

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 June 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present Councillor Mallaghan, Chair
Councillors Bell, Black, Brown, Clarke, Colvin*, Cuthbertson, Glasgow, Martin*, McKinney, D McPeake, S McPeake, Quinn* and Robinson

Officers in Attendance Dr Boomer, Service Director of Planning
Mr Bowman, Head of Strategic Planning
Ms Doyle, Head of Local Planning
Mr Marrion, Senior Planning Officer
Ms McIlveen, Legal Adviser**
Ms Scott, Council Solicitor
Ms McNamee, ICT Support**
Mrs Grogan, Democratic Services Officer

Others in Attendance LA09/2021/0141/F – Gavin McGill & Shane Carr
LA09/2021/0455/F – Martin Kelly (For)
LA09/2021/0455/F – Charlie Rafferty (Against)
LA09/2021/0455/F – Frances Magee (Against)
LA09/2021/1330/F – Dermot Monaghan
LA09/2021/1474/F – Gavin McGill & Shane Carr
LA09/2021/1487/F – Dermot Monaghan
LA09/2020/1476/O – Chris Cassidy – CMI Planners

* 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

P069/22 Notice of Recording

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

P070/22 Apologies

Councillors Corry and McFlynn.

P071/22 Declarations of Interest

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

P072/22 Chair's Business

Councillor Mallaghan, Chair wished to thank Councillor Black and Councillor S McPeake for all the good work they carried out during last year.

The Service Director of Planning advised that he had a few issues he wished to raise tonight –

- **Visit to Goldmine**

The SD: Planning said that he could report to committee that the Heads of Local and Strategic Planning, a group of Councillors and himself visited the Cancussy Gold Mine site on 30th May. Everyone found the visit highly informative and very interesting. The current workings were about a kilometre long with a few spurs and were horizontally dug in the hillside. The exploratory workings were accompanied by a few steel frame and portable buildings and a water filtration system, which in themselves did not rouse any concerns. However, they are not representative of the proposed works which will be 10 fold or more in size which involves digging a series of horizontal shafts layered underground. It was clear that spoil from the workings will result in large waste heaps which will remodel the site on towards the top of the hillside and change the character of what is an exceptional attractive V shaped vale which is essentially the key component of this area of outstanding natural beauty. He felt that Mid Ulster District Council was correct in asking for a public examination and he has proposed that it be refused on the impact of integrity on the area of outstanding natural beauty.

- **Update on Quarrying at Loughdoo ASSI**

The SD: Planning said that members would be aware that an application was received for a water filtration plant at Loughran's Quarry and also a request that the permission for the quarry be revoked had been received more than a year. NIEA have responded to this Council's questions about the ASSI. The Council are consulting on their response with the parties concerned and will report on both matters in due course.

- **Broughderg Wind Turbine**

The SD: Planning said that members will recall that he brought matters relating to this turbine to committee some time ago. The matters for decision have now returned to the Council as requested and we are consulting with the parties concerned and will report to the committee in due course.

- **Computer System**

The SD: Planning said that members will recall the demonstration of the department's new computer system a few weeks ago. He said that he could advise that officers have now filtered all of the planning records for the whole of Northern Ireland and placed the record pertaining to Mid Ulster into the system for test. He advised that he would be testing this data over the next couple of days and all being well hoped to see the system go live next week. Once he has the assurance he would inform all the agents, consultees and Council's Communications team to issue press release.

- **Planning Performance**

The SD: Planning advised that the Regional Planning Statistics are now available on the DfI website for the period up to 31st December 2021 which shows on average performance. It was taking 16 weeks to process local applications and 88 weeks for majors. He said that he anticipated the performance for the year would be over 16 weeks, well below normal performance. This said, issues relating to the impact of Covid, staff shortages and working on a new computer system, one week behind target is not too bad. Remarkably, Mid Ulster has the 3rd best for process times of local applications of all Councils whilst also delivering with the third highest number of applications. He anticipated performance dropping whilst the new computer system was being implemented which may remain challenging over the summer. However, he felt that once it is in place things would improve on processing time.

Councillor Clarke left the meeting at 7.10 pm and returned at 7.11 pm.

