

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 10 January 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

**Members Present**

Councillor S McPeake, Chair

Councillors Black\*, Bell\*, Brown, Clarke,\* Colvin\*, Corry\*, Cuthbertson, Glasgow\*, Mallaghan, McFlynn, McKinney, D McPeake, Quinn\*, Robinson

**Officers in Attendance**

Dr Boomer\*\*, Service Director of Planning  
Mr Bowman, Head of Development Management  
Ms Donnelly\*\*, Council Solicitor  
Ms Doyle, Senior Planning Officer  
Mr Marrion, Senior Planning Officer  
Mr Stewart, Planning Officer  
S McGinley, ICT Support  
Mrs Grogan, Democratic Services Officer

**Others in Attendance**

LA09/2019/1482/F - Hayley Wilson/Shane Carr  
LA09/2020/1286/F - Christopher Quinn  
LA09/2021/1106/O - Oonagh Given  
LA09/2021/1178/F - Trevor Hutton  
LA09/2021/1361/O - Ryan Dougan  
LA09/2021/1442/RM - Aidan O'Hagan

\* 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

In the absence of the Chair, Councillor Black at tonight's meeting, the Vice-Chair, Councillor S McPeake took the Chair. The Chair advised that Councillor Black would be in attendance by remote means.

**P001/22 Apologies**

Cllr Martin.

**P002/22 Declarations of Interest**

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

**P003/22 Chair's Business**

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.

The Strategic Director of Planning advised that he would be raising an issue under Chair's Business in confidential business.

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applications which were on the agenda for determination and sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting –

LA09/2018/1702/F – Housing development (3 pairs of semi-detached and one detached dwelling) at Junction Shore Road/Ballynagrave Road, Ballyronan for Bridge Developments.

LA09/2019/1482/F – Retention of workshop of approx. 70m W of Unit 10 Station Road Industrial Estate, Station Road, Magherafelt for Four Dee (NI) Ltd

LA09/2020/0122/F – Housing development (34 dwellings) foul water treatment works and associated site works at lands located between Killymeal Grange & Dunlea Vale (former Oaks Park Stadium) for Landmark Homes (NI) Ltd

LA09/2021/0952/F – Extension to existing curtilage & domestic storage shed at 45m S of 211a Washingbay Road, Coalisland for Tony McCuskey

LA09/2021/1038/F – Change of use from domestic garage & store to living accommodation to the rear of 155 Moore Street, Aughnacloy for Bernie Corley

LA09/2021/1106/O – Single storey dwelling & garage at approx. 60m NW of 45 Lisnastraine Road, Coalisland for Niall O'Neill

LA09/2021/1272/F – Dwelling and single detached garage and surrounding landscaping S of 101a Cavankeeran Road, Pomeroy for Arlene Phelan

LA09/2021/1324/F – Class B2 Industrial Building adjacent to W of 21 Tobermesson Road, Dungannon for Syerla Enterprises Ltd

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

LA09/2020/0804/O – Two storey dwelling & domestic garage at lands 350m S of 293 Pomeroy Road, Lurganeden, Pomeroy for Ben Sinnamon (withdrawn)

Proposed by Councillor McFlynn  
Seconded by Councillor S McPeake and

**Resolved** That the planning applications listed above be deferred for an office meeting/held for further information/withdrawn from agenda as outlined.

## **Matters for Decision**

### **P004/22 Planning Applications for Determination**

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

#### **M/2010/0830/F Residential Development (25 dwellings) at lands SE of Church Hill Road, Caledon for Caledon Estates Company**

Members considered previously circulated report on planning application M/2010/0830/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning application M/2010/0830/F be approved subject to conditions as per the officer's report.

#### **LA09/2018/1702/F Housing Development (3 pairs of semi-detached and one detached dwelling) at Junction of Shore Road/Ballynagrove Road, Ballyronan for Bridge Developments**

Agreed earlier in the meeting that application be deferred for one month for the submission of additional information.

#### **LA09/2019/1482/F Retention of Workshop at approximately 70m W of Unit 10 Station Road Industrial Estate, Station Road, Magherafelt for Four Dee (NI) Ltd**

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

#### **LA09/2020/0010/F Creche Building, Car Parking and all Associated Site Works at lands 75m NE of 100 Coleraine Road, Maghera for Specialist Joinery Group**

Members considered previously circulated report on planning application LA09/2020/0010/F which had a recommendation for approval.

