

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 April 2023 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

<b>Members Present</b>	Councillor Mallaghan, Chair
	Councillors Bell, Black, Brown, Clarke* (7.13 pm), Colvin, Corry, Cuthbertson, Glasgow, Martin*, McFlynn, McKinney, D McPeake, S McPeake, Quinn*, Robinson
<b>Officers in Attendance</b>	Dr Boomer, Service Director of Planning (SD: PI) Mr Bowman, Head of Strategic Planning (HSP) 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) Miss Thompson, Committee and Member Services Officer
<b>Others in Attendance</b>	Councillor Molloy***
	LA09/2021/0719/F                      Councillor B McGuigan LA09/2022/1561/O                      Mr Cassidy***

- \* 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

**P035/23      Notice of Recording**

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

**P036/23      Apologies**

None.

**P037/23      Declarations of Interest**

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

Councillor S McPeake declared an interest in agenda item 6.13 – LA09/2022/0097/O.

The Chair, Councillor Mallaghan declared an interest in agenda item 5.5 – LA09/2022/0314/F.

### **P038/23 Chair's Business**

The Service Director of Planning (SD: PI) referred to planning application LA09/2017/1349/F for animal isolation and farm machinery store located SW of 37 Rocktown Lane, Knockloughrim which was agreed to be approved at the September planning meeting. The SD: PI stated that the approval was subject to a condition which would require visibility splays to be provided however he advised that the approval was not issued because upon further examination it was concluded that there was an existing lane, the sheds did not represent intensification of the use of the lane and therefore the condition did not need to be applied. The SD: PI stated that Roads Service have been advised and are in agreement with the planning department and he asked for committee approval to grant planning permission without the condition.

Proposed by Councillor McKinney  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2017/1349/F be approved without condition in relation to visibility splays.

The SD: PI referred to addendum and PAC decision in relation to unauthorised power plant at Granville. The SD: PI stated that an Enforcement Notice had been served because the appellant was unwilling to make an application and to ensure that the development did not become immune, particularly as there was a great deal of local objection. At the appeal it was argued it was permitted development under industrial permitted development rights, however the planning department argued that these did not apply as the use dealt with waste to generate heat. The Commissioner agreed with the Planning Department. As part of the appeal the appellant also appealed on the grounds planning permission should be granted, following investigation the Council concluded it did not wish to give reasons for refusal as a result the Planning Appeals Commission granted approval. The SD: PI advised that this was a satisfactory outcome as it had protected the Council from complaint, had brought the development under planning control, whilst also allowing anyone who opposed the development to have their say.

The SD: PI referred to 12% increase in planning fees last week, he stated that there had only been one 1% increase in fees over the last seven years and that the increase is needed for the sustainability of the planning department and also to help balance out a possible reduction in plans being submitted and loss of revenue in the coming year due to interest rate rises etc.

The SD: PI stated that this was the last planning committee meeting of the electoral term and it was worth reflecting on it, he advised that Covid had obviously took its toll during the term in respect of meeting targets and also referred to the difficulties in progressing the Area Plan. The SD: PI highlighted the introduction of the new computer system and that this will help to give control as to how to manage and develop the service going forward and that there is opportunity to survey customers on how the service can be further tailored. The SD: PI also referred to restructuring

process within the department which he felt will help to see the planning service through the next term. The SD: PI felt that the closing term has been successful considering some of the issues which have had to be dealt with.

Councillor S McPeake referred to report being brought to P&R Committee this week in relation to Scheme of Delegation for planning and asked if this related to the same issues discussed and agreed on some months back.

The SD: PI advised that this did relate to the same thing. The SD: PI stated that the Scheme of Delegation was agreed on following workshops etc close to a year ago and that this was then sent to the Department for their agreement and was now returning to the P&R Committee for approval.

The Chair, Councillor Mallaghan referred to the area plan for Fermanagh and Omagh which is now through and asked what the timeframe was for the Mid Ulster plan.

