

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 8 June 2020 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor Black, Chair

Councillors Bell, Brown, Clarke, Corry, Cuthbertson, Hughes, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms Donnelly, Council Solicitor
Mr Marrion, Senior Planning Officer
Mr McGinley, IT Support
Mrs Grogan, Democratic Services Officer

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

** Denotes Officers present by remote means

The meeting commenced at 7.00 pm

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

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

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

P074/21 Apologies

Councillors Colvin, Glasgow and Robinson.

P075/21 Declarations of Interest

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

Councillor Mallaghan declared an interest in agenda item 4.18 – LA09/2020/1612/F - Learning and development centre comprising of several training buildings and structures and two small ancillary buildings; a number of training areas and props and a small network of roadways for training. Site development infrastructure works, landscaping enhancements and all ancillary development at lands S of Desertcreat Road, E of A29

Dungannon Road and NW of Downs Road, Desertcreat for Northern Ireland Fire and Rescue Service.

The Chair, Councillor Black declared an interest in agenda item 4.23 – LA09/2021/0118/RM – Two storey dwelling & detached double garage with loft room at Tulnacross Road, Doons opposite & S of 23 Tulnacross Road, Cookstown for Mr Kyle Black & Miss Adele Bradley.

The Chair, Councillor Black declared an interest in agenda item 5.2 – LA09/2019/0944/F – Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley.

D076/21 Chair's Business

The Planning Manager advised that agenda item 7 – Planning Department Service Improvement Plan 2021-22 would now be brought forward as a decision immediately after deferred applications.

He brought members attention to the circulated addendum and late correspondence received from an objectors view point. He reminded members to be careful when dealing with objectors and applicants and best to listen and not getting involved with emailed correspondence etc.

He referred to energy and windfarms in Northern Ireland and advised that this was more to do with PAC, but DoE and SONI presently carrying out a consultation on achieving ambitious climate targets which would require significant levels of renewable deployment. They are keen to seek peoples' views on how the industry was approaching financing and deployment of renewable technologies and how this may change in the future. They feel that this would be critical to the delivery of a good service whilst minimising costs for consumers.

He sought members' approval to make representation on behalf of the Council to DoE and SONI on their consultation as the deadline was before the next Planning Committee meeting.

Resolved Agreed that the Planning Manager make representation on behalf of the Council to DoE and SONI on their consultation relating to Renewable Energy.

The Planning Manager referred to additional information received today relating to agenda item 5.2 – LA09/2019/0944/F and sought approval from members to defer the application for one month so proper consideration can be given to the late information received today.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/0944/F be deferred for one month.

Councillor Brown raised concern about this application already being deferred on two previous occasions and was going nowhere. He stated that if the applicant had co-operated and put in the pipe required and provided the information sought that this would have been resolved. He said that this committee cannot continue to defer this application month on month and needed to be resolved once and for all.

The Planning Manager concurred with Councillor Brown but stated that this was a matter for the committee to decide. He said that it was irritating for case officers to continually seek information and not get it but when the applicant then realises that the application is being brought forward to committee for refusal, they make a commitment to provide the relevant information but never does so. He said that a deferral tonight was a safeguarding measure for this committee in the event of the application not being considered properly, being refused and then successfully appealed with the Planning Appeals Commission, resulting in this Council being liable for outstanding costs which could be huge if the case was successful.

Councillor Brown said that he understood what the Planning Manager was saying but enquired how long it was expected to get a resolution to this application.

The Planning Manager advised that correspondence would be issued to Rivers Agency tomorrow where they can hopefully make a determination to resolving the issue. If the Rivers Agency come back to say that the matter is resolved then we can proceed on with this, but in the event of no clear guidance from them, this would be referred back to this committee to make a decision as all the relevant information has been considered and not leaving this Council liable. He said that it took time to resolve these difficult issues and let each party have their say, but there was also a right for homeowners to enjoy their home surroundings as a basic human right.