The Chair 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 5.8 - LA09/2021/0885/O – Site for dwelling and domestic garage at 30m W of 102 Craigadick Road, Maghera for Sharon Crooks

Agenda Item 5.9 – LA09/2021/0934/O – Dwelling and garage at approx. 130m W of 16 Carncoose Road, Moneymore for Gregory McGovern

Agenda Item 5.10 – LA09/2021/0958/O – Dwelling and garage at approx. 40m E of 31 Macknagh Lane, Maghera for Paudraig McGuigan

Agenda Item 5.13 – LA09/2021/1287/O – Site for dwelling & domestic garage at 20m W of 12a Tamnymartin Road, Maghera for Daniel Anderson

Agenda Item 5.15 – LA09/2021/1302/F – Replacement dwelling and domestic double garage at approx. 35m NW of 92 Lisnaclare Road, Stewartstown for James Coyle

Agenda Item 5.25 – LA09/2022/0063/O – Replacement dwelling and domestic garage adjacent to 16 Roshure Road, Desertmartin for Rodney McKnight

Agenda Item 5.26 – LA09/2022/0122/O – Dwelling at land 20m SE of 96 Reenaderry Road, Derrytresk, Coalisland for Stephen McCaffrey

Agenda Item 5.27 – LA09/2022/0168/O – Dwelling and garage in a cluster at 25m N of 2 Coltrim Lane, Moneymore Mark Hamilton

Agenda item 5.28 – LA09/2022/0272/F – Dwelling and lands approx. 100m E of 10 Tralee Road, Coagh for Brian Devlin

Proposed by Councillor Clarke
Seconded by Councillor Black and

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

Matters for Decision

P073/22 Planning Applications for Determination

All Members declared an interest in the above application.

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

LA09/2018/1329/F Enabling works to allow future development of a new leisure centre and primary school on the Gortgonis site. Enabling works for Leisure centre include a new vehicular entrance, temporary accommodation and relocation of the existing play area, Enabling works for the proposed school includes modification and improvement of existing vehicular entrance, Adjacent to the Gortgonis Sports Pavilion, Gortgonis Road Coalisland for Mid Ulster District Council

Members considered previously circulated report on planning application LA09/2018/1329/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/1329/F be approved subject to conditions as per the officer's report.

LA09/2019/1016/F Redevelopment of Gortgonis Leisure Centre and playing fields comprising of the demolition and general site and clearance of existing facilities. Erection of a new leisure centre with a community hall, gym, day care facilities and associated ancillary accommodation. Replace the existing pitch with a floodlit 3G synthetic pitch and 6 lane running track with outdoor play areas. Modification and improvement of the existing vehicular entrance, the addition of a right hand turn land, car parking, pavements, fencing and amenity lighting adjacent to the Gortgonis Sports Pavilion Gortgonis Road Coalisland Dungannon, for Mid Ulster District Council

All Members declared an interest in the above application.

Members considered previously circulated report on planning application LA09/2019/1016/F which had a recommendation for approval.

The SD: Planning said that he wished to make a comment regarding the above application. He said that it was obvious that it was a leisure centre, but it was important to emphasize that this was not only the ability to gain access to the leisure

centre but also the ability to access the Irish Language School. He advised that Council were still waiting on Roads Service to comment on another part which arrived back last week and was hopeful that the Head of Strategic Planning and his team would be in a position to bring this forward next month.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/1016/F be approved subject to conditions as per the officer's report.

LA09/2020/0281/F Demolition of St Malachy's Parochial Hall and construction of a new 11 classroom primary school with associated landscape, vehicle access, car parking, hard and grass play areas at St Malachy's Parochial Hall 163 Coalisland Road Dungannon, for Edendork Primary School

Members considered previously circulated report on planning application LA09/2020/0281/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0281/F be approved subject to conditions as per the officer's report.

The SD: Planning wished to have it noted for the record that members may recall that Planning was asked to serve a Building Preservation Notice on the old Church Hall, which was declined. He said at that moment in time Historic Monuments and Buildings were content that the Notice be served, which was felt too risky in coming to this decision to have it knocked down. He said that showed the Council's wisdom, as we do always have to be mindful that if a Building Preservation Notice is served, there can be compensation and shows that the Council was the best judge on these types of things and not everyone else who sits on the sidelines.

LA09/2020/1239/F Change of use of enclosed yard from disused vehicular storage yard for DRD, to an area for the storage and bagging of peat at 45 Cravenny Road, Martray, Ballygawley for Harte Peat Ltd

Members considered previously circulated report on planning application LA09/2020/1239/F which had a recommendation for approval.