The SD: PI stated that he has found the approach of the Department in relation to the area plan to be to be exceptionally unhelpful and unreasonable thus far. The SD: PI advised that officers are working on the comments sent back by the Department in relation to the Mid Ulster area plan and that there will be opportunity to discuss and plan a way forward at the recommencement of meetings in June.

## **Matters for Decision**

### **P039/23 Planning Applications for Determination**

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

**LA09/2018/0703/F**                      **6 semi-detached houses at sites 20, 22, 24, 26, 28 and 30 Killyliss Manor, Eglish, Dungannon for PKJ Construction Ltd**

Members considered previously circulated report on planning application LA09/2018/0703/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Corry and

**Resolved**      That planning application LA09/2018/0703/F be approved subject to conditions as per the officer's report.

**LA09/2019/1065/F**                      **12 semi-detached two storey houses and associated site works at sites 21, 23, 25, 27, 29, 31, 32, 33, 34, 35, 36 & 38 Killyliss Manor, Eglish, Dungannon for MSJ Contracts Ltd**

Members considered previously circulated report on planning application LA09/2019/1065/F which had a recommendation for approval.

Proposed by Councillor Corry  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2019/1065/F be approved subject to conditions as per the officer's report.

**LA09/2020/0966/F**                    **Housing development of 26 two storey dwellings, 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.

The Head of Local Planning (HLP) advised that amended plans had been received in relation to the application and that this was re-advertised. The HLP advised that neighbours or objectors were not notified of the changes therefore the application should be withdrawn from tonight's schedule to allow the notification to take place.

**Resolved** That planning application LA09/2020/0966/F be withdrawn from tonight's agenda and be brought back when notification of neighbours and objectors has taken place.

**LA09/2022/0230/O**                    **Site for dwelling and garage at lands approx. 30m SE of 99 Mullaghboy Road, Bellaghy, for Mr Hugh Glackin**

Agreed that application be deferred for an office meeting.

*Councillor Mallaghan withdrew from the Chair to the public gallery for the next item. Councillor Brown took the Chair.*

**LA09/2022/0314/F**                    **Retention of 2 additional fun farm buildings with the reconfiguration of parking and turning areas (approved LA09/2017/1704/F); utilisation of the existing access lane, with improvements to the existing access, to serve the business (lane approved under LA09/2017/1704/F not to be built) at 250M NE of 260 Drum Road, Cookstown for Martin McDonald**

The Service Director of Planning (SD: PI) referred to email received from Council Health and Safety Officer which raised concern in relation to the sharing of the laneway with a quarry and stated he would like to further investigate the status of the quarry and the related concerns and therefore suggested that the application be deferred.

Proposed by Councillor Brown  
Seconded by Councillor Black and

**Resolved** That planning application LA09/2022/0314/F be deferred for further consideration.

*Councillor Mallaghan returned to Chair the meeting.*

The Chair, Councillor Mallaghan 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 5.4 - LA09/2022/0230/O - Site for dwelling and garage at lands approx. 30m SE of 99 Mullaghboy Road, Bellaghy.

Agenda Item 5.5 - LA09/2022/0314/F - Retention of 2 additional fun farm buildings with the reconfiguration of parking and turning areas (approved LA09/2017/1704/F); utilisation of the existing access lane, with improvements to the existing access, to serve the business (lane approved under LA09/2017/1704/F not to be built) at 250M NE of 260 Drum Road, Cookstown.

Agenda Item 5.6 - LA09/2022/0385/F - Retention of garage and container units at entrance to quarry site off the Lurgylea Road, (SW of The Church of the Immaculate Conception) 100m NE of 141 Cappagh Road, Galbally, Dungannon.

Agenda Item 5.8 - LA09/2022/1408/O - Infill dwelling and domestic garage at 70m NE of 107 Drummerrer Lane, Coalisland.

Agenda Item 5.10 - LA09/2022/1563/O - Dwelling and domestic garage on infill site at lands 68m S of 90 Cookstown Road, Dungannon.

