

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 9 April 2024 in Council Offices, Circular Road, Dungannon

Members Present

Councillor S McPeake, Chair

Councillors Black (5.13pm), J Buchanan, Clarke, Cuthbertson, Graham, Kerr, Mallaghan, Martin, McElvogue, McFlynn, D McPeake, Robinson, Varsani

Officers in Attendance

Mr Bowman, Head of Strategic Planning (HSP)
Ms Donnelly, Council Solicitor
Ms Doyle, Head of Local Planning (HLP)
Ms Hughes, Planning Officer (PO)
Ms McCullagh, Senior Planning Officer (SPO)
Mr McClean, Senior Planning Officer (SPO)
Ms McKinless, Senior Planning Officer (SPO)
Miss Thompson, Committee and Member Services Officer

The meeting commenced at 5.00 pm

P045/24 Notice of Recording

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

P046/24 Apologies

Councillors Carney and McConnell.

P047/24 Declarations of Interest

The Chair, Councillor S McPeake reminded members of their responsibility with regard to declarations of interest.

P048/24 Chair's Business

The Chair, Councillor S McPeake wished the Head of Local Planning and Head of Strategic Planning well in their roles following the departure of the Service Director of Planning.

The Head of Local Planning (HLP) stated she was delighted to inform Members that Karla McKinless has been listed as one of The Planner magazines Women of Influence for 2024. The HLP advised that every year for International Womens Day The Planner magazine publish a list of planning women of influence with nominations being assessed by a panel of judges which include distinguished planners from across the UK. The list is non ranked and non competitive and celebrates the impact of women on planning and as such some women have been listed because they have had a significant influence on planning policy, others

because they have inspired the planners who work with them. Following Karla's nomination the judges felt her commitment to supporting colleagues, communities and the wider aim of planning deserved recognition. The judges recognised Karla's leadership and courage to enable herself and her team to launch, manage, maintain and monitor the planning portal and that she continues to manage and monitor it with her original team mates as well her other development management duties. Judges also acknowledged the success to date of the new planning portal. The HLP advised that unfortunately Karla would be unable to attend an in person reception to celebrate her achievement and that Karla is always eager to emphasise that the project would not have been successful without the hard work, dedication and commitment of those in the project team. The HLP stated that it is wonderful that Karla has received recognition of the exceptional leadership she has shown in helping to deliver the new planning portal and that the planning department and Council are very privileged to have Karla as a member of the team and that she wanted to take the opportunity tonight to offer Karla congratulations.

The Chair, Councillor S McPeake expressed heartiest congratulations to Karla and stated that the Chairman of Council had also alluded to her achievement at the recent Council meeting. Councillor S McPeake echoed the comments of the Head of Local Planning and stated that Council really appreciated the work done in helping to deliver what he felt is the best planning portal across the Councils and at a lot less cost and that Council was indebted.

The Head of Local Planning (HLP) advised that the planning statistics for the third quarter of 2023/2024 had recently been published and provides provisional activity and performance figures. The HLP outlined the headline statistics for local planning in Mid Ulster –

- During the third quarter of 2023/2024 Mid Ulster received 301 local applications and this represents the 2nd highest in Northern Ireland.
- 291 local applications were decided in the third quarter also representing the 2nd highest.
- For the year to date 865 local applications were decided by the end of the third quarter, this being the highest of any Council outside of Belfast.

The HLP advised that the hard work and focus of the team has resulted in a significant improvement to processing times which is down from 17.2 weeks in the second quarter to 15 weeks in the third quarter and that this means that the statutory target was met for this period. The HLP advised that on year to date figures Mid Ulster were better than the average of all Councils for processing times and have made the most improvement from the comparable time period last year of all the Councils. The HLP advised that Mid Ulster have been successful in reducing the number of live applications that are in the system which is down from 969 in December 2022 to 829 in December 2023 and highlighted that only three other Councils have reduced their number of live applications.