The Head of Development Management advised that a late objection had been received late this afternoon.

Ms Doyle (SPO) advised members that a late objection had been received from a gentleman who lived in a neighbouring dwelling beside the application site. In his objection it was indicated if the crèche was built beside his bungalow it would block

out a major amount of light and he would be happy for the carpark to be constructed on the other side of the hedge at this property rather than the crèche building. He asked if this could be considered at tonight's planning meeting or be put back for one month for reconsideration. She advised that an objection had been received during the processing of the application which was considered within the report before members tonight and within that letter it raised issues in regards to the raising of ground levels causing flooding to the objector's property, loss of sunlight, health and wellbeing of the privacy of private amenities space, loss of quiet and intimate use of the conservatory and the provision of a boundary screen fence or a hedge will also cause the loss of light. She advised that the case officer had detailed that the land levels did seem to be raised from the original feed levels and although the levels do sit above the adjacent dwelling which had existed for some time and do not appear to be subject of any previous complaint or subsequent enforcement action. Rivers Agency were consulted and were advised that the drainage assessment was acceptable and no reason to disagree with its conclusions. The objector's dwelling is set at a lower level than the proposed crèche, however the site has been re-sited so the crèche sits 3 metres from the boundary hedge and 7 metres from the objector's dwelling. The boundary hedge consists of a tall conifer hedge which completely screens the dwelling apart from the top part of the gable and roof when viewed from the proposed site. The proposed building is low set with a roof sloping away from the objector's roof dwelling and has an eaves height of 4.3 metres above ground level at the point closest to the dwelling and rises to a ridge height of 5.75 metres at a point which is 17.5 metres from the objector's dwelling. She advised that the case officer didn't think that this would have a detrimental effect on the objector's property and concerns which were raised by Mr Graham this afternoon. She said that concerns have been adequately considered during the processing of the application and within the case officer's report.

The Head of Development Management assured members that this application had been in front of officer's a number of times and one of the key considerations was the relationship between the objector's property and this development. He felt that the building has been designed in a clever way to avoid any direct overlooking at the shared boundary side as the roof angle slopes away from the objector's property towards the body of the site. He said that vegetation could be retained and in considering the objector's request today to have the building moved further away from his dwelling and parking along the boundary hedge, members can see from the relatively restricted size of the site, to introduce parking could be difficult and may give rise to its own issues around amenities with regards to vehicles coming and going to that boundary at various times of the day. He wanted to reassure members that careful consideration was always given to the relationship between No. 151 and the proposed site and officers were satisfied that the two could co-exist quite well.

Councillor Brown said that when all things were raised and although the Mr Graham has raised the objection, did officers go back to the applicant to see if there was any other way or any other means whereby this could be facilitated. He referred to trying to accommodate the space but it was also important not to have a neighbour being totally undermined and enquired if there was possibly any compromise where officers could go back to the applicant to see if there was any way they could move it ever so slightly to try and address the concerns the Mr Graham had raised. He

proposed to defer the meeting for one month to see if a favourable outcome could be reached between the two parties.

The Head of Development Management advised that officers hadn't an opportunity to liaise with the applicant yet as the letter of objection had only been received this afternoon.

Ms Doyle (SPO) confirmed that Mr Graham had stated in his letter that he would be happy to have the carparking on the other side of the hedge at his property, rather than the crèche building. She said that she was aware that the case officer during the process of the application had gone back to the applicant and got the building moved 3 metres away from the hedge based on concerns raised at the time by the objector.

The Head of Development Management said that it was his understanding that the Mr Graham wished to have the carparking between his building and the site which would have catastrophic consequences on the development of the site. He felt the reason why officers should not go back and look at it again was that there was enough mitigation built in on this proposal to ensure that there were no negative impacts on the objector's amenity in its current format.

Proposed by Councillor D McPeake to accept the recommendation.

Councillor S McPeake seconded the recommendation.

Councillor McKinney enquired about the legal distance from the applicant's dwelling to the building.

The Head of Development Management stated that he wasn't aware of any legal distance as planning had plenty of guidance on separation distances within housing developments and were not talking about dwelling to dwelling here either, it's a dwelling to a crèche building. He said that by moving the building by 3 metres it has been moved considering the boundary, design of building, level difference and the cross sections which all added up to make him comfortable.

