

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

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| Members Present | Councillor S McPeake, Chair |
| | Councillors Bell, Black*, Brown*, Clarke*, Colvin*, Cuthbertson*, Gildernew*, Glasgow, Kearney*, Mallaghan*, McFlynn*, McKinney, D McPeake*, Quinn* (7.04 pm), Robinson* |
| Officers in Attendance | Dr Boomer, Planning Manager Ms Donnelly, Council Solicitor** Ms Doyle, Senior Planning Officer** Mr Marrion, Senior Planning Officer** Ms McCullagh, Senior Planning Officer** Ms McKearney, Senior Planning Officer** Miss Thompson, Democratic Services Officer |
| Others in Attendance | Applicant Speakers LA09/2020/1027/F Mr Kearney* Mrs Mellon* Mr Cassidy* |

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

The meeting commenced at 7.02 pm

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

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

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

P016/21 Apologies

None.

P017/21 Declarations of Interest

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

The Chair, Councillor S McPeake referred to agenda items 4.8 (LA09/2020/0705/F) and 4.21 (LA09/2020/1523/F) and that as these items are Council applications all Members should declare an interest when the item is taken.

The Chair, Councillor S McPeake declared an interest in agenda items 4.14 (LA09/2020/1030/F), 5.1 (LA09/2016/1693/O) and 5.6 (LA09/2020/0862/F).

P018/21 Chair's Business

The Planning Manager advised that agreement had now been reached in relation to the procurement of a new planning computer system. The Planning Manager advised that some of the capabilities of this new system are that it will be able to accept planning applications online and also issue decisions online and should be more user friendly.

The Chair, Councillor S McPeake stated that this was good news as the new planning computer system has been talked about since RPA and is long awaited. The Chair stated he hoped the implementation of the new system would come to fruition shortly.

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

Agenda item 4.1 – LA09/2017/0319/F – Relocation of 2 chimney stacks (approved. M/2011/0126/F) and the retention of 4 further chimney stacks to facilitate spraying within existing approved building.(Amended description) (Revised Odour Impact Assessment received) at 70m S of 177 Annagher Road, Dungannon, for DMAC Engineering.

Agenda item 4.3 – LA09/2019/1546/F - Site for a farm dwelling and double garage at 70m W of 25a Corrycroar Road, Pomeroy, for Mr Connor Carberry.

Agenda item 4.9 – LA09/2020/0707/F - Infill dwelling and garage 20m E of 15 Lisgorgan Lane, Maghera, for William Drennan.

Agenda item 4.13 – LA09/2020/0899/O - Site for a dwelling & domestic garage at approx 15m N of 69 Anneeter Road, Coagh, for Mr Charles Mallon.

Agenda item 4.15 – LA09/2020/1119/O - Dwelling and garage in a cluster 10m W of 44 Ballyscullion Road, Bellaghy, for Mr Brian Milne.

Agenda item 4.18 – LA09/2020/1192/O - Dwelling on a farm at 70m NW of 90 Moneysharvan Road, Maghera, for Ronan Bradley.

Agenda item 4.19 – LA09/2020/1225/O - Infill dwelling at lands adjacent to 214 Hillhead Road, Castledawson, for Jim McPherson.

Agenda item 4.20 – LA09/2020/1317/O - Site for dwelling and garage at lands between 17-19a Drumrot Road, Moneymore for Miss Z McClintock.

Agenda item 5.3 – LA09/2019/1008/F - Retention of dwelling under construction at 7 Tobermesson Road, Dungannon, for Mr Conor Curran.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

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

Matters for Decision

P019/21 Planning Applications for Determination

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

LA09/2017/0319/F Relocation of 2 chimney stacks (approved. M/2011/0126/F) and the retention of 4 further chimney stacks to facilitate spraying within existing approved building. (Amended description) (Revised Odour Impact Assessment received) at 70m S of 177 Annagher Road, Dungannon for DMAC Engineering

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

LA09/2018/0594/F Demolition of existing abattoir and erection of new local neighbourhood shop, workshops, forecourt, canopy and crèche at 1 Coalisland Road, Dungannon for BDJ Management Ltd

Members considered previously circulated report on planning application LA09/2018/0594/F which had a recommendation for approval.

Councillor Cuthbertson declared an interest in this item.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/0594/F be approved subject to conditions as per the officer's report.