Agenda Item 5.13 - LA09/2022/1697/O - Dwelling and garage at 60m NE of 11 Creagh Hill, Castledawson.

Agenda Item 5.16 - LA09/2022/1761/F - Infill/gap sites for 2 dwellings and domestic garages at 90m NW of 28 Mawillian Road, Moneymore.

Agenda Item 5.18 - LA09/2023/0105/O - Site for dwelling and domestic garage at 60m E of 32 Drummuck Road, Maghera.

Proposed by Councillor Black  
Seconded by Councillor McFlynn and

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

**LA09/2022/0385/F**      **Retention of garage and container units at entrance to quarry site off the Lurgylea Road, (SW of The Church of the Immaculate Conception) 100m NE of 141 Cappagh Road, Galbally, Dungannon for Mr Terry Donnelly**

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

**LA09/2022/1145/F**                      **Office building with associated access, vehicle and cycle parking, drainage infrastructure, hard and soft landscaping and bin storage and external plant within fenced enclosure at lands at Tobermore Road, opposite 15-17 Cherry Hill and approx. 50m S of 58 Largantogher Park, Largantogher, Maghera for BSG Civil Engineering Ltd**

Members considered previously circulated report on planning application LA09/2022/1145/F which had a recommendation for approval.

The SD: PI referred to addendum and late objection received and whilst the objection raises concerns he does not see these as being in opposition to this proposal.

Councillor S McPeake stated that the lands were previously approved for housing and that the proposal is not contradicting that as it will be sited on development land. Councillor S McPeake proposed the officer recommendation.

Councillor Corry seconded Councillor S McPeake's proposal.

**Resolved**     That planning application LA09/2022/1145/F be approved subject to conditions as per the officer's report.

**LA09/2022/1408/O**                      **Infill dwelling and domestic garage at 70m NE of 107 Drummerr Lane, Coalisland for Mr John McCabe**

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

**LA09/2022/1473/O**                      **Dwelling and garage at 60m NW of 55 Annaghmore Road, Castledawson for Alvin McMullan Esq**

Members considered previously circulated report on planning application LA09/2022/1473/O which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Black and

**Resolved**     That planning application LA09/2022/1473/O be approved subject to conditions as per the officer's report.

**LA09/2022/1563/O**                      **Dwelling and domestic garage on infill site at lands 68m S of 90 Cookstown Road, Dungannon for Mr Darryl Rafferty**

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

**LA09/2022/1568/O**                      **Site for dwelling and garage at lands approx. 140m SE of 84 Lisaclare Road, Stewartstown for Mr Edward Coyle**

Members considered previously circulated report on planning application LA09/2022/1568/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2022/1568/O be approved subject to conditions as per the officer's report.

**LA09/2022/1692/O**                      **Dwelling and garage at lands 50m W of 160B Washingbay Road, Coalisland, for Mr Colin McCuskey**

Members considered previously circulated report on planning application LA09/2022/1692/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2022/1692/O be approved subject to conditions as per the officer's report.

**LA09/2022/1697/O**                      **Dwelling and garage at 60m NE of 11 Creagh Hill, Castledawson for Mrs Anne McGrogan**

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

**LA09/2022/1699/F**                      **New access at 23 Ballymacombs Road, Portglenone, for Mr James Donnelly and Sons**

Members considered previously circulated report on planning application LA09/2022/1699/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Corry and

**Resolved**     That planning application LA09/2022/1699/F be approved subject to conditions as per the officer's report.

**LA09/2022/1702/F**                    **Temporary mobile classroom and school meals accommodation, hard play area, LPG gas compound, substation, retaining walls, underground drainage system and all associated ground work required for the operation of IC Dungannon during the construction and redevelopment of the College. Temporary permission is required until the new college becomes operational at Integrated College Dungannon, 21 Gortmerron Link Road, Dungannon for Board of Governors of Integrated College**

Members considered previously circulated report on planning application LA09/2022/1702/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McFlynn and

**Resolved**    That planning application LA09/2022/1702/F be approved subject to conditions as per the officer's report.