The Planning Manager also referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting/to receive relevant information –

Agenda Item 4.6 – LA09/2020/0896/O - Infill dwelling and garage at 20m West of 6 Five Mile Straight, Draperstown for Joe McWilliams

Agenda Item 4.9 – LA09/2020/1205/F – Farm Shed at approx. 150m NW of 53 Ballybeg Road, Coalisland for Tony McBride

Agenda Item 4.12 - LA09/2020/1476/O - Dwelling and garage between 21 and 23 Iniscarn Road, Moneymore for FJS Contracts Ltd

Agenda Item 4.13 – LA09/2020/1481/A - 3 Non Illuminated composite aluminium free standing signs located along a section of the Drum Road. Sign 1 90m E, Sign 2 148m and Sign 3 66m SE of 2 Teebane Road, Cookstown for Furniture Store NI Ltd

Agenda Item 4.14 – LA09/2020/1498/F - Retention of Gym and Wellbeing Facility currently under construction; car parking and associated drainage and septic tank at site adjacent to 99 Ardboe Road, Ardboe, for Mr Ryan Quinn

Agenda Item 4.15 – LA09/2020/1533/F – Retention of change of use to rear of existing public house to beer garden including steel framed building with cladded roof and sitting area with acoustic fence to perimeter at 9-10 The Square, The Moy for Barry McNeice

Agenda Item 4.25 – LA09/2021/0146/0 – Infill site for 2 Storey dwelling and garage between Oakland Villas and 167 Drum Road, Cookstown for Philip and Judith Mitchell

Agenda Item 4.27 – LA09/2021/0305/F - Dwelling & carport with detached garage & loft room at approx. 50m SSW of 31 Sherrigrim Road Stewartstown for Mr Daryl Morrison & Miss Rachel Mullan

Agenda Item 4.29 – LA09/2021/0331/O - Infill site for dwelling at approx 30m SE of 43 Ardagh Road, Coagh, for Pat McGuckin

Agenda Item 4.30 - LA09/2021/0333/O - Infill site dwelling at approx 20m NW of 90 Ballinderry Bridge Road, Coagh for Pat McGuckin

Agenda Item 4.31 – LA09/2021/0334/O – Infill dwelling and garage at 60m N of 88 Annaghmore Road, Magherafelt for Alexander Scott Esq (withdrawn)

Agenda Item 4.32 – LA09/2021/0381/F – Change of house type at approx. 110m SW of 125 Killycolpy Road, Ardboe for Mr R O'Neill and Ms L Donnelly

Agenda Item 4.33 – LA 09/2021/0495/O – Infill dwelling at site NW of 7a Killycurragh Road, Orritor, Cookstown (access via Craigs Road) for Mr Maurice Freeburn

Agenda Item 5.2 – LA09/2019/0944/F – Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley

Matters for Decision

P077/21 Planning Applications for Determination

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

LA09/2019/1221/F 38kV substation to serve approved Wind Turbine at Beltonanean Mountain, Beltonanean, Cookstown for Graham Bell

Members considered previously circulated report on planning application LA09/2019/1221/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/1221/F be approved subject to conditions as per the officer's report.

LA09/2020/0248/F Retention of workshop, vehicles storage area and roadside fence at 15 Ballynargan Road Coagh for Billy Gibson

Members considered previously circulated report on planning application LA09/2020/0248/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0248/F be approved subject to conditions as per the officer's report.

LA09/2020/0376/F Recreational water park consisting of water based inflatables and subsidiary water based activities, ancillary welcome building; changing buildings and toilets, soft landscaped space including inland beach, car & bus parking and all associated ancillary works including associated public road improvements at 140m NW of No.4 Maghadone Road, Moneymore, for Splash (Ireland) Ltd.

Members considered previously circulated report on planning application LA09/2020/0376/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0376/F be approved subject to conditions as per the officer's report.

LA09/2020/0712/F Retention of existing external smoking area in rear yard and retrospective change of use of ground and first floors from redundant bar and function rooms into 5 flats at 2-4 High Street, Moneymore for William Drennan

Members considered previously circulated report on planning application LA09/2020/0712/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0712/F be approved subject to conditions as per the officer's report.

LA09/2020/0723/LBC Retention of existing external smoking area in rear yard and retrospective change of use of ground and first floors from redundant bar and function rooms into 5 flats at 2-4 High Street, Moneymore for William Drennan

Members considered previously circulated report on planning application LA09/2020/0723/LBC which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Quinn and

Resolved That planning application LA09/2020/0723/LBC be approved subject to conditions as per the officer's report.