The SD: Planning advised that he was working to improve environmental governance in relation to unauthorised peat extraction and had asked his Officers to find out where the peat was coming from as there was an onus to make sure that peat was protected as this was an asset for future generations. He said that evidence was provided to suggest that peat was being imported from other countries like Finland and Sweden.

Proposed by Councillor Bell
Seconded by Councillor S McPeake

Resolved That planning application LA09/2020/1239/F be approved subject to conditions as per the officer's report.

Councillor Clarke left the meeting at 7.22 pm.

LA09/2021/0141/F Retention of alterations to in Vessel Composting Facility (approved M/2014/0567/F and LA09/2016/0729/NMC) comprising additional bay, vent scoops, bunker building, raised platform, tunnel building, bio filter enclosure, de watering plant, storage areas and ancillary plant, tanks, conveyors and ducting at lands at 24m S of 17 Aghnagar Road, Ballygawley for Northway Mushrooms Ltd

Members considered previously circulated report on planning application LA09/2021/0141/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Bell and

Resolved That planning application LA09/2021/0141/F be approved subject to conditions as per the officer's report.

LA09/2021/0455/F Change of house type on sites 24 to 66 and updated layout at 40m NE of Currans Brae and 120m NW of 92 Gorestown Road, Moy for MDK Construction

Councillor Clarke returned to the meeting at 7.24 pm.

The Chair referred committee to previously circulated addendum where an objection was received in relation to agenda item 5.6.

Mr Marrion presented previously circulated report on planning application LA09/2021/0455/F and advised that it was on tonight schedule for an approval.

The Chair advised that Mr Kelly was in attendance to speak in favour of the application and invited him to address the committee.

Mr Kelly advised that this application was originally submitted in March 2021, with an amendment to the house type and reduction from 63 dwellings to 58 by taking out all the apartments onsite. The apartment block was 38 metres long by 10 metres wide approximately which has now been changed and opening up the area a lot more. The developer has worked with the planners and submitted further sets of plans for amendments in July 2021 and August 2021 where the ground level and ridge height was decreased, increasing the separation which was asked for at the time to make the area more appealing to the neighbouring properties. Work has been done to lessen the impact on neighbouring properties and keep in sync with what has been done throughout the estate.

The Chair advised that Mr Rafferty and Ms Magee was in attendance to speak against the application and invited him to address the committee.

Mr Rafferty advised that they were residents of Clover Hill and did not object to the contractor building the houses at Roxborough Manor, but did object to the proposed style of houses being built. The houses at Clover Hill are detached bungalows, some with converted roof spaces and the houses the contractor proposed to build are 2 storey dwellings which were going to block the natural light coming into the residents of Clover Hill's homes. As the proposed dwellings are going to be 2 storey, he believed that the new occupants would be looking down into their homes, thus depriving the residents of their privacy especially in their own back gardens. He emphasised that everyone was entitled to a certain amount of privacy and that the developer has been aware of this for some time, but had not spoken to them regarding these concerns and had he done so, then a favourable outcome could have been reached a lot sooner. He said that it wasn't their intention to hold up the developer, but this could be done to the satisfaction of everyone for now and for future generations. He appealed to members to allowing them the option of a site visit.

Ms Magee advised that she lives at No. 30 and the thought of a 2 storey dwelling being built behind her is having a detrimental impact on her mental health as she is having anxiety and sleepless nights as is her neighbour. If constructed as proposed this would result in an unacceptable loss of privacy, not only to her back garden but also to the privacy of all her rooms at the back of her house and only able to use these rooms if blinds were tilted everyday thus reducing the natural daylight even further. As these houses are facing into her house she will not have privacy ever again and concurred with Mr Rafferty in saying that a site visit would be very much appreciated so members could see the reality of their concerns.

The SD: Planning enquired from Ms Magee would she be happy if this application was refused and revert back to original planning approval.

Ms Magee advised that she would not be happy as her neighbour was in the same situation as she was and would be detrimental to her mental health as the new occupants would also be looking in on her also.

The SD: Planning said that he would need to advise the committee and understood that Ms Magee would not be happy and if this was refused, the developer could revert to what they have planning approval which may have a greater impact on the residents of Clover Hill.