Councillor Black referred to the letter of objection this afternoon and said that the objector did not seem to be adverse to the proposal going ahead in principle and wondered if this was a last attempt to try and strike a balance and to try and get both parties on board. He enquired if there would be any benefit in deferring it for one month to see if there was any further separation that could appropriately be accommodated to try and satisfy both parties. He said that he would be happy to second Councillor Brown's proposal to defer for one month.

The Strategic Director of Planning advised members that the starting point here was to remember that this was industrial land and the land could be developed for industrial purposes. When amenity is being considered, this premises is a crèche and was actually acting as a buffer to the rest of the site which could be further developed for industrial purposes and felt there were actual advantages for the Mr Graham in the proposal as it sits. He said that the building could be moved and carparking relocated which would mean that there would be all of the comings and

goings, with the busiest times being parents dropping of and lifting children and not the case of the carparking being used all day long and literally for just the dropping off and collection and having that next to the objector's house could result in it being more disruptive than the actual building. He said that his own view would be that this was actually a good compromise as it was providing a community facility of benefit to the wider community and will provide employment land in itself and seen no benefit in reverting back.

The Chair said that it was proposed and seconded to accept the recommendation of the case officer to approve the application. He advised that there was an alternative proposal brought forward by Councillors Brown and Black to defer for one month to see if a favourable outcome could be reached between the applicant and objector.

*Councillor McKinney left the meeting at 7.14 pm.*

Councillor Brown said that given the fact the Mr Graham had just submitted the objection today felt that if there was any leeway in going back to the applicant then this should be considered. He advised that other applications in the past had been deferred for one month and asked that the same applies here to see if an agreement can be reached between the applicant and Mr Graham.

*Councillor McKinney returned to the meeting at 7.16 pm.*

The Chair said that after listening to the Strategic Director of Planning's clarifications and given the fact it was industrial land and the building itself was a relatively soft building and not a factory bellying out smoke which could happen, this was a crèche. He said that by reading the report mitigation measures has been taken by the applicant to move it away from the boundary and would see no merit whatsoever in changing the opinion at this stage.

Councillor D McPeake's proposal to accept the office recommendation to approve the application was put to the vote -

For 8  
Against 6

Councillor D McPeake's proposal was carried.

Proposed by Councillor D McPeake  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2020/0010/F be approved subject to conditions as per the officer's report.

**LA09/2020/0122/F Housing Development (34 dwellings), Foul Water Treatment Works and Associated Site Works at Lands Located between Killymeal Grange and Dunlea Vale (former Oaks Park Stadium) Dungannon, for Landmark Homes (NI) Ltd**

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

**LA09/2020/1286/F Change of house type from I/2007/0350/F at approx. 36m N of 127 Drum Road, Cookstown for KE Holdings**

Members considered previously circulated report on planning application LA09/2020/1286/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2020/1286/F be approved subject to conditions as per the officer's report.

**LA09/2020/1499/F Single Storey Multi-Use Building with a Footprint of approximately 818msq on the Site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi-purpose rooms, a large kitchen, a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site at 56 Pomeroy Road, Tandragee Road, Pomeroy, for Mid Ulster District Council**

*All members declared an interest in planning application LA09/2020/1499/F.*

Members considered previously circulated report on planning application LA09/2020/1499/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2020/1499/F be approved subject to conditions as per the officer's report.

**LA09/2020/1519/F Storage & distribution centre at 23 Ballymacombs Road Portglenone for Mechanical & Electrical Fixings Ltd**

Members considered previously circulated report on planning application LA09/2020/1519/F which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2020/1519/F be approved subject to conditions as per the officer's report.

**LA09/2021/0688/F Importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with gravel**

**pit site at ponds at the site at 58A Knockaleery Road,  
Magheraglass, Cookstown, for Maurice Hamilton**

Members considered previously circulated report on planning application LA09/2021/0688/F which had a recommendation for approval.

Proposed by Councillor Mallaghan  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/0688/F be approved subject to conditions as per the officer's report.

**LA09/2021/0748/O Site for dwelling and garage at 70m SW of 55 Drumenny Road, Coagh, for Cliona Hagan**

Members considered previously circulated report on planning application LA09/2021/0748/O which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0748/O be approved subject to conditions as per the officer's report.