**LA09/2022/1761/F**                    **Infill/gap sites for 2 dwellings and domestic garages at 90m NW of 28 Mawillian Road, Moneymore for Mr Paddy Campbell**

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

**LA09/2023/0036/O**                    **Two storey dwelling and garage at 40m E of 98 Mountjoy Road, Coalisland for Mr David and Marissa Canavan**

Members considered previously circulated report on planning application LA09/2023/0036/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved**    That planning application LA09/2023/0036/O be approved subject to conditions as per the officer's report.

**LA09/2023/0105/O**                    **Site for dwelling and domestic garage at 60m E of 32 Drummuck Road, Maghera for Grainne and Tommy Quigley**

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

**LA09/2019/1008/F**                    **Retention of dwelling in substitution of M/2012/0006/F at 7 Tobermesson Road, Dungannon, for Conor Curran**

Members considered previously circulated report on planning application LA09/2019/1008/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2019/1008/F be approved subject to conditions as per the officer's report.

**LA09/2020/1107/F**                    **Change of use to proposed car sales yard at approx. 25m NW of 60A Ballyronan Road, Magherafelt for Mr Joe Bateson**

Members considered previously circulated report on planning application LA09/2020/1107/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2020/1107/F be approved subject to conditions as per the officer's report.

**LA09/2020/1590/F**                    **Farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway and alterations to public road access at 50m SE of 21 Tandragee Road, Pomeroy, Dungannon for Mr Kyle Smyth**

Members considered previously circulated report on planning application LA09/2020/1590/F which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Cuthbertson and

**Resolved** That planning application LA09/2020/1590/F be approved subject to conditions as per the officer's report.

**LA09/2021/0129/O**                    **Site for dwelling and double domestic garage at approx. 40m NE of 2 Ballynagilly Road, Cookstown, for Mr James Harkness**

The Head of Local Planning (HLP) presented a report on planning application LA09/2021/0129/O advising that it was recommended for refusal.

Councillor Glasgow stated that the problem is that the site is too far away to cluster with the farm and asked if siting closer to the Lough Fea Road would bring the site nearer the farm.

The HLP advised that vegetation along that part of the road is too strong to allow for visual linkage but that even if the vegetation was not there the site is too far removed from the farm. The HLP advised that the application was initially submitted as a cluster but does not meet the cluster policy and that if sited where proposed could extend a ribbon of development. The HLP advised that the applicant did not want to

use the farm business up until the last minute and that this has now been investigated.

Councillor Glasgow stated he would not be overly concerned at extending the ribbon development as the proposal would be located close to the end of a road and would therefore be a natural end to development. The Councillor stated that if the applicant wants to retire from the farm business they would not want to be living in the middle of a working farm but would still wish to live close to it.

Councillor McKinney asked if there was any way an exception could be made.

The Service Director of Planning (SD: PI) advised that policy states that a dwelling should visually read with the existing buildings on the farm and where possible should utilise the existing laneway. The SD: PI advised that there could always be a reason for an exception but that no reason has been given and that this application has already been deferred.

The Chair, Councillor Mallaghan proposed the officer recommendation.

Councillor Bell asked if there had been any discussion with the applicant in relation to siting the proposal on the other side of the road so it would be closer to the farm.

The HLP advised that she had explored other options with the applicant but that the site under consideration is the site they want and no where else.

Councillor S McPeake seconded Councillor Mallaghan's proposal.

**Resolved** That planning application LA09/2021/0129/O be refused on grounds stated in the officer's report.

**LA09/2021/0719/F                      Farm dwelling and garage at approx. 25m E of 25  
Creagh Hill Road, Toomebridge for Mr Brendan  
Mulholland**

The Head of Local Planning (HLP) presented a report on planning application LA09/2021/0719/F advising that it was recommended for refusal. Members were also advised of a letter received from Paul Birt Estate Agent which advises they are instructed by Mr Mulholland to acquire 10 acres of agricultural land in the Newbridge/Creagh area to replace land lost by him to the A6 vesting programme and that to date, they have had no success in securing this land.

