttal, CD Consulting
Third Parties: -	"C1" Statement of Case by O Mallon
	"C2" Statement of Case by J Coote
	"C3" Statement of Case by A Coote

NIEA Northern Ireland Environment Agency
www.daera-ni.gov.uk

Department of Agriculture, Environment and Rural Affairs
www.daera-ni.gov.uk

Natural Environment Division
3rd Floor
Klondyke Building
Cromac Avenue
Gasworks Business Park
Malone Lower
Belfast
BT7 2JA

Telephone: 028 90 569579

Email: Mark.hammond@daera-ni.gov.uk

Your reference: N/A

Our reference: AE2-20-15721~2

Chris Boomer
Mid Ulster District Council

By Email:
chris.boomer@midulstercouncil.org

Date: 31 May 2023

Dear Head Planner

Planning Consultations for Agricultural Developments

Over the last number of months NIEA have been continuing to consider our standing advice on air pollution and agricultural developments, and as a result a decision has been taken to pause the issuing of ammonia planning advice pending the outcome of these considerations.

You will have also noted the recent announcement by the Office of Environmental Protection (OEP) that it intends to carry out an investigation into the advice given by the Department of Agriculture, Environment and Rural Affairs (DAERA) on ammonia emissions in Northern Ireland. DAERA will be engaging positively with the OEP during the course of the investigation and looks forward to considering any recommendations which may result.

The Department intends to publish a call for evidence to support the development of new guidance in the coming weeks.

Yours sincerely,

M Hammond

MARK HAMMOND
Director – Natural Environment Division - NIEA

Sustainability *at the heart of a living, working, active landscape valued by everyone.*

ITEM 5.5

7th June, 2023

Mr Peter Hughes
Mid-Ulster District Council
Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Ref: LA09/2020/0780/O – Proposed Furniture Storage/Warehouse Facility at Site 80m West of 37 Charlemont Street, Moy, Dungannon

Dear Sir,

We are writing to respond to the latest DfI Rivers planning consultation response dated 7th April 2023, and in order to try and simplify/clarify the current status of this application with regard to flooding.

At the outset of this outline planning application, our client hoped to construct a larger storage/warehouse facility and to locate it further southwest within the site than shown on the latest drawings issued to planning.

The original proposed location of the warehouse was within the 1 in 100 year flood plain as depicted on Strategic Flood Maps (NI). This floodplain was derived from a detailed hydraulic model prepared for DfI Rivers by JBA Consulting in 2014.

We were advised by our technical consultants at RPS Consulting that any challenge to that floodplain was unlikely to be successful – given that the river had already been modelled in detail. However, in any case, our client was willing to engage RPS Consulting to undertake a detailed assessment and prepare a Flood Risk Assessment.

Unfortunately, as has already been covered in numerous correspondences to date, that exercise by RPS Consulting was undermined by the disturbance of ground levels within the applicant site prior to the completion of the topographical survey that was used in the RPS model build. This survey and the resultant model was used to inform the first Flood Risk Assessment issued by RPS Consulting in August 2020.

However, during a visit to site in October 2020, DfI Rivers discovered the disturbance of ground levels on site. Therefore, they were unable to validate the ground levels used in the RPS model. To all intents and purposes, this invalidated the RPS model in terms of its use for determining the predicted floodplain for this site.

Following subsequent correspondence, we significantly altered the proposed site layout to relocate the proposed warehouse outside of the 1 in 100 year flood plain as depicted on Strategic Flood Maps (NI). RPS Consulting issued a revised Flood Risk Assessment in December 2020 – showing the new site layout. Figure 5.1 of that report clearly shows the proposed building outside of the floodplain. However, for clarity, we enclose a further A1-size site layout plan showing the building outside the floodplain.

Effectively in December 2020, and in our correspondence ever since, we have withdrawn our challenge to the DfI Rivers' floodplain as depicted on Strategic Flood Maps (NI). Instead, we have amended our proposal to take the proposed building out of the flood plain and, as outlined in detail in section 5 of the December 2020 RPS report, we have identified a range of mitigation measures for the other portions of the site.

However, in the latest DfI Rivers' consultation response dated 7th April 2023 – and in their correspondence with RPS since then – they have confirmed that their investigation of the floodplain is due to the original "challenge" to their floodplain in the original RPS FRA report. Figure 5 – included in the DfI Rivers consultation response has been produced by using the RPS model that was submitted as part of the original FRA report.

In our opinion, this further investigation of the floodplain is unwarranted and unnecessary. As soon as the issues with the topographical survey and ground levels used in this model became evident, we abandoned our "challenge" to the DfI Rivers floodplain and, instead, revised the site layout as described above.

In our opinion, to partially use the RPS model, which, through no fault of theirs, has been undermined by the inability to validate the survey data used, is unreasonable. It is also entirely unnecessary, given that we have revised our proposals substantially and accepted the DfI Rivers floodplain as depicted on the Strategic Flood Maps (NI).