Councillor McKinney left the meeting at 7.25 pm.

LA09/2020/0896/O Infill dwelling and garage at 20m West of 6 Five Mile Straight, Draperstown for Joe McWilliams

Agreed earlier in the meeting that planning application LA09/2020/0896/O be deferred for an office meeting.

LA09/2020/0905/F Retention of change of use of former farm shed to engineering works, at approx. 40m S of 28 Slatmore Road, Clogher, for Wiltshire Engineering

Mr Marrion (SPO) presented a report on planning application LA09/20220/0905/F advising that it was recommended for refusal.

Councillor McKinney returned to the meeting at 7.27 pm.

Councillor Brown advised that he wasn't familiar with this case but enquired if this application could be deferred for one month until the relevant information was submitted to address concerns which the case officer has.

The Planning Manager advised that the case officer had already requested the relevant information which wasn't submitted and was now before committee tonight for a recommended refusal and the applicant hasn't made a representation.

Councillor Bell advised that he would be happy to proceed with the case officer's recommendation of refusal.

Councillor Cuthbertson seconded Councillor Brown's proposal for a deferral.

Councillor Bell said that he would be content to defer the application for one month.

Proposed by Councillor Brown
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2020/0905/F be deferred for one month.

LA09/2020/1093/F Agricultural general purpose storage shed adjacent to 68 Lurgylea Road, Dungannon for James Gerard McElroy

Mr Marrion (SPO) presented a report on planning application LA09/20220/1093/F advising that it was recommended for refusal.

Councillor Mallaghan enquired if the applicant was aware that this was going as a refusal tonight.

Mr Marrion (SPO) advised that the Planning Department do not make contact with anyone including applicants, agents, objectors or supporters advising them that their application was being brought to committee for decision. He said that this would be within the best interests of those involved to be aware of applications being brought forward to committee for determination.

It was proposed by Councillor Mallaghan to defer the application for one month to provide the applicant with an opportunity to submit the relevant information and in the event of this not being provided, then refusal be recommended.

The Planning Manager said that he would be content to defer the application for an office meeting in this instance to identify what the situation really was.

Councillor S McPeake seconded Councillor Mallaghan's proposal for a deferral.

He enquired if everything else was in order in principle to demonstrate an active farming case with a building and integration.

Mr Marrion (SPO) stated that the case officer was not satisfied that the building would be required for the holding due to the size of it and looking through the photographs there were quite a few machines on site and stored in the open air. He said that if a farming case can be made to demonstrate that it was active and established then he would be confident that everything would fall into place behind it.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/1093/F be deferred for an office meeting.

LA09/2020/1205/F Farm shed at approx. 150m NW of 53 Ballybeg Road, Coalisland, for Tony McBride

Agreed earlier in the meeting that planning application LA09/2020/1205/F be deferred for an office meeting.

LA09/2020/1428/F Pitch observation stand & strength & conditioning gym; walking / running trail around perimeter of grounds. Minor alterations to existing changing rooms; internal reconfiguration of rooms and the alteration of existing shared toilets / showers to provide separate facilities at Club House, Monaghan Road, Aughnacloy, for Aghaloo O'Neill's GFC

Members considered previously circulated report on planning application LA09/2020/1428/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/1428/F be approved subject to conditions as per the officer's report.

LA09/2020/1443/O Dwelling on a farm adjacent to 34 and 36 Ferry Road, Derrylaughan, Dungannon, for Aodhan Corr

Members considered previously circulated report on planning application LA09/2020/1443/O which had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor McFlynn

Resolved That planning application LA09/2020/1443/O be approved subject to conditions as per the officer's report.

LA09/2020/1476/O Dwelling and garage between 21 and 23 Iniscarn Road, Money more for FJS Contracts Ltd

Agreed earlier in the meeting that planning application LA09/2020/1476/O be deferred for an office meeting.

LA09/2020/1481/A 3 Non Illuminated composite aluminium free standing signs located along a section of the Drum Road. Sign 1 90m E, Sign 2 148m and Sign 3 66m SE of 2 Teebane Road, Cookstown for Furniture Store NI Ltd

Agreed earlier in the meeting that planning application LA09/2020/1481/A be deferred for an office meeting.