The Chair advised the committee that a request to speak on the application had been received and invited Councillor B McGuigan to address the committee.

Councillor B McGuigan advised that the applicant has a working farm and claims single farm payment and that the only issue is in relation to siting. Councillor McGuigan stated that the applicant lost land through vesting for the new A6 and only received approximately £10k compensation for the loss. The Councillor stated that policy CTY10 allows for a site away from the main holding if there are plans to expand the holding. In this case it was advised that the applicant has plans to expand the farm and has engaged an estate agent to seek additional lands to

replace the lands lost, these lands are likely to cost £15k an acre and the sale of this proposed site will help to offset this cost. Councillor McGuigan stated that this site on the edge of the holding could be easily sold off without affecting any farming activities, it was advised that the site is on the edge of a cluster and would be rounding off. The Councillor stated he did not accept that the proposal would significantly alter the existing character of the area and that the vicinity of the site is already built up. Councillor McGuigan stated that the proposal will be sited approximately two metres below road level and would not be unduly prominent on the landscape and felt that to further aid integration a condition could be applied to require the existing vegetation to be retained and new hedgerows to be planted behind the visibility splays. Councillor McGuigan stated he believed the proposed development is not at odds with PPS21 and asked that an exception be made on this application.

The Service Director of Planning (SD: PI) stated that when the policy refers to plans to expand a farm business it would mean if further sheds were to be built which could cause health and safety issues and not because it would make it easier to sell off a site to buy more land. The SD: PI referred to argument put forward in that it was felt the proposal would not affect rural character and that he would have some sympathy in that regard but that the problem is where does this end.

Councillor S McPeake stated he attended the site visit and whilst maybe not be best integrated site there is some degree of integration. The Councillor stated that on the day of the visit there was a lot of sympathy for the proposal and that it was felt the site would not change the character of the area and would not be prominent. Councillor S McPeake stated that the Committee have been flexible in the past in relation to similar situation regarding the result of A6 works. The Councillor stated that he was surprised at the recommendation to refuse as he felt the discussions on the day of the visit were minded to accommodate the application. Councillor S McPeake stated he would be sympathetic to approving the application.

The Chair, Councillor Mallaghan stated that one of the things talked about at the site meeting was that if the applicant decided they wanted to put the proposal in the middle of the field then it could most likely be approved as the principle of development had been met. Councillor Mallaghan stated that at the site meeting it was felt that the proposed site would have a better outcome in terms of integration whilst having a visual link to the farm and that was why it was felt an exception could be made.

Councillor McFlynn stated she had also been at the site meeting and concurred with the remarks of Councillor S McPeake in relation to the sympathy for the proposal. The Councillor stated that if the proposal was moved closer to the farm a new laneway would be required which would further eat into the use of the agricultural ground. Councillor McFlynn felt that the proposal could round off development in the area and that an exception could be made considering the dilemma of the applicant.

The SD: PI asked why the proposal could not be located in the corner of the field closest to the farm and the road and therefore the proposal would link with the farm group. The SD: PI stated that if a reasonable answer is given to that it then allows the opportunity to consider an exception. The SD: PI referred to the reason to buy more land but advised that this is not a planning consideration.

The Chair, Councillor Mallaghan stated that if you wanted to have a site on the farm but wanted a reasonable distance between a dwelling and farm activities then you would not decide to put it in the corner closest to where that activity would take place.

The HLP referred to policy CTY10 which states a dwelling on a farm could be considered when there are verifiable plans to expand at the existing building group. The HLP advised that the argument being put forward tonight is in relation to buying more land in the locality.

Councillor B McGuigan asked if the alternative site being referred to closer to the farm would be on farm land or gardens.

The Chair, Councillor Mallaghan advised that the SD: PI was referring to the corner of the field marked in blue on the map.