In other words, if we were submitting our current proposals today, the suggested alternative flood plain, as described by DfI Rivers in their latest response, would never have been introduced or considered.

Principle of Development in the Floodplain

DfI Rivers have correctly advised that this is a matter for the planning authority to address and, therefore, they have not commented on this in their consultation response.

From our perspective, we would reiterate the position below:

Policy FLD1 of Revised PPS15 does not permit development within the 1% AEP fluvial floodplain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

The site layout has been designed so that the warehouse building is outside of the DfI River floodplain.

As a general standard in Northern Ireland for sites where there is potential for river flooding DfI Rivers recommend that a Finished Floor Level in all new developments be above the 1% AEP flood level, plus a freeboard of 600 mm. The proposed FFL of the building will be above this level.

The only part of the proposed development that will be in the floodplain are the car and lorry parks. The car and lorry parks will be constructed at existing levels (i.e. levels as recorded by LIDAR in March 2010) and therefore will still be available as floodplain. You will be aware of other planning proposals in the Mid-Ulster area in recent years where parking and turning areas have been deemed an exception to the policy under the criteria of agricultural use, transport and utilities infrastructure – specifically where vehicles are easily moved and land levels are not raised.

Flooding of the car/ lorry parks will not be an issue as it can easily be cleaned up following a flood event. There is no infrastructure that will be adversely affected by flooding. Mitigation measures have therefore been proposed, in the FRA report provided, to ensure there are no vehicles or people in the car park if a river flood event is predicted. This includes flood warning and flood evacuation.

As stated in the Flood Risk Assessment report issued by RPS Consulting Engineers in December 2020, the development is therefore compliant with Policy FLD1.

Finally, we would reiterate the very important point below:

DfI Rivers have confirmed that the fluvial flood plain indicated on Flood Maps (NI) is the only publicly available version of flood plain mapping produced by DfI. Paragraph 6.106 of the SPPS directs the reader to Footnote 31 which identifies the flood plains *as those depicted "on the Strategic Flood map on the DARD Rivers Agency website".*

It has been stated in previous correspondence that the flood plain extents could be more accurately defined. However, that is true of any development site – but is not applied. Furthermore, the re-defining of the flood plain based on a model that has been undermined is not a reasonable or fair approach.

Conclusion

We have accepted the points raised by DfI Rivers in their previous consultation responses – and revised our proposals accordingly. As outlined previously, works will be undertaken on site to ensure ground levels on site are consistent with LIDAR levels from March 2010. This should remove any anxiety or caution in relation to the perceived reduction of the available floodplain. We accept the predicted floodplain as depicted on the Strategic Flood Maps. We are clear that

the proposed building is not within that floodplain, it is to be provided with a freeboard of 600mm and mitigation measures have been identified for the car park area.