The Head of Strategic Planning (HSP) referred to the complexity of major applications and the need to heavily consult on these applications and that whilst he would like to replicate the success of local planning there was some good news in relation to strategic planning from the statistics for the third quarter of 2023/2024 –

- Mid Ulster was fourth quickest for processing times for major applications and that target processing times from quarter two to quarter three have been reduced by 11 weeks which reflects some progress particularly after restructuring of the department.
- 10 major applications have been decided on year to date and this represents the fourth highest in Northern Ireland.
- Enforcement cases closed in third quarter for 2023/2024 was 54 compared to 24 for same quarter in 2022/2023.

The Chair, Councillor S McPeake thanked the officers for the update and that the statistics are pointing in the right direction particularly with local planning.

The Head of Local Planning referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 5.1 – LA09/2020/0099/F - 2 storey dwelling and garage with attached car port at 10m N of No 1 The Brambles, Station Road, Magherafelt for Mr Mark Quinn.

Agenda Item 5.5 - LA09/2022/1459/F - Renewal of Planning approval LA09/2017/0168/F - New Robotic Dairy Unit at 110 M SW of 10 Ballynagarve Road, Magherafelt for Mr William Watterson and Sons.

Agenda Item 5.8 - LA09/2023/0782/F - Residential development comprising of 12 dwellings (mix of detached dwellings and chalet bungalows), private amenity space, landscaping, new site access, and all associated ancillary works. at lands approx. 16m to SW of 21 Moneysharvan Road, Swatragh for Millriver Investments.

Agenda Item 5.13 - LA09/2023/1119/F - Replacement dwelling at 40m SW of 38 Lisnamuck Road, Tobermore for Mr Andrew Hopper.

Agenda Item 5.14 - LA09/2023/1215/O - Site for two dwellings and detached garages at lands between 21 and 23 Halfgayne Road, Maghera for Mr Francis Bradley.

Agenda Item 5.15 - LA09/2023/1279/F - Extension to curtilage to provide garden space and domestic storage shed at 96 Mullan Road, Coagh for Mr Terence Maynes.

Agenda Item 5.18 - LA09/2023/1374/F - Farm shed for feeding & shelter area, storage area & underground slurry tanks at 76m SE of 200 Annagher Road, Dungannon for Mr James McGrath.

Agenda Item 5.19 - LA09/2023/1381/O - Dwelling and garage (infill) at 35m SE of 37 Ballynacross Road, Knockloghrim for T Elliott Esq.

Agenda Item 5.20 - LA09/2023/1385/O - Dwelling and garage (infill) at 85m SE of 37 Ballynacross Road, Knockloghrim for T Elliott Esq.

Proposed by Councillor Kerr
Seconded by Councillor McElvogue and

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

The HLP advised that two applications had been linked to the agenda in error and would be withdrawn from the schedule this evening those being agenda item 5.17 – LA09/2023/1311/F and agenda item 5.21 – LA09/2023/1402/LDP.

The HLP also advised that agenda item 6.5 – LA09/2023/0005/F had been withdrawn by the applicant.

Matters for Decision

P049/24 Planning Applications for Determination

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

LA09/2020/0099/F **2 storey dwelling and garage with attached car port at 10m N of No 1 The Brambles, Station Road, Magherafelt for Mr Mark Quinn**

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

LA09/2020/1319/F **Mixed-use development comprising 80 units (56 dwellings & 24 apartments) & 8 industrial units (light industrial & storage) at immediately N of 31 Ballygawley Road, Dungannon, bounded by Cloneen & Ballysaggart Park to the S & W for Orchard County Contracts**

Members considered previously circulated report on planning application LA09/2020/1319/F which had a recommendation for approval.

The Head of Strategic Planning highlighted that this application had been presented and agreed at the March Planning Committee but was being brought back again to amend wording to condition 5, this being at the request of the applicant.

Proposed by Councillor Varsani
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1319/F be approved subject to conditions as per the officer's report.

LA09/2021/1293/F **Extension to bar and restaurant including extension of off sales area within existing shop and temporary marquee at 221 Orritor Road, Cookstown for Mrs Iris Thom**

Members considered previously circulated report on planning application LA09/2021/1293/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1293/F be approved subject to conditions as per the officer's report.