LA09/2019/1105/O **Site for a farm dwelling and double garage at 70m W of 25a Corrycroar Road, Pomeroy, for Mr Connor Carberry**

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

LA09/2019/1546/F **No1 pullet rearing poultry shed with feed bin, storage shed and associated site works at land approximately 250m SW of 1 Grillagh Road, Maghera for Glenshane Eggs**

Members considered previously circulated report on planning application LA09/2019/1546/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2019/1546/F be approved subject to conditions as per the officer's report.

LA09/2020/0263/F **1 detached dwelling and 4 semi-detached dwellings with detached garages, Estate Road and Footpaths. 1 dwelling and change of use of existing listed outbuilding from farm building to domestic garage and stores with renovations for domestic purposes ancillary to the proposed dwelling on the former site of 1 Gortagammon Road and lands adjacent to Berkley Mews, Tullyhogue, Cookstown for Mr David Mc Aleece & Shani Flint**

Members considered previously circulated report on planning application LA09/2020/0263/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0263/F be approved subject to conditions as per the officer's report.

LA09/2020/0639/O **2 storey dwelling and garage at site approximately 90m SW of 81 Cullenrammer Road, Dungannon for Miss Natasha Murray**

Members considered previously circulated report on planning application LA09/2020/0639/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0639/O be approved subject to conditions as per the officer's report.

LA09/2020/0695/F **Detached dwelling at lands to the rear of 39-41 Ranfurly Road, Dungannon, (accessed from Gortmerron Avenue) for Mr Patrick McEvoy**

Councillor Cuthbertson stated he had a number of concerns in relation to this application and that approving the application could set a precedent that every garden could be built on along that road. The Councillor stated that Gortmerron Avenue is a single width lane and there is insufficient infrastructure to service any more houses.

Mr Marrion (SPO) presented report on planning application LA09/2020/0695/F advising that it was recommended for approval. Mr Marrion also showed the block plan and siting of the proposal and advised that Roads Service did not have any concerns in relation to the application.

Councillor Bell stated he was happy to propose the officer recommendation based on the report and explanation provided tonight.

Councillor Gildernew seconded Councillor Bell's proposal.

Councillor Cuthbertson stated he would like to see the site plan showing the red line which gives a better layout of the area and would provide a better indication of the number of houses in the area and that the road gets narrower. Councillor Cuthbertson stated that if this application is approved there could end up being a house in every garden.

The Chair, Councillor S McPeake stated that a block plan had been shown which indicated that curtilages decrease going North. The Chair also referred to the officer's comments in that any other applications would be treated on their own merit.

Members were shown the site plan which indicated the red line and layout.

The Planning Manager stated that this application runs across two back gardens and that this site is different to the others as it has the tennis courts to one side and is also the longest of the gardens. The Planning Manager stated he did not feel this proposal could be replicated along the road unless several gardens were combined.

Members voted on Councillor Bell's proposal –

For – 9
Against – 6
Abstained – 1

Resolved That planning application LA09/2020/0695/F be approved subject to conditions as per the officer's report.

LA09/2020/0705/F

Upgrade to an existing household waste recycling centre to include new split level design, site office, weighbridges, concrete yard and vehicle parking sheds and upgrading non-hazardous waste transfer station, including reinforced concrete internal push walls and reconfiguration of roller doors at Magherafelt Depot and Recycling Centre, Ballyronan Road, Magherafelt for Mid Ulster District Council

All Members present at the Committee both in the room and virtually (Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson) declared an interest in this item.

Members considered previously circulated report on planning application LA09/2020/0705/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0705/F be approved subject to conditions as per the officer's report.

LA09/2020/0707/F

Infill dwelling and garage 20m E of 15 Lisgorgan Lane, Maghera for William Drennan

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

LA09/2020/0798/F

2 No. two storey dwellings at site immediately E and adjacent to 5 Frenchmans Lane Castlecaulfield for Miss Kathy Robinson

Members considered previously circulated report on planning application LA09/2020/0798/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0798/F be approved subject to conditions as per the officer's report.

LA09/2020/0840/F

Dwelling and garage (infill site) adjacent to 55 and opposite 59 Coole Road, Aughamullan Coalisland for Fionntan Cullen and Niamh Carberry

Mr Marrion (SPO) presented a report on planning application LA09/2020/0840/F advising that it was recommended for refusal.

Councillor Mallaghan felt that the applicant should be given the opportunity to reflect and consider if they want to amend the design of the property and proposed that the application be deferred to March to allow time for this.