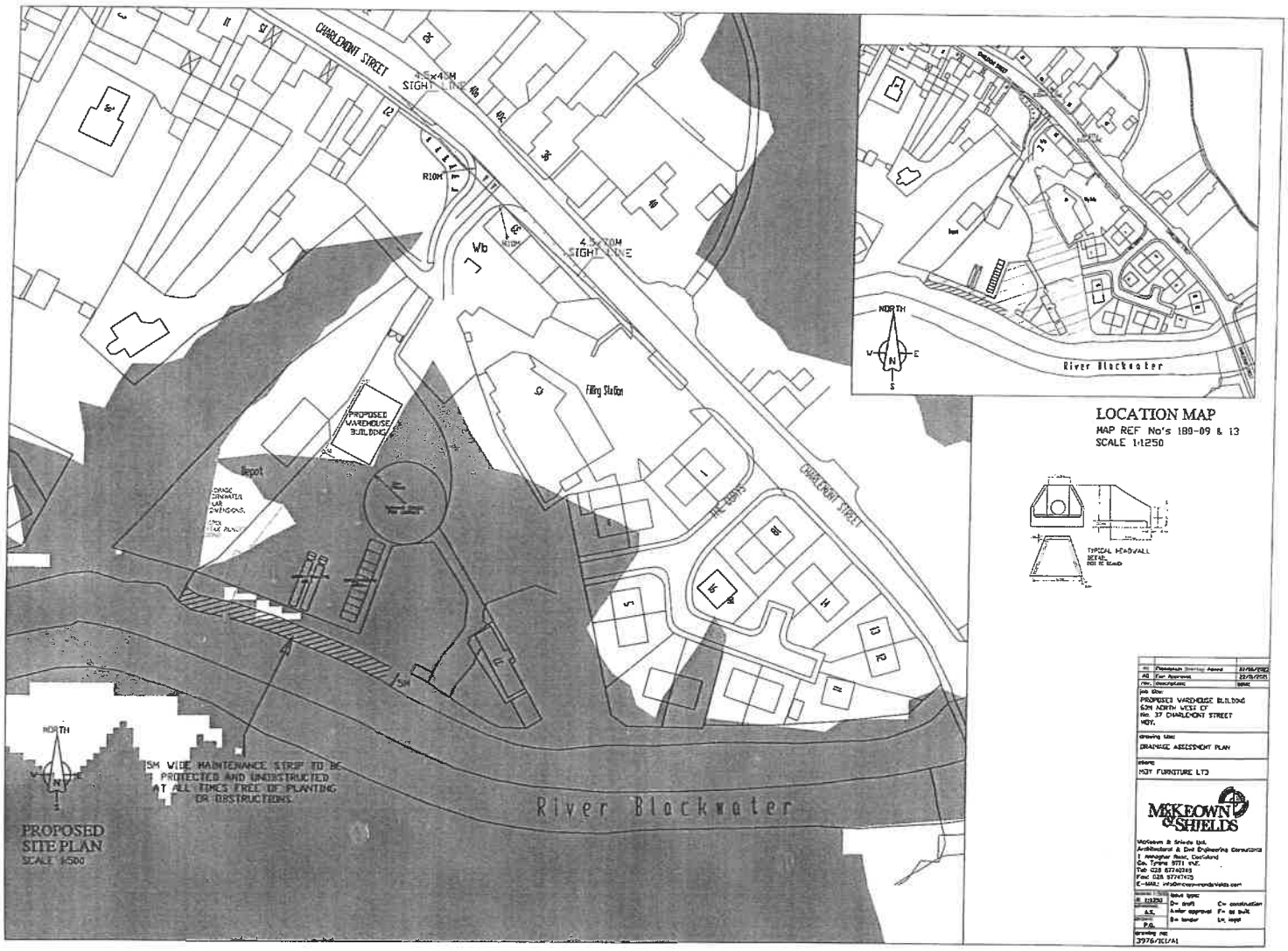
I trust this is acceptable and allows you to proceed with approval of this planning application.

Thank you for your assistance.

Yours faithfully

Aidan Shields

ITEM 5.5


CHARLEMONT STREET
4.5x43M SIGHT LINE
R10M
4.5x70M SIGHT LINE
Wb
Filling Station
PROPOSED WAREHOUSE BUILDING
Depot
CHARLEMONT STREET
NORTH
1.5M WIDE MAINTENANCE STRIP TO BE PROTECTED AND UNOBSTRUCTED AT ALL TIMES FREE OF PLANTING OR OBSTRUCTIONS.
River Blackwater
PROPOSED SITE PLAN
SCALE 1:500
River Blackwater
NORTH
LOCATION MAP
MAP REF No's 189-09 & 13
SCALE 1:1250
TYPICAL HEADWALL DETAIL
PROPOSED WAREHOUSE BUILDING
No. 37 CHARLEMONT STREET
MOY.
DRAINAGE ASSESSMENT PLAN
MOY FURNITURE LTD
McKEOWN & SHIELDS
3976/ECI/A1

ITEM 5.5

Phelim Marrion

From: Declan Diamond <ddiamond@kevinmcshane.co.uk>
Sent: 06 June 2023 16:24
To: Peter Hughes
Cc: 'McKeown & Shields'; 'Adrian'; mcshanek@btinternet.com; Phelim Marrion
Subject: RE: LA09/2020/0780/O - Proposed furniture storage/warehouse facility. Site 80m West of 37 Charlemont Street, Moy, Dungannon

Good Afternoon Peter,

We note with dismay the planning recommendation to refuse application LA09/2020/0780/O.
However, we do understand that a deferral is currently being considered.

With reference to the reasons for refusal, we wish to note the following on record on the applicant's behalf.

Specially, we note refusal Reason 2:
"The proposal is contrary to AMP2 of Planning Policy statement 3, access movement and parking, in that it would, if permitted, result in the intensification of use of a substandard access onto a Main traffic Route (protected route), thereby prejudicing the free flow of traffic and conditions of general safety."

We respectfully request that this reason for refusal be reconsidered in light of the following:

Planning Policy AMP 2 of PPS3
Policy AMP 2 of PPS3 notes:
"Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- *Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
- *The proposal does not conflict with policy AMP 3 Access to protected routes."*

Prejudice road safety or significantly inconvenience the flow of traffic.
The application has been considered by statutory consultees including Dfl Roads.
On 12th April 2023 Dfl Roads noted:

"If Council Planning are happy with the validly of the information contained within the "Service Management Plan "dated January 2022 and the P1 Form, i.e. 8.2m Rigid HGV two collections per day and a 16.5m Artic HGV one delivery per month, then Dfl Roads offer ***no objections*** *subject to the following conditions.*
Conditions:
RS-C-01
A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in general accordance with drawing number 1 G bearing date stamp 7th November 2022.
REASON: ***To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.***
At Reserved Matters Stage parking and servicing shall be in accordance with the requirements of the Department's current published Parking Standards.
REASON: ***To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users."***

The key consideration here is that Dfl Roads have offered no objection to the proposal.
Moreover, the Department have offered planning conditions to mitigate against any potential impact on the convenience of road users and road safety.