LA09/2022/1135/F **Development of business park PARK to include up to 16 business units (use class B1/B2/B3 & B4), access arrangements from Sandholes Road, landscaping, car parking, servicing and ancillary site works (Amended description) at 14 Sandholes Road, Cookstown for Sperrin Trading Services Ltd**

Members considered previously circulated report on planning application LA09/2022/1135/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1135/F be approved subject to conditions as per the officer's report.

LA09/2022/1459/F **Renewal of Planning approval LA09/2017/0168/F - New Robotic Dairy Unit at 110 M SW of 10 Ballynagarve Road, Magherafelt for Mr William Watterson and Sons**

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

LA09/2023/0421/F **Amendment of housing development layout as approved under LA09/2021/0191/F from 42 houses to 20 No. semi-detached houses & 4 No. detached houses at 8 Killyneill Road, Dungannon for Mr and Mrs John Quinn**

Members considered previously circulated report on planning application LA09/2023/0421/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0421/F be approved subject to conditions as per the officer's report.

Councillor Black entered the meeting at 5.13 pm.

LA09/2023/0724/F Battery Energy Storage System (BESS) facility including electrical substation building, CCTV/lighting columns, security fencing, new access and ancillary site works at lands approx. 80m to the N and E of 122a Moneymore Road and approx. 40m to the W and S of Magherafelt Substation, Magherafelt for Magherafelt BES Ltd

Members considered previously circulated report on planning application LA09/2023/0724/F which had a recommendation for approval.

Ms McCullagh (SPO) highlighted the addendum and late objection received which was circulated to Members. It was advised that the agent has agreed to add a condition to address the issues raised and to reinforce any issues with health and safety as follows –

‘Any variation to the details contained in the Technical Note dated 30 June 2023 shall be sought by written consent to Mid Ulster District Council. The proposed facility shall install NMC Gen 2 battery modules as detailed within the Technical Note dated 30 June 2023.

Reason: In the interest of public health and safety and fire safety’.

Ms McCullagh stated that this condition will ensure that any variation to that already submitted, assessed and consulted on will need to be agreed by Mid Ulster District Council and any relevant consultation bodies who have currently raised no objections.

The Head of Strategic Planning (HSP) stated that officers are becoming increasingly aware of concerns regarding BESS sites in terms of fire risk and health and safety and that officers have gone to lengths to seek the views of statutory and non statutory consultees on this application. The HSP stated that officers are content that they have received sound advice from experts on what the definition of batteries is and how the site should be treated and that the conditions attached and outlined are appropriate and can be made water tight in relation to specific battery type.

Councillor D McPeake stated that in light of what he had heard he would propose the recommendation.

Councillor Black seconded Councillor D McPeake’s proposal.

Resolved That planning application LA09/2023/0724/F be approved subject to conditions as per the officer’s report and above.

LA09/2023/0782/F **Residential development comprising of 12 dwellings (mix of detached dwellings and chalet bungalows), private amenity space, landscaping, new site access, and all associated ancillary works. at lands approx. 16m to SW of 21 Moneysharvan Road, Swatragh for Millriver Investments**

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

LA09/2023/0872/O **Dwelling and domestic garage in a gap site at land between 19 and 21 Killyneill Road, Dungannon for Caran Ltd**

Members considered previously circulated report on planning application LA09/2023/0872/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0872/O be approved subject to conditions as per the officer's report.

LA09/2023/0922/F **Retention of cattle shed and hard standing yard area at lands approx. 100m SW of 17 Annaghnaeboe Road, Coalisland for Edward Dorman**

Ms Hughes (PO) presented a report on planning application LA09/2023/0922/F advising that it was recommended for refusal.

The Chair, Councillor S McPeake referred to no request for deferral or to speak on the application and felt that the application should be deferred as the shed is already in situ.

Councillor McFlynn felt it would be a shame to refuse the application outright tonight and asked if a site visit would be of any help.

The Head of Local Planning (HLP) stated that officers are not concerned regarding the visual impact of the application but whether it meets the tests of CTY12. The HLP advised that one of the tests under this policy is whether the shed is necessary for the functioning of the business and that the applicant has not proven that they have been established for six years. The HLP advised that officers have been told there is another shed but that this is not available to the applicant, officers have not been advised why this is. The HLP advised that a site visit would be of no benefit in this case but that an office meeting may be more productive in filling in the gaps of information.