**LA09/2021/0856/O Two storey dwelling and garage (approved M/2008/0520/) with an onsite septic tank at Tunnel Lodge, 100m NW of 4 Park Lane, Dungannon for Nigel Fleming**

Members considered previously circulated report on planning application LA09/2021/0856/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2021/0856/O be approved subject to conditions as per the officer's report.

**LA09/2021/0952/F Extension to existing curtilage & domestic storage shed at 45m S of 211a Washingbay Road, Coalisland, for Mr Tony McCuskey**

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

**LA09/2021/1038/F Change of use from domestic garage & store to living accommodation to the rear of 155 Moore Street Aughnacloy, for Bernie Corley**

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

**LA09/2021/1106/O Single storey dwelling & garage at approx. 60m NW of 45 Lisnastrane Road, Coalisland, for Niall O’Neill**

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

**LA09/2021/1144/F Change of use from part of agricultural shed to farm shop. (farm diversification scheme) at approx. 70m N of No 37 Tobermesson Road, Benburb, for Mr Alfie Shaw**

Chair advised that all members had received an email which he did not read when he realised what it was and felt that this avenue was not appropriate for applicants to engage with members of the committee.

Members considered previously circulated report on planning application LA09/2021/1144/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2021/1144/F be approved subject to conditions as per the officer’s report.

**LA09/2021/1178/F Change of use of 5 bedroom dwelling to 2 two bed apartments (continued unintensified use of Scotch Street (S) car park for the proposed parking) at 11 Victoria Road, Drumcoo, Dungannon for 2 Northland Ltd**

Members considered previously circulated report on planning application LA09/2021/1178/F which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2021/1178/F be approved subject to conditions as per the officer’s report.

**LA09/2021/1229/O Dwelling on a farm at site adjacent to 9 Draperstown Road, Desertmartin for Thomas Johnston**

Members considered previously circulated report on planning application LA09/2021/1229/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1229/O be approved subject to conditions as per the officer’s report.

**LA09/2021/1272/F Dwelling with single detached garage and surrounding landscaping S of 101a Cavankeeran Road, Pomeroy, for Mrs Arlene Phelan**

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

**LA09/2021/1324/F Class B2 light industrial building adjacent & W of 21 Tobermesson Road Dungannon, for Syerla Enterprise Ltd**

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

**LA09/2021/1345/RM Farm dwelling and domestic garage adjacent to 33 Loughbracken Road, Pomeroy, for Eamon and Katrina Canavan**

Members considered previously circulated report on planning application LA09/2021/1345/RM which had a recommendation for approval.

Proposed by Councillor Mallaghan  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1345/RM be approved subject to conditions as per the officer's report.

**LA09/2021/1361/O Dwelling and garage to rear of 8 Ballyheifer Road, Magherafelt for Sean and Emma Hatton**

Members considered previously circulated report on planning application LA09/2021/1361/O which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1361/O 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**

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

**LA09/2021/1442/RM Dwelling and domestic garage 40m NW of 19 Tullyheran Road, Maghera, for Diarmaid and Ciara Donnelly**

Members considered previously circulated report on planning application LA09/2021/1442/RM which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1442/RM be approved subject to conditions as per the officer's report.

**LA09/2021/1473/F Single storey rear extension at 6 Carsonville Drive, Upperlands, Maghera, for Mr & Mrs H Porter**

Members considered previously circulated report on planning application LA09/2021/1473/F which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1473/F be approved subject to conditions as per the officer's report.

**LA09/2021/1570/F Relocation of previously approved car park under LA09/2021/0749 to a new location at approx 90m from Iniscarn Road leading into the Iniscarn forest. Forest access road widened to 3.5m with construction to 2 number passing bays leading up to the car park. Other works approved under LA09/2021/0749 including upgrade of forest trails, ancillary signage, and construction of play park remain part of the development proposal) at Iniscarn Forest, Iniscarn Road, Iniscarn, Desertmartin, for Mid Ulster District Council**

*All members declared an interest in planning application LA09/2021/1570/F.*

Members considered previously circulated report on planning application LA09/2021/1570/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/1570/F be approved subject to conditions as per the officer's report.