We respectfully request that Council Planning consider DfI Roads consultation and planning conditions as materially significant in the determination of the application.
The applicant fully accepts the offer of planning conditions in the interests of road safety and minimising the inconvenience of road users.

Intensification of an Existing Access
Application Site
The application site proposes to utilise an existing access onto A29 Charlemont Street.
With reference to the P1 application form, the Transport Assessment Form and the Service Management Plan associated with this application, the development, if permitted is anticipated to generate an ***additional 2no. vehicle movements per day***.

Planning History of Adjacent Lands
The existing access onto A29 Charlemont Street facilitates vehicle movements associated with the adjacent Petrol filling Station and associated retail unit (Eurospar).
The PFS site gained planning approval in May 2017 for the extension to existing retail premises, reconfiguration of parking layout and access arrangements (Planning Ref: LA09/2016/0654/F).
This planning approval has since been implemented and is currently operational.

Within the application documents of the PFS site it is noted that the associated Transport Assessment Form highlights that the site will generate 116 car driver movements daily.
The TAF further notes that access to the PFS is facilitated through three separate locations.
Therefore, c.39 movements per access (116/3=39)

Extract from TAF – LA09/2016/0654/F – date stamped 9th May 2016
"...The north most access will be improved to provide two exit lanes and the visibility splay to the left when exiting will be improved..."

The 'north most access' refers to the access onto A29 Charlemont Street which our application site will utilise.

Additionally, lands located to the northwest of the PFS site and our application site gained planning approval in April 2022 for the provision of 17no residential apartments (Planning ref: LA09/2020/0486/RM).
This development will utilise and amend the same access onto A29 Charlemont Street as out application site.

Taking a low estimate assumption of two vehicle movements per residential unit per day means the site has the potential to generate c.34 vehicle movements.

At the time of submission, this planning permission is still live (valid until April 2024) but has not yet been implemented.
In planning and traffic generation terms this application is extant.

DCAN15
DCAN15 sets out the considerations for vehicle access standards.
Para 1.2 of DCAN15 defines the term of Intensification:
"Intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more."

The table below sets out the potential vehicle generations at the access to A29 Charlemont Street.

Development	Daily Vehicle Movements
Operational PFS And Retail Unit	39
Approved Residential Units	34
Extant Total	***73***
Proposed Storage/ Warehouse	+2

% Increase of Storage/ Warehouse	3%

The table highlights that the proposed Storage/ warehouse development has the potential to increase traffic flow at the access by c.3%.
Therefore, our application site **will not intensify the proposed access.**

Accordingly, we respectfully suggest that as the proposed access arrangement is not a new access, nor has intensification of an existing access been demonstrated, then the planning test for PPS3 AMP 2 has not been met. Subsequently, we believe a refusal notice on the basis of non-compliance with AMP2 cannot be implemented.

We would be most appreciative if you would consider the information provided and would welcome any opportunity to discuss this matter with you and your colleagues directly, at your convenience.

Kind Regards,

Declan Diamond BSc (Hons) MTPS

Kevin McShane Ltd

1st Floor, Albany House, 73-75 Great Victoria St, Belfast BT2 7AF

T:028 9560 9798 | E:ddiamond@kevinmcshane.co.uk

From: Declan Diamond
Sent: Wednesday, April 13, 2022 2:33 PM
To: peter.hughes@midulstercouncil.org
Cc: McKeown & Shields <info@mckeownandshields.com>; Adrian <adrian@mckeownandshields.com>; Sean McGeown <sean@kevinmcshane.co.uk>; mcshanek@btinternet.com
Subject: LA09/2020/0780/O - Proposed furniture storage/warehouse facility. Site 80m West of 37 Charlemont Street, Moy, Dungannon

Good Afternoon Peter,

We are working on behalf of the applicant of the above.
We submitted supporting information in response to a November 2021 DfI Roads consultation in January 2022.

We note the latest correspondence from the Department uploaded to planning portal today (13/04/2022).

The Department note:
"DfI Roads acknowledge receipt of the Service Management Plan and the letter from Kevin McShane bearing the date stamp 10 January 2022.

Both the above documents have Auto Track drawings attached but the background of the drawings is not visible, therefore DfI Roads cannot make any comments on them until clear drawings are presented."

There seems to have been issues with the hard copies of the documents when scanned onto the planning portal.

E-copies of both documents are attached.

If possible, would you mind circulating these to the Roads Case officer or alternatively we are happy to issue ourselves if you can advise who the case officer is on this one.

Many thanks.