LA09/2020/1498/F Retention of Gym and Wellbeing Facility currently under construction; car parking and associated drainage and septic tank at site adjacent to 99 Ardboe Road, Ardboe, for Mr Ryan Quinn

Agreed earlier in the meeting that planning application LA09/2020/1498/F be deferred for an office meeting.

LA09/2020/1533/F Retention of change of use to rear of existing public house to beer garden including steel framed building with cladded roof and sitting area with acoustic fence to perimeter at 9-10 The Square, The Moy, for Mr Barry McNeice

Agreed earlier in the meeting that planning application LA09/2020/1533/F be deferred for one month for consideration of further information.

LA09/2020/1550/F Two storey dwelling at 20m S of 2 The Brambles, Magherafelt, for P Ward

Members considered previously circulated report on planning application LA09/2020/1550/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1550/F be approved subject to conditions as per the officer's report.

LA09/2020/1575/F Retention of existing wooden platform/decking and wooden building/cabin at 35m W of 74 Tullyodonnell Road, Tullyreavy Cookstown for Mr Rory McGarrity

Members considered previously circulated report on planning application LA09/2020/1575/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1575/F be approved subject to conditions as per the officer's report.

LA09/2020/1612/F Learning and development centre comprising of several training buildings and structures and two small ancillary buildings; a number of training areas and props and a small network of roadways for training. Site development infrastructure works, landscaping enhancements and all ancillary development at lands S of Desertcreat Road, E of A29 Dungannon Road and NW of Downs Road, Desertcreat for Northern Ireland Fire and Rescue Service

Members considered previously circulated report on planning application LA09/2020/1612/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1612/F be approved subject to conditions as per the officer's report.

LA09/2020/1651/O Site for two storey replacement dwelling and double domestic garage at approx. 190m NW of 16 Soarn Road, Cookstown, for Ms Catherine McCrea

Mr Marrion (SPO) presented a report on planning application LA09/2020/1651/O advising that it was recommended for refusal.

Councillor S McPeake suggested deferring this application for one month to give officers an opportunity to go back to the applicant advising that this committee would be mindful of refusing the application unless a more acceptable proposal comes forward. He said that he totally agreed with the officer that the sites were set too high but felt that it may be a bit harsh to completely refuse the application altogether, but in the event of nothing more realistic coming forward, then a recommendation of refusal be applied.

The Planning Manager concurred with Councillor S McPeake's comments and said that it would be beneficial to write to the applicant advising that the application was brought forward tonight for decision and the committee were mindful to refuse it, but were also mindful of the view that a site could take a dwelling. He felt that there was also a need to change the description of the dwelling to suit their needs and change their plans.

Councillor Brown seconded Councillor S McPeake's proposal for a deferral.

Councillor McKinney enquired if the applicant was not agreeable would the application be brought back to committee for consideration again or would the decision be delegated. The Planning Manager advised that it would be safer to bring back the application to committee within a very clear timeframe to give the applicant a chance to comply with the relevant requirements.

The Chair sought approval from members to defer for one month to explore the avenues discussed here tonight.

Proposed by Councillor S McPeake
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/1651/O be deferred for one month.

LA09/2021/0075/F Change of house type from previously approved at 95 Creagh Road, Castledawson, for Ciaran & Roisin Higgins

Members considered previously circulated report on planning application LA09/2021/0075F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/0075/F be approved subject to conditions as per the officer's report.

LA09/2021/0080/O Detached house at 20m N of 66 Drumconvis Road, Cookstown for Nuala Ryan

Members considered previously circulated report on planning application LA09/2021/0080/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Quinn and

Resolved That planning application LA09/2021/0080/O be approved subject to conditions as per the officer's report.

LA09/2021/0100/F Vary the wording of condition No.4 (parking and service areas) of approval M/2014/0567/F for an in vessel composting facility (IVCF) at lands at Northway Mushrooms 24m S of 17 Aghnagar Road, Ballygawley for Northway Mushrooms Ltd

Members considered previously circulated report on planning application LA09/2021/0100/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Quinn and

Resolved That planning application LA09/2021/0100/F be approved subject to conditions as per the officer's report.

The Chair withdrew from the meeting and the Vice Chair, Councillor S McPeake took the Chair.