**LA09/2019/1105/O Site for a farm dwelling and double domestic garage at 70 metres (approx.) W of 25a Corrycroar Road, Pomeroy, for Connor Carberry**

Ms Doyle (SPO) presented a report on planning application LA09/2019/1105/O advising that it was recommended for refusal.

Councillor Mallaghan said that there were a number of members which attended the site visit and that he knows the roads well as it wasn't too far from where he lives. He said that he was convinced when he saw the layout of the land that it would be quite

difficult to try and achieve a dwelling on the farm cluster at this location. He referred to the geography of field 8 as marked out on the drawing would be an engineering feat to try and be able to put a dwelling in there as well as taking an access out of it. Field one which was closest to the road would be right on top of the farm buildings itself. He said that this may not be so much of an issue if this was for a person who would run the farm but this was for a son-in-law and daughter who wished to build a house on a father's land. He felt that this was one which merited the exception that's given within the policy in terms of being able to locate the dwelling off the farm cluster because of the difficulties that this particular location poses. He said that having visited the site and reading through the case officer report that he would make a proposal to accept the application for approval.

The Head of Development Management asked members to bear in mind where there was exceptions to the visual linkages or groupage, that it surrounds two issues; health and safety and verifiable plans to extend the farm which was very clear in the policy.

He said that he did appreciate what Councillor Mallaghan alluded to regarding the road as coming in and out of the site was potentially difficult. He said that he had recalled pointing out a number of the fields during the site visit and in his view the 2<sup>nd</sup> and 3<sup>rd</sup> field met the policy test to a much more acceptable degree than the site chosen by the applicant along the road. He recalled on that day most of the fields were earmarked in some way for some kind of expansion and wanted to remind members that he did not have any evidence of any verification with any proposed expansion and wanted members to be mindful of that when considering this application for any kind of exception.

The Chair recalled the farmyard being very steep coming up towards the road and then a merging sweeping corner which rises also. He said that historically there had been accidents into the drop in the field at that point and could understand the danger of coming out there. He stated that it didn't lie well with him around the farm groupings. The other preferred site although not perfect, was roadside and very much accessible and could understand the applicant's reasoning opposed to off the road at the other location.

Councillor Clarke advised that he wasn't at the site meeting but enquired how wide field one was and what kind of road frontage was there as they seemed fairly narrow. The second issue he had was if there was a dwelling in that field or part of it back from the road, could it be accessed from the farm lane by whoever was running the farm. If the site was put further back with an entrance to the road and a separate entrance paired with what's there, would there be any way in which to access the farm without crossing a private entrance. He felt that there could be difficulties as an entrance could be put in which wouldn't belong to the farm

The Head of Development Management said that he would concede that field one could not be developed which was the one which had the dangerous access point and agreed that it was very narrow and very steep. He said that there were three or four other fields which he saw no obvious impediment subject to getting a safe access to lands through potentially a parallel laneway without having to use the farm lane to access some of the fields further down off the slope a little bit.

In response to the Chair's query, Ms Doyle (SPO) advised that she wasn't looking at alternative sites on the day of the site visit but would have to investigate if required.

The Service Director of Planning said that he could see members' arguments but suggested an alternative site to integrate with the landscape and also up an existing laneway.

He sought members' approval to defer the application for one month to assess an alternative site.

Councillor Brown said that he took on board Councillor Mallaghan's point and although he wasn't at the site meeting he felt that there was merit in what he was saying but after listening to Dr Boomer would be supportive of deferring the application for one month to allow time for officers to assess an alternative site.

Councillor Mallaghan said that he would be happy to go along with what the Dr Boomer suggested and give officers an opportunity to look at it again. He did say that on the day of the site visit of the proposed application site that under other circumstances it would be deemed a decent site for a house because of the geography and integration amongst other things. He advised that if a person has a suckler herd, they don't necessarily go out to get a contract in order to expand their farming business and tend to add on to existing buildings when wanting to add on an extra 10 to 20 animals onto a herd. He advised that this was not the same for poultry or pig farming where a person seeks a contract with Moy Park etc. and felt that this could be difficult to deal with for beef. In referring to the fields which sit behind where the farm buildings and felt that it would be very difficult to get access and driving through a farmyard as he was someone who lives in a house where he had to drive through a farmyard to get to his house which wasn't ideal particularly if you weren't the person which was farming. He felt that all things considered that this could prove a huge difficulty for all the people involved on the farm and land.