Kind Regards,

Declan Diamond BSc (Hons) MTPS

Kevin McShane Ltd

New Civil Engineer 100 COMPANIES OF THE YEAR 2017

The Studio, 555 Lisburn Road, Belfast, BT97GQ

T:028 9560 9798 I E:ddiamond@kevinmcshane.co.uk

ITEM 5.11

Phelim Marrion

From: OBrien Design <obriendesign@btinternet.com>
Sent: 01 June 2023 14:30
To: Cathy Hughes
Cc: Phelim Marrion
Subject: FW: M Keys Transport Ltd planning application (LA09/2021/1653/F)

Good afternoon, Cathy,

Please see below letter of support for the above application from Karro Food Group. I would ask that you please place on file.

Regards

John

From: William de Klein <william.de.klein@sofinafoods.co.uk>
Date: 31 May 2023 at 20:41:03 BST
To:
Cc: William de Klein <william.de.klein@sofinafoods.co.uk>, Malcolm Keys <malcolm@mkeystransport.com>
Subject: M Keys Transport Ltd planning application (LA09/2021/1653/F)

To whom it may concern,

Karro Food Group would like to express their support for the planning application under consideration by Mid Ulster District Planning Department from M Keys transport Ltd on lands east to 19 Annagh Road, Clogher, Co Tyrone.

M Keys transport Ltd is a vital supply chain partner in the Northern Irish pork processing industry; as livestock Haulier, M Keys Transport Ltd is responsible for the 'just in time' delivery of more than a third of all pigs into our Cookstown processing facility.
Over the years, M Keys has grown with our business and now is considered our 'go-to' supplier for livestock haulage services.

In our view, the expansion as outlined in the application is vital to safeguard future growth and cost control in our supply chain.

M Keys Transport Ltd is one of several businesses in the M Keys group of companies in which it plays an important role. Investment into this part of the business will contribute to further growth of the other parts of the group of companies.

Karro Food group fully support this planning application and see the investment involved as key to the further development of the Northern Irish Pork processing industry.

For further questions, please do not hesitate to contact me directly.

Yours Sincerely,

William de Klein

Director Business Development and Agriculture
Karro Food Ltd.
Part of Sofina Food Group
Mobile: 07792653803

ITEM 5.11

"Ardvarna", 7 Derreens Road,
Bellanaleck, Co. Fermanagh,
N. Ireland, BT92 2BY.

Telephone: 028 6634 8455
Email: obriendesign@btinternet.com
Website: www.johnobriendesign.co.uk

VAT Reg. No. 836 1047 42

John O'Brien
ARCHITECTURAL CONSULTANTS LTD

Dr Chris Boomer
Director of Planning
Mid Ulster Council
Ballyronan Road,
Magherafelt
BT45 6AN

08 June 2023

Dear Dr. Boomer,

Extension of facilities, provision of new workshop, new access to public road to replace existing substandard access, adequate parking, associated site works and landscaping at site Immediately E of 19 Annagh Road, Lungs, Clogher, for Malcolm Keys

Application Number: LA09/2021/1653/F

We are contacting you to request an office meeting with The Planning Management team to discuss the above application and in particular the case officers report.

On reading this report we feel there was no consideration given the wider economic impact ie. 143 jobs, £5.3m in annual salaries and £40m spent on payments to local suppliers and retailers– all that is mentioned by the planning officer who wrote the report is 'I am not convinced an increase in 8 staff members would be considered to be a significant contribution to the local economy.....'.
This application was not based on the increase in staff numbers but of the sustainability of the existing 143 jobs.

The report deals with the size of the building and makes no mention of the Computer-Generated Images (CGIs) submitted which are important in demonstrating how landscaping will soften the visual impact of the proposal.

We would also intend to raise the issues of Health and Safety which is a major consideration for the Client due to ever increasing regulation, and this has driven the design of the new building with the inclusion of a Crane to remove decks of lorries safely. This is presently carried out with the use of chains controlled by a Tele-handler and digger and this is not compliant or sustainable.

We would be grateful if you could accommodate such a meeting to discuss in detail these and other issues.

Yours faithfully

John O'Brien

MEMBER OF
THE CHARTERED
INSTITUTE OF
BUILDING

ITEM 5-43

Oliver Bradley
Bosanci House
101 Bancran road
Draperstown
BT457da

05/06/23

Local Planning Office
Mid Ulster District Council
50 Ballyronan road
Magherafelt
BT456EN

Planning Ref LA09/2023/0141/0
New farm building for sheep handling and sheep feed store
15M East of 101 Bancran Road Draperstown

Dear Sir/Madam
Regards the above application I submit the following objections and bring your attention to errors.

[1] The photos the applicant supplied 17/04/23 are misleading. This proposed site is a very exposed site to the East. See photos attached.

[2] In Dareas comments they say this is a yard. This is not a yard, this is a 1.25 acre green field.
I have spoken to Darea and they are happy to rectify. See photos.