LA09/2021/0118/RM Two storey dwelling & detached double garage with loft room at Tulnacross Road, Doons opposite & S of 23 Tulnacross Road Cookstown, for Mr Kyle Black & Miss Adele Bradley

Members considered previously circulated report on planning application LA09/2021/0118/RM which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Hughes and

Resolved That planning application LA09/2021/0118/RM be approved subject to conditions as per the officer's report.

The Chair, Councillor Black returned to the Chair. .

LA09/2021/0120/F Renewal of LA09/2015/1121/F between 9 Old Coagh Mill & Old Coagh Road, Cookstown for J & M Developments Ltd

Members considered previously circulated report on planning application LA09/2021/0120/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Quinn and

Resolved That planning application LA09/2021/0120/F be approved subject to conditions as per the officer's report

LA09/2021/0146/O Infill site for 2 Storey dwelling and garage between Oakland Villas and 167 Drum Road, Cookstown, for Philip and Judith Mitchell

Agreed earlier in the meeting that planning application LA09/2021/0146/O be deferred for an office meeting.

LA09/2021/0224/F Dwelling at 80m W of 67 Dungorman Road, Dungannon Mr Paul Brannigan

The Planning Manager sought approval to raise this application in Confidential Business due to personal circumstances.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2021/0224/F be raised in Confidential Business.

LA09/2021/0305/F Dwelling & carport with detached garage & loft room at approx. 50m SSW of 31 Sherrigrim Road Stewartstown for Mr Daryl Morrison & Miss Rachel Mullan

Agreed earlier in the meeting that planning application LA09/2021/0305/F be deferred for an office meeting.

LA09/2021/0326/F Change of house type (from approved I/2007/0308/RM) at 300m SW of 16 Dirnan Road, Cookstown, for Colm Canavan

Members considered previously circulated report on planning application LA09/2021/0326/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0326/F be approved subject to conditions as per the officer's report.

LA09/2021/0331/O Infill site for dwelling at approx. 30m SE of 43 Ardagh Road, Coagh, for Pat McGuckin

Agreed earlier in the meeting that planning application LA09/2021/0331/O be deferred for an office meeting.

LA09/2021/0333/O Infill site dwelling at approx. 20m NW of 90 Ballinderry Bridge Road, Coagh for Pat McGuckin

Agreed earlier in the meeting that planning application LA09/202 be deferred for an office meeting.

LA09/2021/0334/O Infill dwelling and garage at 60m N of 88 Annaghmore Road, Magherafelt for Alexander Scott Esq

Planning application LA09/2021/0334/O to be withdrawn from planning schedule.

LA09/2021/0381/F Change of house type at approx. 110m SW of 125 Killycolpy Road Ardboe, for Mr R O'Neill and Ms L Donnelly

Agreed earlier in the meeting that planning application LA09/2021/0381/F be deferred for an office meeting.

LA09/2021/0495/O Infill dwelling at site NW of 7a Killycurragh Road, Orritor, Cookstown (access via Craigs Road) for Mr Maurice Freeburn

Agreed earlier in the meeting that planning application LA09/2021/0495/O be deferred for an office meeting.

LA09/2017/0489/F Farm shed for the housing of animals and storage of farm machinery, 210m E of 91 Ballynakilly Road Coalisland, for Mr Gavin Quinn

Members considered previously circulated report on planning application LA09/2017/0489/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0489/F be approved subject to conditions as per the officer's report.

LA09/2019/0944/F Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley

Agreed earlier in the meeting that planning application LA09/2019/0944/F be deferred for one month.

LA09/2020/0234/O Dwelling and garage on a farm at 100m W of 63 Iniscarn Road, Desertmartin for Connor Monaghan

Members considered previously circulated report on planning application LA09/2020/0234/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0234/O be approved subject to conditions as per the officer's report.

LA09/2020/1548/F Dwelling & garage, 40m NE of 59 Ferry Road, Coalisland, for Patrick McNeice

Members considered previously circulated report on planning application LA09/2020/1548/F which had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1548/F be approved subject to conditions as per the officer's report.