Councillor Cuthbertson stated he would have more sympathy if someone was seeking approval for a dwelling to allow them to live on the farm but because it was a site for sale he felt there was nothing to stop a further site being requested next year and that this application should not be approved.

Councillor S McPeake stated he did not think there would be a similar situation in the near future as the application is for a farm dwelling and that this can only be applied for once every ten years.

The SD: PI stated that a farm dwelling can only be applied for once every ten years and that the previous dwelling had been applied for over ten years ago. The SD: PI referred to the reasoning for an exception and that the reason put forward to buy more land is not unique and could apply to anyone else.

Councillor McKinney stated that personal circumstances in this case is clouding the understanding of policy.

Councillor S McPeake stated that the proposed site is a natural cut out of the boundaries which are already there and that at the site meeting it was felt it made sense to have the proposal at the site where it would best fit.

Councillor Brown stated that he understood the argument but that the other suggested site would be closer to the farm group and would meet policy. Councillor Brown asked if the applicant has considered another site.

The HLP advised that there has been no consideration of any other site thus far.

Councillor D McPeake concurred with Councillor S McPeake's comments in relation to the lay of land and boundaries and that the map shown highlights the land lost through the realignment of the Deerpark Road.

The Chair, Councillor Mallaghan stated that the image being shown to the meeting was useful in that it highlights there could be ribbon development at the proposed site or at the other suggested site.

The SD: PI stated he did have some sympathy but urged Members to be cautious to move to the tests in relation to integration before justifying moving away from the farm group.

Councillor Brown proposed that the application be deferred for two months in order for the applicant to consider the site closer to the farm cluster.

Councillor S McPeake seconded Councillor Brown's proposal.

The SD: PI advised that the application is being deferred for two reasons – to explain the test in relation to expanding a farm and the need to put an agricultural case and also to allow time to consider alternative sites.

**Resolved** That planning application LA09/2021/0719/F be deferred for two months.

**LA09/2021/1182/F**                      **Retention of agricultural building including offices, storage spaces and area for sale of goods produced on the farm (amended description) at approx. 70m NE of 70 Drumgrannon Road, Dungannon for George Troughton**

Mr Marrion (SPO) presented a report on planning application LA09/2021/1182/F advising that it was recommended for approval.

The Chair, Councillor Mallaghan asked if the Council Solicitor was happy with the process as she had previously asked for the application to be deferred to consider the managing of the application.

The Council Solicitor confirmed she was content with the process.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1182/F be approved subject to conditions as per the officer's report.

**LA09/2021/1260/O**                      **Dwelling and garage at approx. 80m E of 24 Garrison Road, Magherafelt for Donna and Danny O'Shea**

Members considered previously circulated report on planning application LA09/2021/1260/O which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1260/O be approved subject to conditions as per the officer's report.

**LA09/2021/1284/F**                      **Dwelling at rear of 123 Creagh Road, Newbridge,  
Magherafelt for Emma Gribbin**

Members considered previously circulated report on planning application LA09/2021/1284/F which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2021/1284/F be approved subject to conditions as per the officer's report.

**LA09/2021/1384/O**                      **Site for 2 dwellings and garages at vacant lands  
adjacent to and W of 191 Battery Road, Moortown for  
Mr Maurice Devlin**

Members considered previously circulated report on planning application LA09/2021/1384/O which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2021/1384/O be approved subject to conditions as per the officer's report.

**LA09/2021/1385/F**                      **Amendment to previously approved vehicular access  
at 250m N of 2 Gortinure Road, Maghera for Mr  
Rafferty**

Members considered previously circulated report on planning application LA09/2021/1385/F which had a recommendation for approval.

Proposed by Councillor Corry  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2021/1385/F be approved subject to conditions as per the officer's report.

**LA09/2021/1773/F**                      **Retention of coach yard and ramp for washing own  
coaches as an extension to established business at  
lands immediately to the rear and NW of 30B Killyneill  
Road, Dungannon for Mr Stephen Davison**

Members considered previously circulated report on planning application LA09/2021/1773/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Robinson and

**Resolved**     That planning application LA09/2021/1773/F be approved subject to conditions as per the officer's report.