[3] I strongly object to this application on the grounds of noise, my partner is a nurse who works nights and sleeps during the day and this proposed building is 15 Meters from her bedroom, actually closer than the kitchen is to her bedroom!!

[4] This proposed building is for a feed store,
I object on the grounds of pest, odour, effluent etc.

This field in question is 1.25 acres in total. I question the reason/logic in reducing this isolated field with a shed, yard and access lane way to less than 1 acre.
ESPECIALY when Mr brown has recently renovated sheep pens 300 meters away on the Bancran road [3 field lengths to the West] situated on a parcel of land approximately 6 acres. see photos.

He also has a slated sheep house along with sheds and a yard 250 meters away to the South of this proposed site.
He also a large purpose block built holding area 2 mile away on the Glenelly road set on a large parcel of land. See photos.

4 mile in the opposite direction on the Drumderg road Mr Brown has a large yard with lots of outbuildings and again another sheep holding area.

I want to point out parking has never been an issue regards this field.
I acknowledge Mr Brown has a right of way over my land into his field and I have never hindered or obstructed him or his father in any way over this past 30 years, in fact the contrary, I have accommodated him I and will continue to do so.

Please acknowledge confirmation of my objection.

Yours faithfully
Oliver Bradley

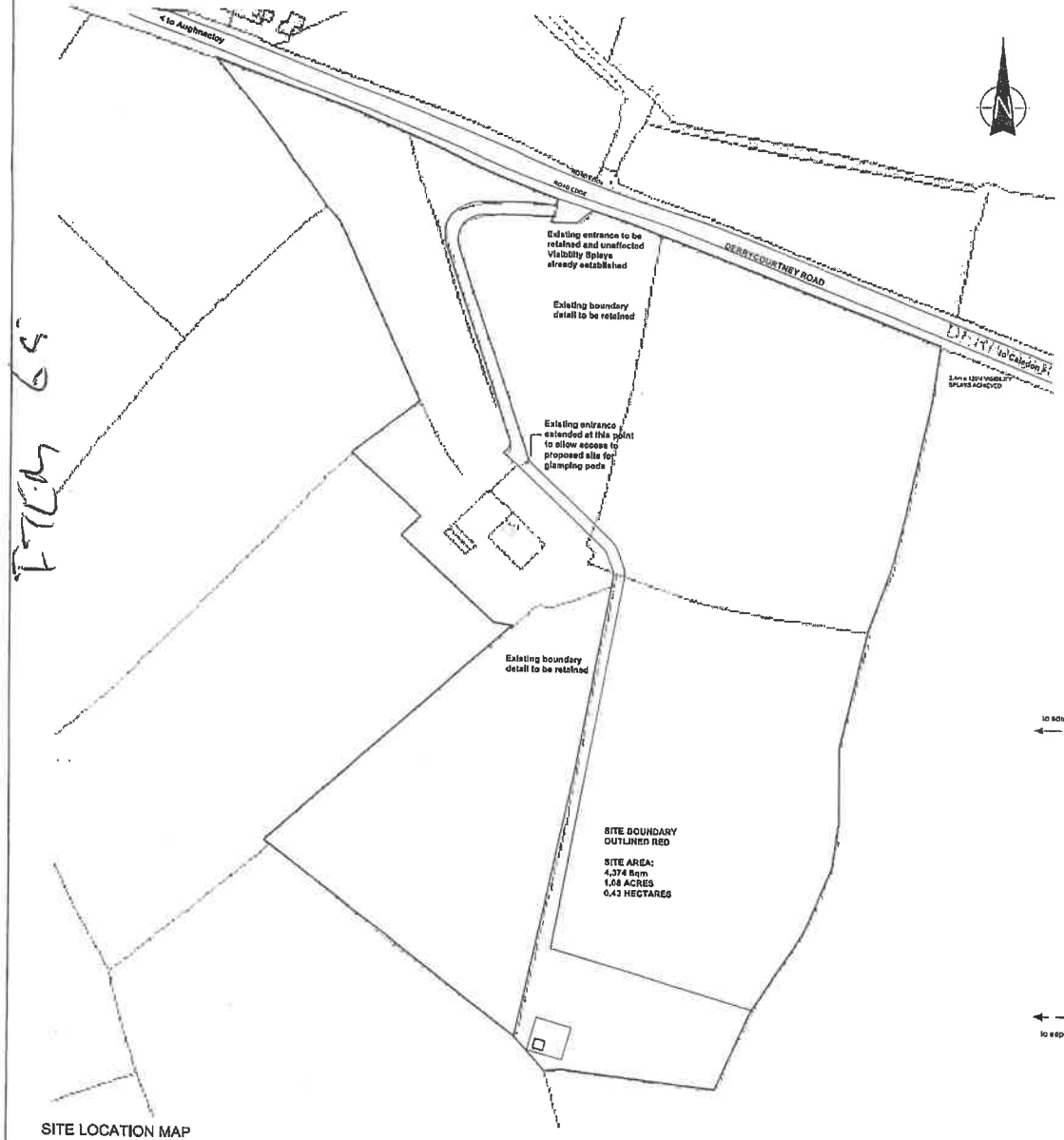
ITEM 5.56

From: Councillor T Wilson <Trevor.Wilson@midulstercouncil.org>
Date: 9 June 2023 at 21:16:39 BST
To: Zoe Douglas <Zoe.Douglas@midulstercouncil.org>
Subject: LA09/2023/0328