Councillor Bell seconded Councillor Mallaghan's proposal.

Councillor Bell stated that the proposal does look out of character and asked if it would be more acceptable if the dwelling was lower at the front and higher at the back.

The Planning Manager stated that the only issue in relation to this application was design and if plans for an appropriately designed dwelling are submitted then these will be considered.

Councillor Quinn stated that although the proposal may be out of character within that particular stretch of houses it would not be out of character for the area in general and supported Councillor Mallaghan's proposal.

The Planning Manager stated that he did not feel an office meeting would be appropriate in this case. The Planning Manager stated that officers have been in contact with the applicant and explained the situation and that the applicant wanted the proposal brought before the Committee as is. The Planning Manager stated that he was content that the application be deferred and that officers will go back to the applicant again.

Resolved That planning application LA09/2020/0840/F be deferred to March Planning Committee to allow time for applicant to consider if they want to submit amended plans.

LA09/2020/0879/O Dwelling and garage on a farm at 45m NE of No 7 Glenvigian Road, Draperstown for Mr Cathal Doyle

Members considered previously circulated report on planning application LA09/2020/0879/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2020/0879/O be approved subject to conditions as per the officer's report.

LA09/2020/0899/O Site for a dwelling & domestic garage at approximately 15m N of 69 Anneeter Road, Coagh for Mr Charles Mallon

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

Councillor S McPeake declared an interest in the following application, vacated the Chair and withdrew to the public gallery.

Councillor Glasgow took the Chair.

LA09/2020/1030/F Replacement dwelling and garage at 55 Mullaghboy Road, Bellaghy for Miss Clodagh McPeake

Members considered previously circulated report on planning application LA09/2020/1030/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2020/1030/F be approved subject to conditions as per the officer's report.

Councillor S McPeake rejoined the meeting and took the Chair.

LA09/2020/1119/O Dwelling and garage in a cluster 10m W of 44 Ballyscullion Road, Bellaghy for Mr Brian Milne

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

LA09/2020/1169/F Alterations and extensions to existing dwelling including new access gates, pillars & walls at 81a Glen Road, Maghera for Mr and Mrs Gareth Campbell

Members considered previously circulated report on planning application LA09/2020/1169/F which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1169/F be approved subject to conditions as per the officer's report.

LA09/2020/1191/F New access to existing dwelling at 28 Ballymaguigan Road, Magherafelt for Martin McIvor

Members considered previously circulated report on planning application LA09/2020/1191/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/1191/F be approved subject to conditions as per the officer's report.

LA09/2020/1192/O Dwelling on a farm at 70m NW of 90 Moneysharvan Road, Maghera for Ronan Bradley

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

LA09/2020/1225/O Infill dwelling at lands adjacent to 214 Hillhead Road, Castledawson for Jim McPherson

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

LA09/2020/1317/O Site for dwelling and garage at lands between 17-19a Drumrot Road, Moneymore for Miss Z McClintock

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

LA09/2020/1523/F Installation of Floodlights to MUGA a Maghera Leisure Centre, Coleraine Road, Maghera for Mid Ulster District Council

All Members present at the Committee both in the room and virtually (Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson) declared an interest in this item.

Members considered previously circulated report on planning application LA09/2020/1523/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2020/1523/F be approved subject to conditions as per the officer's report.

Councillor S McPeake declared an interest in the following application, vacated the Chair and withdrew to the public gallery.

Councillor Glasgow took the Chair.

LA09/2016/1693/O Farm dwelling and garage, 195m SW of 146 Gulladuff Road, Bellaghy for Seamus McCorry

Members considered previously circulated report on planning application LA09/2016/1693/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2016/1693/O be approved subject to conditions as per the officer's report.

Councillor S McPeake rejoined the meeting and took the Chair.

LA09/2019/0050/O **Site for a dwelling and garage at 37m NE of 9 Annaghmore Lane, Annaghmore, Cookstown for Mr Noel Devlin**

Members considered previously circulated report on planning application LA09/2019/0050/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/0050/O be approved subject to conditions as per the officer's report.

LA09/2019/1008/F **Retention of dwelling under construction at 7 Tobermesson Road, Dungannon for Mr Conor Curran**

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

LA09/2019/1157/F **Retrospective domestic storage shed with extension of curtilage 5 Jacksons Drive, Gulladuff for Paul McGarvey**

Members considered previously circulated report on planning application LA09/2019/1157/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/1157/F be approved subject to conditions as per the officer's report.