**LA09/2021/1808/O**                      **Site of dwelling house and domestic garage on a farm at rear of 39 Gortahurk Road, Desertmartin for Eoighan McGuigan**

Members considered previously circulated report on planning application LA09/2021/1808/O which had a recommendation for approval.

Proposed by Councillor Corry  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2021/1808/O be approved subject to conditions as per the officer's report.

**LA09/2022/0097/O**                      **Site for a dwelling and domestic garage at site 50m S of 105 Culnady Road, Maghera for Mr Thomas Patterson**

Members considered previously circulated report on planning application LA09/2022/0097/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2022/0097/O be approved subject to conditions as per the officer's report.

**LA09/2022/0556/O**                      **Domestic dwelling and garage adjacent to 37 Moss Road, Ballymaguigan, Magherafelt for Ciara McGrath**

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/0556/O advising that it was recommended for refusal.

Proposed by Councillor Mallaghan  
Seconded by Councillor S McPeake and

**Resolved**     That planning application LA09/2022/0556/O be refused on grounds stated in the officer's report.

**LA09/2022/1062/O**                      **Dwelling and garage within a cluster at 95m S of 4 Drumgarrell Road, Cookstown, for Mr Ryan O'Neill**

Application withdrawn.

**LA09/2022/1077/F**                      **2 storey dwelling and domestic garage at 30m SW of 55 Springhill Road, Ballindrum, Moneymore for Mr Mark Henry**

Members considered previously circulated report on planning application LA09/2022/1077/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2022/1077/F be approved subject to conditions as per the officer's report.

**LA09/2022/1226/O**                    **Site for dwelling and domestic garage at 100m S of 25a Cloane Road at the junction of Cloane Road and Cloane Lane, Draperstown, for Mr Mark Quinn**

Application withdrawn.

**LA09/2022/1230/O**                    **Site for dwelling and domestic garage at 155m S of 25a Cloane Road, Draperstown, for Mr Mark Quinn**

Application withdrawn.

**LA09/2022/1294/O**                    **Site for dwelling and domestic garage on lands approx. 35m N of 12 Drumard Road, Kilrea, for Mr Colm Bradley**

Members considered previously circulated report on planning application LA09/2022/1294/O which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2022/1294/O be approved subject to conditions as per the officer's report.

**LA09/2022/1561/O**                    **Site for dwelling and domestic garage at approx. 30m S of 26 Grillagh Hill, Maghera for Mr Malachy Scullin**

Ms McKinless (SPO) presented a report on planning application LA09/2022/1561/O advising that it was recommended for refusal.

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

The Service Director of Planning (SD: PI) asked that if the proposal was sited at the top of the field this would take it out of the flood plain and closer to a cluster and that the agent may want to discuss this with the applicant.

Mr Cassidy advised that he has not discussed this option with the applicant but he was unsure if there would be access from the Gortinure Road. Mr Cassidy stated he would like the opportunity to explore the option and discuss with the applicant.

Proposed by Councillor Bell  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2022/1561/O be deferred for two months for applicant to consider alternative siting options.

**Matters for Information**

**P040/23 Minutes of Planning Committee held on 7 March 2023**

Members noted minutes of Planning Committee held on 7 March 2023.

*Live broadcast ended at 8.14 pm.*

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

Proposed by Councillor Brown  
Seconded by Councillor McFlynn 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 P041/23 to P045/23.

**Matters for Decision**

P041/23 Receive Report on Request for a TPO  
P042/23 Receive Enforcement Report

**Matters for Information**

P043/23 Confidential Minutes of Planning Committee held on 7 March 2023  
P044/23 Enforcement Cases Opened  
P045/23 Enforcement Cases Closed

**P046/23 Duration of Meeting**

The meeting was called for 7 pm and concluded at 8.56 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.