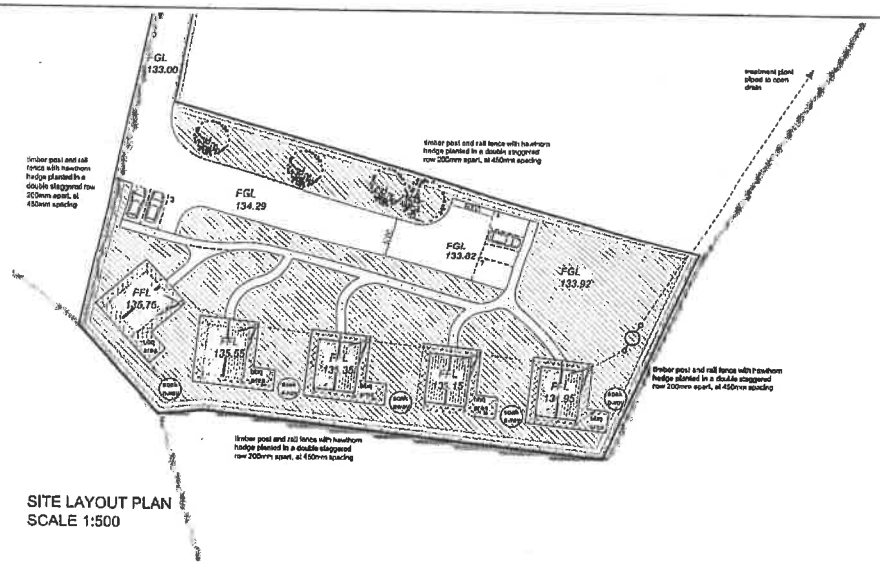
Hi Zoe
I wish to support the objections to the above planning application on the following grounds

1. This extension is out of character with the rest of the area
2. It will have an adverse effect on the amount of natural light especially to Nos 4,5 and 6 Coolmount Park
3. I believe that this application has not been viewed by a planning officer from the back of No 4 which will be the house most affected.

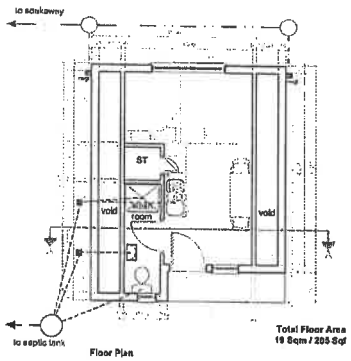
I would ask that these points are taken into consideration when you are making your decision.
Thanks
Trevor



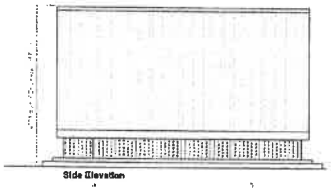
SITE LOCATION MAP
SCALE 1:2500



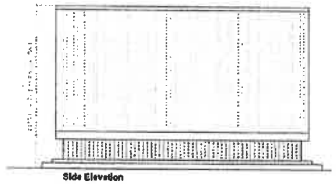
SITE LAYOUT PLAN
SCALE 1:500



Floor Plan



Side Elevation



Side Elevation

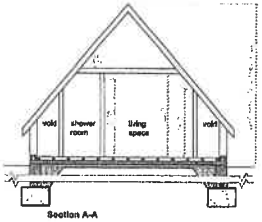
Schedule of Finishes

100mm insulated Kingspan roof panels - Anthracite

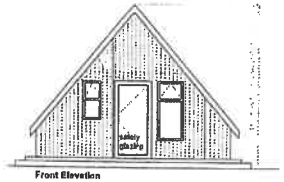
Timber framed pod with untreated western red cedar