Councillor Robinson advised that he was at the site meeting and was great to see things from a different point of view and would concur with Councillor Mallaghan's comments. He said that to go down the side of where the farmyard was located was very difficult as it was steep all the way down to it. He said that he noticed that there were sheds there which he presumed were there for a very long time as they were constructed in corrugated iron which was totally different from today and a good alternative where the applicant wanted to build. He said that he was confused about statement from DfI about extra vehicles on the road as whether or not a dwelling is built there was going to be vehicles on the roads anyway. He said that he would be supportive of the recommendation as it was a good enough site and only issue was it was away from the farm buildings. He stated that as a farmer himself it would be hard to know what you would be doing two or three years down the road as things can change and a farming system has to change to stay in business.

Proposed by Councillor Brown  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2019/1105/O be deferred for one month for alternative site to be assessed.

**LA09/2020/0804/O Two storey dwelling & domestic garage at lands 350m S of 293 Pomeroy Road, Lurganeden, Pomeroy for Ben Sinnamon**

Agreed earlier in the meeting that application be withdrawn from tonight's schedule.

**LA09/2020/1051/O Site for dwelling and double domestic garage on a farm at 90m (approx.) SW of 99 Feegarron Road, Cookstown for John and Amy Wilson**

Members considered previously circulated report on planning application LA09/2020/1051/O which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2020/1051/O be approved subject to conditions as per the officer's report.

**LA09/2021/1498/F Retention of the Gym and Wellbeing Facility (currently under construction) of a portal framed and cladding building of 297sqm in floor space, tarmac car parking surface and associated drainage and septic tank at site adjacent to 99 Ardboe Road, Ardboe, for Mr Ryan Quinn**

Members considered previously circulated report on planning application LA09/2021/1498/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/1498/F be approved subject to conditions as per the officer's report.

**LA09/2021/0264/O Dwelling and garage at site adjacent to 60 Sixtowns Road, Draperstown for Peter Conway**

Members considered previously circulated report on planning application LA09/2021/0264/O which had a recommendation for approval.

Proposed by Councillor Corry  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/0264/O be approved subject to conditions as per the officer's report.

**LA09/2021/0635/O Dwelling & domestic garage in a gap site at land immediately N of 43 Tullyglush Road & between 43 & 51a Tullyglush Road, Ballygawley for Gerard Quinn**

Members considered previously circulated report on planning application LA09/2021/0635/O which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2021/0635/O be approved subject to conditions as per the officer's report.

### **Matters for Information**

#### **P005/22 Minutes of Planning Committee held on 7 December 2021**

Members noted minutes of Planning Committee held on 7 December 2021.

#### **P006/22 Receive Report on Planning Performance**

***(Item not adopted – see Council Minute of 27 January 2022)***

The Service Director of Planning said that it was worth noting that there was a change in Standing Orders from the last council meeting. He advised members that a list of all decisions from tonight's meeting would be circulated to members tomorrow and no decisions would be issued until 5 days had passed.

The Service Director of Planning presented previously circulated report to inform members of Planning performance and progress against National Statistics and in comparison to other Councils.

He commended the Head of Development Management and his team on their excellent performance and staying focused during such very challenging times.

The Chair commended Dr Boomer, the Head of Development Management and their teams on their performance and said that all things considered it was a healthy report.

Councillor Glasgow referred to staff working from home or on a rota and enquired if the infrastructure was still in place to speak to an individual person even though they were working from home. He asked if the mechanism was there to make contact with them through a laptop or by other means as he had a situation of a member of the public receiving no response to an email until the person came back to work in the office as it wasn't a direct line of communication. He said that it was important that staff were able to fulfil their duties working from home.

The Service Director of Planning advised that the infrastructure was technically there with anyone with a laptop having a particular system which can pick up a call on the laptop. He said that everyone's internet connection differ at home so the ability to actually pick that up does vary in the rural areas due to speeds and bandwidths change. He said that people can phone the office and may not get directly speaking to the person they wish to speak to immediately but there was always someone in the office to take a message and pass it on to the named individual, same as if they

were in the office as they could be doing other tasks. He assumed that the member was asking was the ability there and his reply would be yes but sometimes bandwidth interferes with that.

