

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

Members Present

Councillor Black, Chair

Councillors Brown, Clarke*, Colvin*, Corry, Cuthbertson, Glasgow, Hughes*, Mallaghan, McKinney, D McPeake, S 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 McClean, Senior Planning Officer
Miss Thompson, Democratic Services Officer

Others in Attendance

Councillors Gildernew, S McGuigan and Molloy***

LA09/2018/1258/F
LA09/2020/0804/O

Mr Cassidy*
Mr Nugent

* 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

P149/21 Apologies

Councillor Bell.

P150/21 Declarations of Interest

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

The Chair, Councillor Black declared an interest in agenda items 4.2 to 4.5 – LA09/2019/0815/F, LA09/2019/0816/F, LA09/2019/0819/F, LA09/2019/0820/F.

All Members present (Councillors Black, Brown, Clarke, Colvin, Corry, Cuthbertson, Glasgow, Hughes, Mallaghan, McKinney, D McPeake, S McPeake, Quinn, Robinson) declared an interest in agenda item 4.15 - LA09/2021/0033/F.

P151/21 Chair's Business

The Service Director of Planning referred to the addendum circulated and the correspondence received from the Minister for Infrastructure in relation to the withdrawal of the Policy Advice Note on the Strategic Planning Policy on Development in the Countryside and felt that Members could be satisfied with the representations made in regard to this and the outcome. The Service Director of Planning also highlighted correspondence from the Chair of the Infrastructure Committee urging local authorities to engage with the Department in regard to the Minister's decision and stated that he could not see how Members would not want to engage going forward. The Service Director of Planning suggested that a letter of response be sent to the Minister for Infrastructure welcoming the decision taken in relation to the withdrawal of the Policy Advice Note. The Service Director further suggested that a letter be sent to the Chair of the Infrastructure Committee stating that any further changes to the policy should be brought through the Development Plan process rather than the issue of further guidance. The Service Director of Planning also highlighted that the Council's Development Plan was submitted five months ago and that, to date, there has been no indication of when it will be put to the Planning Appeals Commission and felt that this should be highlighted to the Chief Planner and Director of Regional Planning and copied to the Minister for Infrastructure and Chair of the Infrastructure Committee.

The Chair, Councillor Black stated that the withdrawal of the Policy Advice Note is welcome.

- Resolved** That correspondence be sent to –
- Minister for Infrastructure - welcoming the withdrawal of the Policy Advice Note.
 - Chair of Infrastructure Committee – welcoming further engagement in relation to Development in the Countryside Policy and that this should be brought through the Development Plan process.
 - Chief Planner and Director of Regional Planning – regarding timescales for Development Plan to be brought to Planning Appeals Commission.

The Service Director of Planning stated that performance in relation to processing of major applications could be improved and that one of the reasons for delays with these applications is receiving consultation responses from DfI Roads. The Service Director advised that he wrote to the Divisional Roads Manager expressing concern at the delays and highlighted the response received in the addendum. The Service Director of Planning stated he felt the response received was inappropriate.

The Service Director of Planning highlighted an enforcement appeal decision, as per addendum, and noted that the planning department successfully defended the enforcement notice and the compliance period.

The Service Director of Planning advised of Judicial Review involving Derry City and Strabane District Council relating to a decision made by the Council. The Service Director advised that the Review concluded that, following a Planning Committee, there needs to be a five day period in order to allow for potential Call In to Council. It

was advised that this is not currently included in the Standing Orders and will require some work going forward but allows opportunity to look at the Planning Protocol and Scheme of Delegation. The Service Director of Planning stated that, in order to protect Council, decisions of the Planning Committee will not be issued until after they have been through Council until further consideration has been given to Review. In relation to delegated applications, the Service Director of Planning advised he was content to issue these as they are not contentious and any Member can call them in to the Planning Committee in any case.

The Service Director of Planning 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 4.6 – LA09/2019/0946/O - Replacement of disused Greenhouses and footings of approved dwellings with a Housing Development at lands S of 31 Brough Road, Castledawson, for D&D Loughran.

Agenda Item 4.7 - LA09/2019/1051/O - Site for a dwelling and garage at approx. 80m S of 103 Mayogall Road, Magherafelt, for Mr. Conor O' Neill.