Timber external windows and doors with double glazing

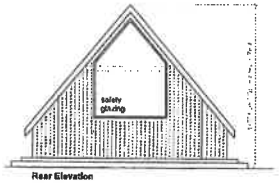
Cast in situ concrete base



Section A-A



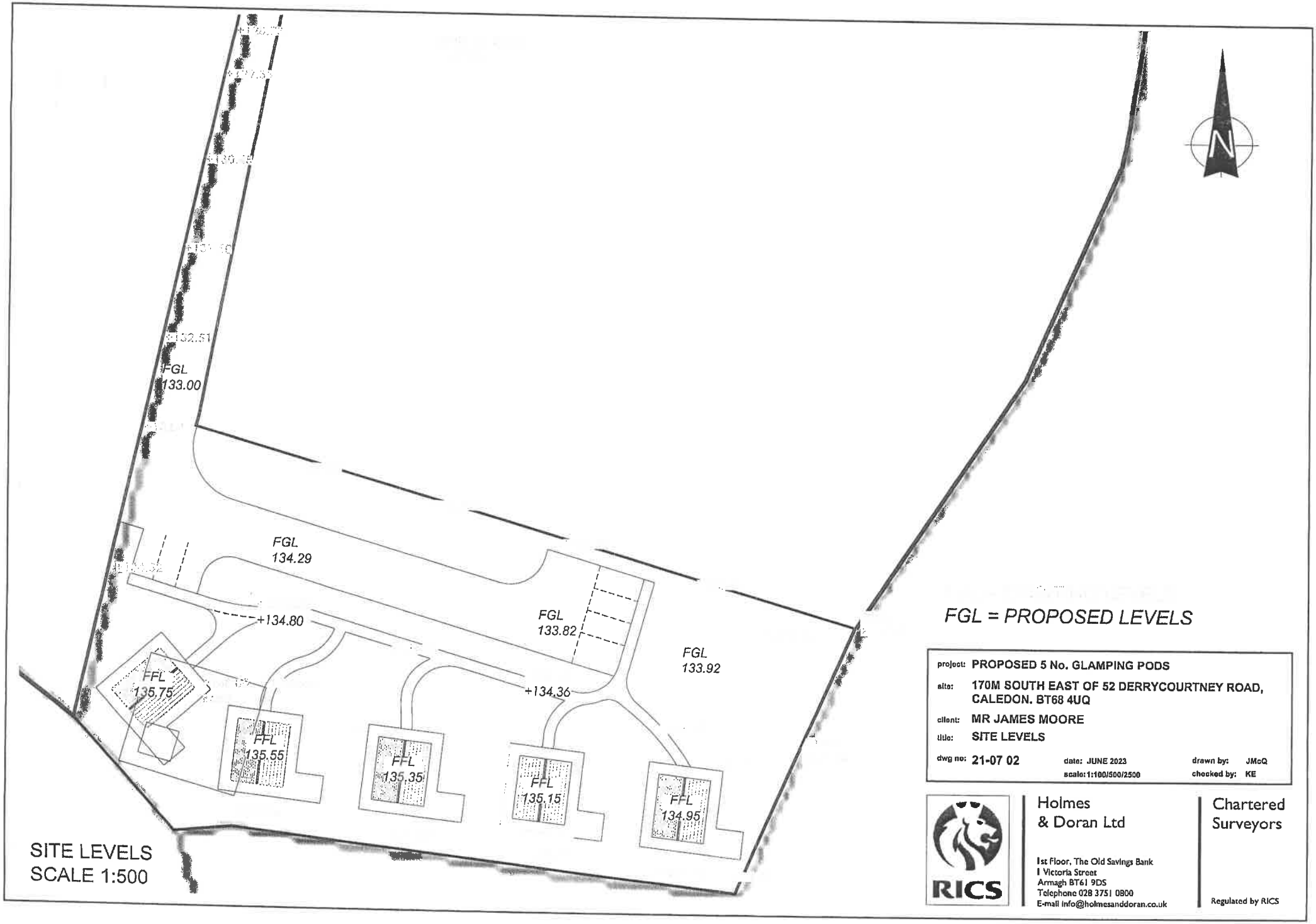
Front Elevation



Rear Elevation

project: **PROPOSED 5 No. GLAMPING PODS**
site: **170M SOUTH EAST OF 52 DERRYCOURTNEY ROAD, CALEDON, BT68 4UQ**
client: **MR JAMES MOORE**
title: **PLANS, ELEVATIONS, SEC A-A SITE LAYOUT & SITE LOCATION MAP**
dwg no: **21-07 01** date: MARCH 2021 scales: 1:100/500/2500 drawn by: JMcQ checked by: KE

RICS
Holmes & Doran Ltd
1st Floor, The Old Savings Bank
1 Victoria Street
Armagh BT61 9DS
Telephone 028 3751 0800
E-mail info@holmesanddoran.co.uk
Chartered Surveyors
Regulated by RICS



FGL = PROPOSED LEVELS

project: PROPOSED 5 No. GLAMPING PODS

site: 170M SOUTH EAST OF 52 DERRYCOURTNEY ROAD, CALEDON. BT68 4UQ

client: MR JAMES MOORE

title: SITE LEVELS

dwg no: 21-07 02 date: JUNE 2023 scale: 1:100/500/2500 drawn by: JMcQ checked by: KE

RICS

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