Councillor Kerr stated that because there was no representation tonight the applicant should be afforded the opportunity to make representation so they have got a chance of a fair hearing.

The Chair, Councillor S McPeake agreed that the applicant should be given the opportunity to address the reasons for refusal. The Chair proposed that the application be deferred for an office meeting.

Agreed.

Resolved That planning application LA09/2023/0922/F be deferred for an office meeting.

LA09/2023/1034/O **Off-site replacement dwelling, garage and associated site works at lands adjacent to and NE of 43 Annaghone Rd, Stewartstown, Dungannon for Mr Matthew Leonard**

Members considered previously circulated report on planning application LA09/2023/1034/O which had a recommendation for approval.

Proposed by Councillor McElvogue
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/1034/O be approved subject to conditions as per the officer's report.

LA09/2023/1075/F **Conversion and reuse of a redundant farm building to provide a new single living unit immediately to the rear of 25 Ballynahaye Road, Cabragh, Dungannon for Brian Mulgrew**

Members considered previously circulated report on planning application LA09/2023/1075/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/1075/F be approved subject to conditions as per the officer's report.

LA09/2023/1119/F **Replacement dwelling at 40m SW of 38 Lisnamuck Road, Tobermore for Mr Andrew Hopper**

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

LA09/2023/1215/O **Site for two dwellings and detached garages at lands between 21 and 23 Halfgayne Road, Maghera for Mr Francis Bradley**

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

LA09/2023/1279/F **Extension to curtilage to provide garden space and domestic storage shed at 96 Mullan Road, Coagh for Mr Terence Maynes**

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

LA09/2023/1300/F **Alterations and 2 storey rear extension to existing dwelling at 28 Moneymore Road, Cookstown for Mr Michael Young**

Members considered previously circulated report on planning application LA09/2023/1300/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/1300/F be approved subject to conditions as per the officer's report.

LA09/2023/1311/F **Dwelling and domestic garage (change of house type and garage from I/2006/0008/RM including relocation of garage within extended curtilage) at site opposite 64 Feegarron Road, Cookstown for Mr & Mrs Alan & Claire Boyle**

Withdrawn from tonight's agenda - Added to agenda in error.

LA09/2023/1374/F **Farm shed for feeding & shelter area, storage area & underground slurry tanks at 76m SE of 200 Annagher Road, Dungannon for Mr James McGrath**

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

LA09/2023/1381/O **Dwelling and garage (infill) at 35m SE of 37 Ballynacross Road, Knockloghrim for T Elliott Esq**

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

LA09/2023/1385/O **Dwelling and garage (infill) at 85m SE of 37 Ballynacross Road, Knockloghrim for T Elliott Esq**

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

LA09/2023/1402/LDP **Completion of detached dwelling (site 31) as per H/2005/0601/F at lands 45m NE of 34 Moneyneany Road, Moneyneany, Draperstown for Mr Brendan Doyle**

Withdrawn from tonight's agenda – Added to agenda in error.

LA09/2024/0035/O Dwelling & garage at 300m N of 74 Moneyhaw Road, Drummullan, Moneymore for Mr Fergus Bell

Members considered previously circulated report on planning application LA09/2024/0035/O which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2024/0035/O be approved subject to conditions as per the officer's report.

LA09/2024/0097/F Change of use from residential to office (retrospective) at 14 King Street, Magherafelt for Les Ross Planning

Members considered previously circulated report on planning application LA09/2024/0097/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2024/0097/F be approved subject to conditions as per the officer's report.

LA09/2024/0138/RM Dwelling and garage at land E of 91 Creagh Road, Castledawson for Ciaran and Emer Devlin

Members considered previously circulated report on planning application LA09/2024/0138/RM which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2024/0138/RM be approved subject to conditions as per the officer's report.

LA09/2021/0268/F Replacement of existing turbine (approved I/2014/0394/F) with an EWT DW54 250KW turbine comprising of a 40m hub height and blade span of 27m (overall tip height of 67m) (Revised Noise and Visual Information) at approx. 210m SE of 40 Gortagammon Road, Cookstown for Arena Capital Partners

Members considered previously circulated report on planning application LA09/2021/0268/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/0268/F be approved subject to conditions as per the officer's report.