LA09/2021/0006/F Roadside hot food sales and ancillary development (farm diversification Scheme) at 100m SSE of Knockaconny House, 37 Sandholes Road, Cookstown for IT and RS Mayne

Members considered previously circulated report on planning application LA09/2021/0006/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/0006/F be approved subject to conditions as per the officer's report.

The Chair advised that Agenda Item 7 would now be brought forward for decision.

P078/21 Receive Planning Department Service Improvement Plan 2021-22

The Planning Manager presented previously circulated report which provided members with a copy of the Planning Department's Service Improvement Plan (SIP) for the period 2021-2022.

The Planning Manager referred to the Service Improvement Plan and said that although we didn't reach our targets last year we did pretty well considering there was a pandemic and still managed to deliver a service and get things out in 16 weeks and commended all the officers on their hard work. He said however there was now a backlog and we were not through the pandemic yet and were juggling things in a very difficult situation. He referred to the Development Plan and advised that there was a re-consultation and when this was started, new regulations came out on the pandemic which also put things back. Looking at the way forward, there are targets that are there by law and these cannot be juggled to make them fit as targets for Development Management were set in statute. In relation to the Development Plan, the only part that's within Planning's control is the submission of the Development Plan which was anticipated to be complete by the springtime and pleased to say that this has now been submitted to the Department and target met. He stated that there was still a struggle in Development Management and realistically if we can get through this pandemic and get the backlog cleared, the real aim would be to meet the targets on a monthly basis come the end of the year.

He stated that there was an item which was not on the agenda but would like members and parties to think about it carefully regarding the amount of work which needed to be cleared, a lot of refusals which needs to be brought for a second time and now is not the time to do it because we want to give everybody the chance to have their say and bringing everyone into the committee would be awkward. He said that it would be wrong to have people sitting to speak at 11 pm at night and suggested that if it was anticipated to have a long meeting that we go back to the previous method of having a break at 9 pm for members to refresh themselves and clear any business which we can within the next half hour or so and be away by 10 pm, with any remaining business being brought to another meeting. He said that his problem was perceiving how long a meeting was going to take and we were lucky tonight as there were a lot of deferrals. He suggested if a meeting was anticipated to take longer than expected, then this should be split as it was unfair to have the public waiting too long and not fair to have staff going home late at night due to health & safety issues, particularly if they have to come in early the next morning for other meetings. He asked members to seriously think about this so everyone can move forward very sensibly.

He referred to a large item on the Service Improvement Plan which will change the way the service is delivered where everything can be done online i.e. submission of plans, submission of revisions, submissions of omissions and objections and is a major project for Mid Ulster as we are doing their own computer system and a substantive saving to the ratepayer, nearly 90% saving and in time we will be doing a better service as we won't be tied into something for 20 years. He said that this would improve development management on planning applications and also improve the development plan as there would be an opportunity to record and analyse decisions for the future i.e. how much retail is in the pipeline, how many houses in the pipeline and hopefully that information can be at our fingertips which is a huge undertaking. He suggested that a 10 to 15 minute presentation be made to the next meeting to make members aware of what the Planning Department were doing.

The Chair said that it was good to see the Development Plan moving forward and was interesting time for the Council. In relation to the Service Improvement Plan, it has obviously been very challenging this last year and wanted to place on record his appreciation to the Planning Manager and his staff on being able to perform the way that this Council has. He stated that he was aware of the work still to be carried out clearing the backlog and hoped that we will work constructively to best move this forward. He said it was very interesting to hear about the new portal and felt that this would be a very welcome addition as it would make the service even more efficient and looked forward to seeing it materialise.

Councillor S McPeake concurred with the Planning Manager regarding the backlog over the last 14 – 15 months which had accumulated, but was more curious about the longer applications which had been in the system for a number of years for some uncertain reasons i.e. lack of information and enquired due to the large amount should these not be focused on. He asked if these applications could be sifted out and refused if there were not going to meet any threshold.