Councillor Glasgow said that he could understand the situation but he wasn't actually happy with the response. He said that he had raised this issue before and had been in that situation. The person which contacted him was trying to get urgent attention regarding an enforcement and was told to send an email which he felt was not appropriate. He said if staff were expected to work from home then adequate infrastructure was needed and understands that broadband was an issue, but felt that a report needed to be actually done to see what staff actually need as some staff were struggling to work from home. If people are being asked to work from home without the adequate infrastructure then staff should be at the place of work to carry out their duties as they are not fit to do it from home.

The Service Director of Planning advised that the member had hit the nail on the head when he started the conversation about enforcement. He said that often enforcement was considered very contentious and some people seem to have the view that if they phone in about an enforcement case, then it is assumed that a member of staff would be able to go out automatically tomorrow and it will all be stopped. Officers do not have long conversations with the public about ongoing enforcement cases on the phone and the reason for that is because officers will take on an investigation which will be investigated and once that is done, the person will know the outcome. The Service Director of Planning stated that the person will not get a blow by blow account and very much seemed to him that the member was describing a disgruntled customer as they have expectations which most probably cannot be met for a very good reason. When he referred to bandwidth, then this was a very different situation. He said that no-one should expect to have a full briefing on an enforcement case with an officer as this could potentially be a criminal investigation and protections for the person which was actually complained about in relation to protection of personal data.

The Chair advised that as part of the workshop later on in the month, enforcement was going to be focused on.

The Council Solicitor advised the member that there was an appropriate forum for a complaint as part of the complaints procedure, rather than through these open meetings. If someone has a complaint or wishes to express any concern, they can contact the Council or the Planning Department directly where it would be more appropriately and specifically addressed rather than this forum.

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Councillor Glasgow stated that he had used enforcement as an example and only asking that this matter be investigated. If staff cannot carry out their duties from home then they should be in the office to carry out their duties as the same applies

to Councillors, if they have bandwidth issues then they have to go into the Council Offices to do the meeting in another part of the room. He stated that he wasn't raising a complaint and only a concern and felt that it wasn't unreasonable for a person to get a reply back regardless what the issue was.

The Service Director of Planning felt that Councillor Glasgow's comments were a bit unfair. He said that there was never a situation where a person could phone in and speak to a specific officer, but the ability was there to speak to someone in the office who will take what their complaint was and pass on to an investigating officer who will get back to them, the same as a planning application. Other reasons why a person cannot speak to an individual officer could be that they are out on site and they are requested to send an email and that officer would get back to them. He said that he didn't recognise the comment about an ongoing problem which the member highlighted and from what he could see he just issued a report to show how well the Planning Department had been performing. He said that this wasn't an instruction from Mid Ulster District Council that people should work from home where possible, it was an instruction from the Assembly because we were facing a pandemic. He said that if a Councillor wishes to raise a complaint because someone has approached them in exchange to putting peoples' lives at risk because of it, then he would ask that Councillor to think carefully on what they were actually saying, as he said that if the infrastructure wasn't in place then all members of staff should be required to come into the office during a pandemic which was not an appropriate response. He said that he was confident that was not what the Councillor meant and only said to heighten the argument but felt if there was a specific complaint then this should be brought to his attention. He reassured members that if there were any particular circumstances where a complaint was being raised that himself and the Head of Development Management would intervene if there was an issue.

Councillor Glasgow wished to clarify that he did not say all staff and understood where Dr Boomer was coming from, but this was only a request to see that the mechanisms were there to support our staff to do their work and was not disputing anything. He said that it was important to accommodate people in a safe environment and disputed the word "all staff".

The Chair said that he got where Councillor Glasgow and Dr Boomer were coming from and asked that any issues be taken up outside of this meeting to get clarification.

*Live broadcast ended at 8.15 pm.*

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

Proposed by Councillor Robinson  
Seconded by Councillor D McPeake and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) Act 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P007/22 to P011/22.

**Matters for Decision**

P007/22 Receive Enforcement Report

**Matters for Information**

P008/22 Confidential Minutes of Planning Committee held on 7  
December 2021

P009/22 Enforcement Live Case List

P010/22 Enforcement Cases Opened

P011/22 Enforcement Cases Closed

**P012/22 Duration of Meeting**

The meeting was called for 7pm and concluded at 8.30 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.