Ms Magee asked why the house types cannot be lowered and changed to a storey and a half as this would allow privacy as at Hunters Chase, houses at Curran's Brae looks out onto the roofs of them.

The SD: Planning said that this was helpful as Ms Magee had an issue with the height of the houses and not the siting of them and this would go along way.

The SD: Planning asked Mr Kelly in the name of neighbourliness, could he lower the height of the dwellings, possibly $1\frac{3}{4}$ and that way it would reduce the impact but would still keep the floor space.

Mr Kelly said that within that there would not be the same number of properties as there had been as there was already an amendment to reduce the number of dwellings and if this was vaped down there would be a bigger floor space.

The SD: Planning said that there seemed to be confusion here as we were talking about a few houses and if the footprint was the same, all that would be needed would be to reduce the height and make them into half dormers and still the same floor space.

Mr Kelly said that this would not be the preferred option.

Ms Magee felt that the developer was not taking into consideration the detriment to her mental health if these buildings are constructed.

The SD: Planning said that it was now up to the members to decide the best way to proceed regarding this application.

The Chair stated that it was fairly well laid out in terms of options going forward and the proposal to the developer to see if there was some way to meet half way, but this has not been taken up. He said that the objectors have asked to committee to consider a site visit to see for themselves or the other two options - to approve as recommended by the officer or refuse the application which would not be a good option as it would allow the developer to revert back to plan A which would be much more intrusive to the residents.

Councillor S McPeake said that he wasn't that clear on what the developer's response was to Dr Boomer on the idea of lowering the dwelling when it wouldn't have any less floor space.

The SD: Planning advised that this would lower the height and lower the impact, but would still result in very attractive houses with plenty of room. He said that he put forward a solution but the developer was not keen on it. He said the developer could appeal if he wished to do so, but felt that a little more consideration could be given to the neighbouring dwellings as this was what Mid Ulster District Council was all about in trying to make everyone happy.

Councillor S McPeake said that he still didn't get clarification on why it would be so problematic to lower the dwellings.

The Chair advised that the developer had indicated that he had already made amendments to the height and wasn't prepared to lower any more.

Councillor Clarke said that another option would be to reduce the floor level as the site was on rising ground and would still be in a position of constructing a 2 storey dwelling.

Councillor Clarke proposed that a site visit be arranged for members to see for themselves.

Councillor Black said that he would be happy to second the proposal for a site visit as he was conscious about getting into the realms of what can and cannot be achieved.

He said that a site visit would allow for the objectors views to be taken into consideration and possibly allow time to have discussions with the developer to see if an amicable solution could be reached.

Ms McIlveen, Legal Advisor said that given the issues being raised and noted that the officer did indicate that the objection came in late, felt that a bit of time here would be sensible in the circumstances.

Proposed by Councillor Clarke
Seconded by Councillor Black and

Resolved That planning application LA09/2021/0455/F be deferred for a site meeting.

LA09/2021/0717/F Storage warehouse for use in association with proposed peat storage and distribution yard (LA09/2020/1239/F) with associated single storey canteen, toilets, office reception area and ancillary works at 45 Craveny Road, Martray, Ballygawley for Harte Peat Ltd

Members considered previously circulated report on planning application LA09/2021/0717/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/0717/F be approved subject to conditions as per the officer's report.

LA09/2021/0885/O Site for dwelling and domestic garage at 30m W of 102 Craigadick Road, Maghera for Mrs Sharon Crooks

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

LA09/2021/0934/O Dwelling & Garage at approx. 130m W of 16 Carnose Road, Moneymore for Gregory McGovern

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

LA09/2021/0958/O Dwelling and Garage at approx. 40m E of 31 Macknagh Lane, Maghera for Paudraig McGuigan

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

LA09/2021/1103/F Amendment of house design under construction (LA09/2018/0294/F) adjacent to and the rear of 24 St Jeans, Tullagh, Cookstown for Martin Rea

Members considered previously circulated report on planning application LA09/2021/1103/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Black and

Resolved That planning application LA09/2021/1103/F be approved subject to conditions as per the officer's report.

LA09/2021/1268/F Dwelling and garage on a farm adjacent to 36 and rear of 34 Killeenan Road, Cookstown for Shane Loughran

The Chair, Councillor Mallaghan declared an interest in the above application and withdrew to the public gallery.