The Planning Manager said that he was pleased to say that there were not many and we were lucky as some other Councils have huge amounts which they inherited from the Department. We did however inherit some awkward things relating to quarrying etc. and some of these applications do take years to deal with as they were complex issues relating to environmental matters. There were some that were deliberately put on the back shelf waiting on the progress of the Development Plan, but were only minimal and not hundreds and would not be worried. He said that there does come a point like tonight where there were people asked for information and these were deferred on the basis that a person is given an opportunity to go away and do something before next month or it would be refused and finds that if this is operated as a way forward that this would help to clear things. He stated that the thing he was most proud of about Mid Ulster was that if you speak to any agent or councils, they always indicate that this council was always seen as the most reasonable council because we work with people to make development sustainable and listen to people's arguments and views and try our best to try and find solutions for a favourable outcome.

Councillor Mallaghan referred to the Development Committee where there was a combination of deputations brought to an additional meeting that month to try and clear all those people who wish to talk to Council and try and get their ideas across. He agreed with the Planning Manager's suggestion of having a second meeting occasionally if there was anticipation that the cases were going to involve speakers and the application was going to make up to 25 minutes or longer to discuss and could be up to half a dozen or more could be set aside for a particular night and just get them cleared up. He stated that it was very difficult to estimate how long a particular case was going to take, some were known as going to be tricky ones and if already deferred a few times and site visits, then getting to this final point of last chance to speak on it and ultimately making a decision. He said that it would be worthwhile looking at this suggestion, even for a few months as it was better than sitting here to midnight and people sitting on a zoom link for four hours to have their say for a 3 minute opportunity to put their case across.

The Chair agreed that there was a need to clear the backlog and stated that there were some good sensible suggestions made tonight.

Proposed by Councillor Mallaghan
Seconded by Councillor Brown and

Resolved To accept the Planning Department's Service Improvement Plan 2021-22.

Matters for Information

P079/21 Minutes of Planning Committee held on 4 May 2021.

Members noted minutes of Planning Committee held on 4 May 2021.

P080/21 Receive Report on Appeal Decision

The Planning previously circulated report which provided members with Appeal decision dated the 18th May 2021 relating to an Advertisement consisting of a flat screen fixed to a gable wall with brackets at Walsh's Hotel, 53 Main Street, Maghera (sign to be displayed on the Coleraine Road side of the building). The appeal is allowed subject to conditions set out within the report.

The Planning Manager felt that this was an interesting decision as the key issue at this location was road safety and Roads Service has very much taken a view against these signs repeatedly and very difficult for officers and committee to sit down and say that we know any better because we are not road Engineers. It's right for a person to go to appeal if they were dissatisfied with a decision and their right to defend that appeal. He said that he wasn't annoyed with the decision but at Roads Service as the only thing they did to defend that appeal was to issue the same piece of paper and if he was representing something would not turn around and say that 'this is my opinion', but would provide his evidence to show statistics in terms of accident blackspots, accidents in terms of signs and the controls of illumination being affective. If there was no evidence, then guidance and policy should be consulted upon which sets out what was acceptable and what wasn't so that it was based on a wider public view. He said that Roads Service had nothing other than working on a policy which tells us that something would be refused if it was detrimental to highway safety and all we have was Roads Service opinion.

The Planning Manager stated that he had asked the Head of Development Management to send on his concerns to Roads Service and tell them if they wanted to do these appeals then they needed to do more on whether it was the right or wrong decision. He concluded by saying that if this site was dangerous and someone is harmed or killed, then this was not our fault as Roads Service should be better on their game.

Councillor McKinney advised that it was a long time before this decision had been taken. He stated that he totally disagreed with the decision and when a person was coming over the Coleraine Road at the 30 mph limits, the sign is real visible to the public eye and Roads Service has indicated that this was not intrusive amongst a lot of other things. He said that he would question whether the Commissioner was in the right town and cannot agree with what was said on a winter's day. He stated that two Sunday night's ago his son mentioned how the sign was very bright and felt that the decision was unacceptable and what was wrote within the report for anyone which knows the area, it doesn't match up and likewise for other signage which had to be taken down on protected routes and felt that this decision stinks.

The Planning Manager stated that a decision is a decision and we were faced on whether to proceed to a judicial review and his decision would be not too for the simple reason that the Commissioners took great play on how long it took Planning to make a decision and quite clear when you read the decision in-between the words that the view was taken that planning were quite happy to live with the sign for that long and his opinion that the sign had been up for long and no-one reported an accident. He said that after considering this correspondence, the opinions of the committee would be very weak, but felt that the decision to refuse was very reasonable.