LA09/2020/0315/O **2 storey dwelling and garage on a farm adjacent to 182 Mountjoy Road, Brockagh, Dungannon for Mr Paul Mulholland**

Members considered previously circulated report on planning application LA09/2020/0315/O which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/0315/O be approved subject to conditions as per the officer's report.

Councillor S McPeake declared an interest in the following application, vacated the Chair and withdrew to the public gallery.

Councillor Glasgow took the Chair.

LA09/2020/0862/F

Replacement dwelling and garage at site 400m E of Fairview, 221 Hillhead Road, Castledawson for Jason Thompson and Julie Espie

Members considered previously circulated report on planning application LA09/2020/0862/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2020/0862/F be approved subject to conditions as per the officer's report.

Councillor S McPeake rejoined the meeting and took the Chair.

LA09/2020/1027/F

Infill site for 2 dwellings and garages between 11B and 11E Hillside Road, Upperlands for Mr Danny McMaster

Ms McCullagh (SPO) presented a report on planning application LA09/2020/1027/F advising that it was recommended for refusal.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Kearney to address the committee in the first instance.

Mr Kearney stated he wanted to support the three reasons for refusal as per the officer recommendation. Mr Kearney stated that the proposal is against planning policy and asked that the Committee refuse the application.

Mrs Mellon stated that she was speaking on behalf of herself and her husband and that they resided at 11B Hillside Road. Mrs Mellon stated she stood over previous objections to the proposal and stated that the proposal was not an infill site but rather an agricultural field. Mrs Mellon stated that the laneway was private and did not have the infrastructure to take more traffic.

Mr Cassidy stated that policy has been met in that the site has frontage and there are three buildings. Mr Cassidy advised the two proposed frontages will be approximately 70m and that other frontages in the vicinity are a lot more. Mr Cassidy stated that the proposal is for two detached houses and allowing for separation distances he felt that a third house would not fit into the site. Mr Cassidy stated that Roads Service have no issue with the proposal and that sightlines on the road would be improved should the proposal be approved.

Councillor Colvin asked what the distance is across the front of the field.

Ms McCullagh advised that the site frontage is approximately 140m.

The Planning Manager stated that Members have to assess the character of what is already there which is dispersed dwellings. The Planning Manager stated that there is ribboning in the area and questioned if this site is actually an important break in

the ribboning and build up as opposed to whether it is a gap in which to put more houses. The Planning Manager stated that one of the proposed dwellings will be going up the back of one house and in front of another house and that these are also factors to consider.

Councillor McKinney asked if there was an opportunity for a site meeting.

The Planning Manager stated it was reasonable to request a site meeting to allow Members to see the site however he stated the site meeting should not be organised during the current restrictions and such a meeting would be deferred until March at the earliest.

Councillor Gildernew stated that the Planning Manager mentioned build up and that he did not think this had been previously mentioned in the officer report. Councillor Gildernew asked if build up had not been previously mentioned could it be taken into consideration now.

Ms McCullagh advised that build up is included in the refusal reasons.

Councillor McFlynn referred to previous comments in relation to the private lane and asked if there is a right of way on the lane to allow the applicant to use the site.

Ms McCullagh advised that there is no right of way on the lane.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/1027/F be deferred for a site meeting to be held at such times as current restrictions are lifted.

Matters for Information

P020/21 Minutes of Planning Committee held on 11 January 2021

Members noted minutes of Planning Committee held on 11 January 2021.

P021/21 Receive report on lodgement of a Non-determination Appeal

The Planning Manager presented previously circulated report which advised that an appeal has been lodged for the non-determination of planning application LA09/2019/0951/F.

Members noted the content of the report.

Live broadcast ended at 8.04 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor McKinney 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 P022/21 to P026/21.

Matters for Decision

P022/21 Receive Updated Planning Office Authorisation List
P023/21 Receive Enforcement Report

Matters for Information

P024/21 Confidential Minutes of Planning Committee held on
11 January 2021
P025/21 Enforcement Cases Opened
P026/21 Enforcement Cases Closed

P027/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.36 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.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 2nd February 2021

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

| ITEM | INFORMATION RECEIVED | ACTION REQUIRED |
|-------------|-----------------------------|------------------------|
| 4.1 | Letter from applicant | Members to note |
| 4.20 | Late objection received | Members to note |
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