The Deputy Chair, Councillor Brown took the Chair.

Members considered previously circulated report on planning application LA09/2021/1268/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/1268/F be approved subject to conditions as per the officer's report.

Councillor Mallaghan returned to the Chair.

LA09/2021/1287/O Site for a dwelling & domestic garage at 20m W of 12a Tamny Martin Road, Maghera for Mr Daniel Anderson

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

LA09/2021/1299/F Semi-detached dwelling at site adjacent to 41 Waterfoot Road, Ballymaguigan, Magherafelt for James Sheridan

Members considered previously circulated report on planning application LA09/2021/1299/F which had a recommendation for approval.

Ms Doyle (SPO) referred to addendum and advised that a late objection had been received as outlined.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1299/F be deferred until next month.

LA09/2021/1302/F Replacement dwelling and domestic double garage at approx. 35m NW of 92 Lisaclare Road, Stewartstown for James Coyle

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

LA09/2021/1307/F Variation of condition 1 of LA09/2017/1340/F (to extend the completion date to 3 years from the 10th June 2021) at The Mills, Washingbay Road, Coalisland, for Farasha Properties Ltd

Mr Marrion (SPO) presented a report on planning application LA09/2021/1307/F advising that it was recommended for refusal.

He updated committee on the situation and advised that this was for the amendment to the condition relating to the provision of an access to The Mills, Coalisland. He advised that this development was currently occupied, with approval granted for amended access in June 2021, with Roads Service implementing some speed control devices which allowed for a less onerous access. The application was approved in June 2021 by committee and was stated that access was to be provided within the next 3 months which hasn't been provided by the applicant nearly a year later. They have requested 3 years as they said that to provide the access they require TAS approval from DfI Roads which would take a long time to get, however, DfI Roads have confirmed that the proposal has been granted approval and did not require TAS approval as the walls were less than 1 metre in height. He advised that objections had been received from residents regarding the conditions of the streets and street lighting and the development not finished off which cannot be done until such times until access has been provided. He advised that there was no justification in delaying this access and therefore recommended that this application be refused.

Proposed by Councillor Brown
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2021/1307/F be refused.

LA09/2021/1330/F Housing development (change of house types to H/2014/0351/F including reduction from 19 dwellings to 18 dwellings) at 3 Mullagh Lane, Maghera for JFM Construction Ltd

Members considered previously circulated report on planning application LA09/2021/1330/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1330/F be approved subject to conditions as per the officer's report.

LA09/2021/1444/F Dwelling and garage (renewal of LA09/2016/0556/F) at rear of 3 Loughinsholin Park Castledawson for Mark and Catherine Cooke

Members considered previously circulated report on planning application LA09/2021/1444/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1444/F be approved subject to conditions as per the officer's report.

LA09/2021/1474/F Air cooling unit and associated water tank (to optimise biofilter efficiency) at lands at 11C Aghnagar Road, Ballygawley for Northway Mushrooms Ltd

Members considered previously circulated report on planning application LA09/2021/1474/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1474/F be approved subject to conditions as per the officer's report.

LA09/2021/1487/F 4 two bed apartments - Between 240 and 246 Mayogall Road, Clady, Portglenone for JFM Construction Ltd

Members considered previously circulated report on planning application LA09/2021/1487/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/1487/F be approved subject to conditions as per the officer's report.

LA09/2021/1564/F Retention of farm buildings & animal feed bin at 37m NW of 21 Drumard Cross Roads, Dungannon for J H Bradley

Members considered previously circulated report on planning application LA09/2021/1564/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1564/F be approved subject to conditions as per the officer's report.

LA09/2021/1671/O Dwelling and garage at site adjacent to 1 Coole Cottages Coole Road, Coalisland for Mr Martin Gordon

Members considered previously circulated report on planning application LA09/2021/1671/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1671/O be approved subject to conditions as per the officer's report.

LA09/2021/1684/F Portal framed shed at 190m S of 60 Knockaleery Road, Cookstown for Hamilton Aggregates

Members considered previously circulated report on planning application LA09/2021/1684/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2021/1684/F be approved subject to conditions as per the officer's report.

LA09/2021/1737/O Rear offsite replacement dwelling and garage with retention of existing dwelling as domestic store (approved under LA09/2018/0076/O) at 163 Davagh Road, Sixtowns, Draperstown for Mr F Quinn

Members considered previously circulated report on planning application LA09/2021/1737/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1737/O be approved subject to conditions as per the officer's report.