Councillor Mallaghan said when he was reading through the report originally, he thought the committee's decision as upheld and had to read it again to see that it wasn't and was very surprised as usually the case would be when a planning application is considered unsatisfactory by Roads Service, then this is the final line and the committee don't question it, but finds it very surprising regarding this application. He stated that there had been so many of these signs appearing over Mid Ulster over a short period of time and Roads Service were quick to go around putting in lots of objections and would result in a lot of people who purchased these signs/tvs asking questions if they become aware of this application being approved. He said that this would make people think twice in the future when consultation is received back from Roads Service regarding these types of issues on how hard the line is held in future in terms of road safety as this Planning Appeals report has tainted this a little.

Councillor Mallaghan enquired if there was any cost to Council regarding this decision.

The Planning Manager advised that there was no cost as it was a reasonable decision. He stated that this was a very difficult when dealing with expert witnesses and would read it by our experience of dealing with the courts and where we have an expert witness and we go against them i.e. Roads Service or Rivers Agency, it is highly likely that a judge would quash any decision and put it back to Council as we would be asked to provide evidence on why we were going against them. The difference with the Planning Appeals Commission is that they are not a judicial body and use the term quasi-judicial as an administrative body, but still operate like a tribunal and similar to courts as they do not investigate, but considers the evidence which is set before them, they can be inquisitive but do not investigate, but Roads Service need to justify the position of their decision. He said that it would be his opinion that Roads Service invest some money and carry out some work on signage and not just looking at statistics which should be open to public debate and the way we wish to go forward.

The Chair concurred with comments and said that going forward there was a need for clarity on how these type of things were viewed when brought before committee in the future.

Councillor Cuthbertson enquired why it took so long to make a decision as he was aware of this being brought up in few times at committee and then ultimately forgot about. He felt there was a need to address this especially when there may have been a small bearing on the Commissioner's view and decision on how this sign has been here for a number of years. He said there was a need to take this on board going forward especially taking things back from deferrals which were continuously being deferred and it's up to this committee to make decisions and not keep putting them off.

The Planning Manager said that things happen which were different each day within Planning. He said that there were decisions he would make on signage and in some incidents could move to a straight prosecution as it was illegal to erect a sign without planning permission, but in this instance he didn't because there wasn't a discussion within committee regarding signage as such. The Council give Mr Walsh every opportunity rather than proceeding to prosecution and commended the committee on trying to give him a chance to resolve the matter as he was a key person within his community providing employment.

Councillor Cuthbertson stated that there was a need to be careful and for example if someone erected a sign in Dungannon, it could take Mid Ulster District Council three years to make a decision, resulting in the sign being well paid for by that time.

Live broadcast ended at 8.22 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Mallaghan
Seconded by Councillor S 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 P081/20 to P085/21.

Matters for Decision

P081/21 Receive Enforcement Report

Matters for Information

P082/21 Confidential Minutes of Planning Committee held on 4th May 2021

P083/21 Enforcement live Case List

P084/21 Enforcement Cases Opened

P085/21 Enforcement Cases Closed

P086/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.40 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

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

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

Thank you and we will now move to the first item on the agenda.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 8th June 2021

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

Chairs Business - Wind energy subsidies - NIAO

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	The elevation of the substation is 260m, not 296m, as stated in report. Agent has withdrawn speaking rights.	Members to note
4.25	Supporting information submitted by agent	Members to note
4.31	Application withdrawn	Members to note
5.1	Condition 3 should refer to: drawing no 01 stamp dated 4 April 2017.	Members to note
5.2	Amendment to report in yellow, should read as follows; Rivers were re-consulted on the information submitted by the applicant in order to get the application deferred at April Committee. They replied on 23 rd May 2021. In terms of FLD1, the hydraulic model used to assess fluvial flood risk in the original FRA, dated 31st October 2019, has been independently assessed. This independent assessment has	Members to note

	<p>concluded that there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.</p> <p>Updated Flood Risk Assessment received on 05th June 2021.</p> <p>Late Correspondence received from applicant</p>	<p>Members to note</p> <p>Members to note</p>
5.4	<p>Condition 5 should refer to: approved drawing no 01 received 12 April 2021.</p>	<p>Members to note</p>