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

Members considered previously circulated report on planning application LA09/2021/1396/O which had a recommendation for approval.

Proposed by Councillor Black
Seconded by Councillor Buchanan and

Resolved That planning application LA09/2021/1396/O be approved subject to conditions as per the officer's report.

LA09/2022/1359/O **Site for a dwelling and domestic garage at approx. 105m NW of 25 Brackagh Road, Desertmartin for Mr Seamus Diamond**

Members considered previously circulated report on planning application LA09/2022/1359/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1359/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 Glengomna Road, Draperstown for Sean Donnelly**

Members considered previously circulated report on planning application LA09/2022/1736/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1736/O be approved subject to conditions as per the officer's report.

LA09/2023/0005/F **Dwelling and detached domestic garage at approx. 55m NE of 72 Finulagh Road, Dungannon for Michael Doran**

Application withdrawn by applicant.

LA09/2023/1070/O

Dwelling and garage adjacent to 59 and 24m SE of 55 Killary Lane, Killary, Stewartstown, Dungannon for Mr Brian Corr

Members considered previously circulated report on planning application LA09/2023/1070/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/1070/O be approved subject to conditions as per the officer's report.

P050/24 Receive Report on Tirquin, Killyclogher Afforestation

Ms McCullagh (SPO) presented previously circulated report which advised of consultation received from Forest Service, an Agency of the Department of Agriculture, Environment and Rural Affairs (DAERA) in relation to an afforestation proposal at Tirquin, Killyclogher, Omagh.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That the consultation response attached at appendix 2 of report be submitted.

P051/24 Receive Report on Drumconready, Draperstown Afforestation

Ms McCullagh (SPO) presented previously circulated report which advised of consultation received from Forest Service, an Agency of the Department of Agriculture, Environment and Rural Affairs (DAERA) in relation to an afforestation proposal at Drumconready, Draperstown.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That the consultation response attached at appendix 2 of report be submitted.

Matters for Information

P052/24 Minutes of Planning Committee held on 5 March 2024

Members noted previously circulated minutes of Planning Committee held on 5 March 2024.

Live broadcast ended at 5.30 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Kerr
Seconded by Councillor Varsani 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 P053/24 to P059/24.

Matters for Decision

P053/24 Receive Report on BT Notification
P054/24 Receive Report on Local Development Plan
P055/24 Receive Enforcement Report

Matters for Information

P056/24 Confidential Minutes of Planning Committee held on 5 March 2024
P057/24 Enforcement Cases Opened
P058/24 Enforcement Cases Closed
P059/24 Review of Planning Committee Start Time

P060/24 Duration of Meeting

The meeting was called for 5 pm and concluded at 5.57 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Planning, Policy & Resources /Environment/ Development] Committee in the Chamber, [Cookstown /Dungannon/Magherafelt].

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast as aforesaid, 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.

I would remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted.

Thank you and we will now move to the agenda.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 9 April 2024

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.2	<p>Application was agreed at March Committee, report the same, only change is to update wording to condition 5 to reflect the updated standard Rivers response, to read;</p> <p>‘Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%).</p> <p>Reason – To safeguard against flood risk to the development and from the development to elsewhere.’</p>	Members to note

5.7	<p>Bell Rolston is now the agent, not Clyde Shanks.</p> <p>A late objection has been received. It relates to HSENI and the stance that battery cells are articles under CLP regulations, therefore exempt from Planning (Hazardous Substances) (no. 2) Regulations (Northern Ireland) 2015 (PHSC). Nothing new has been raised.</p> <p>Add condition to address this as detailed below;</p> <p>'Any variation to the details contained in the Technical Note dated 30 June 2023 shall be sought by written consent to Mid Ulster District Council. The proposed facility shall install NMC Gen 2 battery modules as detailed within the Technical Note dated 30 June 2023.</p> <p>Reason: In the interest of public health and safety and fire safety'.</p>	<p>Members to note</p> <p>Members to note. Also consider Technical Supplement Document (128 pages that has been emailed to Members)</p>
6.5	<p>Deferred Application LA09/2023/0005/F withdrawn.</p>	<p>Members to note</p>