LA09/2022/0063/O Replacement dwelling and domestic garage adjacent to 16 Roshure Road, Desertmartin, for Mr Rodney Mc Knight

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

LA09/2022/0122/O Dwelling at land 20m SE of 96 Reenaderry Road Derrytresk Coalisland for Mr Stephen McCaffrey

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

LA09/2022/0168/O Dwelling and garage in a cluster at 25m N of 2 Coltrim Lane, Moneymore for Mr Mark Hamilton

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

LA09/2022/0272/F Dwelling at lands approx. 100m E of 10 Tralee Road, Coagh for Mr Brian Devlin

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

LA09/2022/0362/F Rear extension to provide level accessed shower and toilet accommodation at 4 Garden Terrace, Magherafelt for JP Cudden

Members considered previously circulated report on planning application LA09/2022/0362/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2022/0362/F be approved subject to conditions as per the officer's report.

The Chair advised that the committee was moving into Deferred Applications and sought approval to defer the following applications:

Agenda Item 6.2 – LA09/2019/0909/O – Dwelling and domestic garage/store at approx. 50m W of 34 Drumard Road, Magherafelt for Anne and Leo McPeake

Agenda Item 6.4 – LA09/2019/1212/O – Farm dwelling and garage at approx. 25m WSW of 71 Killymuck Road, Cookstown for Mr P McCusker

Agenda Item 6.5 – LA09/2019/1647/F – Vehicle storage and sales in association with existing plant and machinery business at 120m NE of 93 Iniscarn Road, Desertmartin for CAM Plant and Sales

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That the planning applications listed above be deferred for the consideration of new information.

LA09/2019/0784/F Farm shed (feeding & shelter area, storage area and underground slurry tanks) and new access to be taken from Drumlamph Lane at approx 130m SE of 9 Drumlamph Lane, Castledawson for Cathal Shivers

Councillor S McPeake declared an interest in planning application LA09/2019/0784/F.

Members considered previously circulated report on planning application LA09/2019/0784/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2019/0784/F be approved subject to conditions as per the officer's report.

LA09/2019/0909/O Dwelling and domestic garage/store at approx. 50m W of 34 Drumard Road Magherafelt for Anne and Leo Mc Peake

Councillor S McPeake declared an interest in planning application LA09/2019/0909/O.

Agreed that application be deferred for the consideration of new information.

LA09/2019/0955/F Retention of existing agricultural shed at 90m S of 91 Ballynagarve Road Magherafelt for Mr Edmond Ferguson

Ms Doyle (SPO) presented a report on planning application LA09/2019/0955/F advising that it was recommended for refusal.

The Chair advised that request for information on two separate occasions had been ignored by the applicant.

Proposed by Councillor Cuthbertson
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2019/0955/F be refused.

LA09/2019/1212/O Farm dwelling and garage at approx 25m WSW of 71 Killymuck Road Cookstown for Mr P McCusker

Agreed that application be deferred for the consideration of new information.

LA09/2019/1647/F Vehicle storage and sales in association with existing plant and machinery business at 120m NE of 93 Iniscarn Road, Desertmartin for CAM Plant and Sales

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

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

Ms Doyle (SPO) presented a report on planning application LA09/2020/1476/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/1476/O be refused.

LA09/2020/1663/O Site for dwelling and garage adjacent to 215A Mountjoy Road, Killycolpy, Dungannon for Marie Quinn Elliott

Members considered previously circulated report on planning application LA09/2020/1663/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1663/O be approved subject to conditions as per the officer's report.

LA09/2021/0991/O Dwelling and detached garage at approx. 50m NE of 23 Castletown Road, Aughnacloy for Michael Jones

Councillor Robinson declared an interest in LA09/2021/0991/O.

Members considered previously circulated report on planning application LA09/2021/0991/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Black and

Resolved That planning application LA09/2021/0991/O be approved subject to conditions as per the officer's report.

LA09/2021/1382/O 2 Storey dwelling & domestic garage on a farm at land approx. 130m SW of 19 Glendavagh Road, Aughnacloy for Dale Watters

Members considered previously circulated report on planning application LA09/2021/1382/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1382/O be approved subject to conditions as per the officer's report.

Councillor Cuthbertson left the meeting at 8.04 pm.

P074/22 Receive Report on Planning from the NI Public Accounts Committee

The SD: Planning presented previously circulated report and advised that the purpose of this report was to set out and provide comment on the Public accounts Committee Report on Planning in Northern Ireland and the subsequent draft response of the Department of Infrastructure response.

The Chairman stated that you would think that a board that would sit over the SMT would receive monthly or by-monthly progress reports in terms of targets and performance indicators etc. and whenever the system wasn't working efficiently then this should be an opportunity for the board to take them to task, publicly appointed like the way other organisations work. He stated that instead of civil servants working in isolation possibly a few degrees down from a minister, they should have a different way of reporting back which would help address those issues.

The Chair in referring to the planning applications advised that when some people go to MOT a car, they go to a mechanic to make sure everything is right before the test, but some other people take a chance without getting their vehicle looked at and were willing to pay the £16.50 for a retest and this can be seen here regularly also.

Councillor Clarke agreed that this was a great piece of work and as far as he could see there was a layer above us which seemed to think they can meddle, debate and delay. He said that he heard that there were 80 officials at this high level and was unsure what they were actually doing as it's around these tables that the works are going on.

Councillor S McPeake concurred with previous comments about a brilliant piece of work and commended comments around item 7 – housing in the countryside as this was the crux of it here as the department likes to see everything uniform and this was not the way it was meant to be when passing planning down to local councils as there was local sensitives and local pressures as this was evident in the attempted PAN at the time they wished to centralise. He felt that we need to be eternally vigilant as it wasn't going to go away as he felt there may be an attempt to take back the PAN in another guise. He felt that the way this has been worded has been excellent, strong and robust as this was going to be key to this as there were variants across the local Councils in the North and good to have a good strong response.

Councillor Colvin said that he would agree with everything which has been said and felt that one area the department could improve on was their consultation speed as it made us look bad. He concluded by saying that it was an excellent report put together by Dr Boomer.

Proposed by Councillor Brown

Seconded by Councillor Clarke and

Resolved That the Service Director of Planning on behalf of the Committee writes to the Public Accounts Committee, providing a copy of the report and providing a willingness to work with the Department and other Councils for a reform of the Planning System. This said, the solution is not to increase the role of the Department but to further empower Local Government. Key actions which are needed are as follows:-

- (a) There should be further Review of Public Administration to ensure that further functions relating to Local Road, Regeneration and Historic Buildings should transfer to Local government. Without this, any improvements will only be temporal as central government bodies will undoubtedly revert to the silo mentality over time.
- (b) The role and responsibilities of the Department in relation to the oversight of Local Development Plans is subject to independent review. It is clear there is a lack of clarity on the role of the Department in relation to assessing soundness in the context of regional policy and the weight given to local democracy in devising policies having regard to the Strategic Planning Policy. There is also a need to speed up decision making and final decision on soundness of a plan should transfer to the Planning Appeals Commission. The Department should be required to carry out any oversight of plans within clearly defined time limits.
- (c) That planning fees should be review to ensure sustainability of planning services, and they be future proofed by indexed linking to inflation to prevent the same delay in increasing fees in future years

Matters for Information

P075/22 Minutes of Planning Committee held on 3 May 2022

Members noted minutes of Planning Committee held on 3 May 2022.

Live broadcast ended at 8.30 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McKinney

Seconded by Councillor Brown 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 P076/22 to P083/22.

Matters for Decision

P076/22 Request to Revoke Permission to extend 13 Station Road, Moneymore

P077/22 Receive Planning Department Service Improvement Plan 2022-23

P078/22 Receive Report on the Council's LDP – Draft Plan Strategy

Matters for Information

P079/22 Confidential Minutes of Planning Committee held on 3 May 2022

P080/22 Receive Building Preservation Notices Update

P081/22 Receive TPO Assessment Report

P082/22 Enforcement Cases Opened

P083/22 Enforcement Cases Closed

P084/22 Enforcement Live Case List

P085/22 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.20 pm

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

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

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 7 June 2022

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

Chairs Business –

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.6	Objection received	Members to note
5.14	Objection received	Members to note
5.28	Amended plans to address DfI Roads comments	Members to note

Closed Business –

Report on request to revoke planning permission to extend 13 Station Road, Moneymore.