Agenda Item 4.8 - LA09/2020/0343/F - Residential development of 6 detached dwellings at 62 Glen Road, Maghera, for Danny Mc Master.

Agenda Item 4.14 - LA09/2020/1444/O - Dwelling and garage on a farm adjacent to 76 Moghan Road, Castlecaulfield, Dungannon, for Brigid McElduff.

Agenda Item 4.16 - LA09/2021/0319/F - Change of house type (M/2004/0778/F) from a detached to a pair of semi-detached on site 2 Opposite 114 Killyliss Road Eglis, for TG Developers Ltd.

Agenda Item 4.17 - LA09/2021/0380/F - Housing development (1 detached bungalow and 4 detached 2 storey houses) with foul water treatment plants and associated site works adjacent and E of 88 Roughan Road and 48 Drumreagh Crescent, Newmills, Dungannon, for Firtree Developments Ltd.

Agenda Item 4.19 - LA09/2021/0691/F - Change of house type (approved I/2011/0514/RM) and garage at Killycanavan Road 170m NE of Junction with Brookend Road Ardboe Dungannon for Hannah Quinn.

Agenda Item 4.22 - LA09/2021/0905/O - 3 detached dwellings to the rear of 9-11 Killyveen Park, Granville, Dungannon, for Mr Jim Fay.

Agenda Item 4.23 - LA09/2021/1036/F - New entrance in substitution to LA09/2020/0631/F at approx. 60m SW of 137 Lurgylea Road Galbally Dungannon, for Mr Damian Corr.

Agenda Item 4.28 - LA09/2021/1274/F - Dwelling with 6.5m Ridge height at site between 87 and 91 Kinrush Road Cookstown for Dwayne Mc Kenna.

The Service Director of Planning advised that in relation to agenda item 5.3 - LA09/2020/0024/F - the agent has agreed to provide further information and that this application should be held for the further information to be submitted.

The Service Director of Planning advised that agenda item 5.8 - LA09/2020/1140/O has been withdrawn from the agenda as the description does not now match the reason for the application.

Councillor Cuthbertson advised that the applicant of agenda item 4.29 - LA09/2021/1275/O had spoken to him and that there had been a mix up with the agent with regard to requesting speaking rights/deferral and that no request was submitted. Councillor Cuthbertson requested that this application also be deferred for an office meeting.

The Service Director of Planning stated he had no objection to this.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

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

In response to Councillor S McPeake's question the Service Director of Planning advised that although agenda item 4.19 – LA09/2021/0691/F was listed for approval the applicant had an issue with one of the conditions which was why a deferral was being sought.

Matters for Decision

P152/21 Planning Applications for Determination

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

LA09/2019/0144/F Housing development (16 units), at lands opposite 9 Strifehill Road, Cookstown for Mr Adrian Milliken

Members considered previously circulated report on planning application LA09/2019/0144/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/0144/F be approved subject to conditions as per the officer's report.

The Chair, Councillor Black declared an interest in the following applications and withdrew to the public gallery.

Councillor S McPeake took the Chair.

LA09/2019/0815/F Retention of existing E car parking area at existing Clay Pigeon Shooting Range at Lands at 27 Tamney Martin Road Maghera for Mr Johnathan Crawford

Members considered previously circulated report on planning application LA09/2019/0815/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2019/0815/F be approved subject to conditions as per the officer's report.

LA09/2019/0816/F Retention of change of use of field for Clay Pigeon Shooting Range at Lands at 27 Tamney Martin Road Maghera for Mr Johnathan Crawford

Members considered previously circulated report on planning application LA09/2019/0816/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2019/0816/F be approved subject to conditions as per the officer's report.

LA09/2019/0819/F Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range at Lands at 27 Tamney Martin Road Maghera for Mr Johnathan Crawford

Members considered previously circulated report on planning application LA09/2019/0819/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2019/0819/F be approved subject to conditions as per the officer's report.

LA09/2019/0820/F Retention of Safety Mound at Existing Clay Pigeon Shooting Range at Lands at 27 Tamney Martin Road Maghera for Mr Johnathan Crawford

Members considered previously circulated report on planning application LA09/2019/0820/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2019/0820/F be approved subject to conditions as per the officer's report.

Councillor Black rejoined the meeting and took the Chair.

LA09/2019/0946/O Replacement of disused Greenhouses and footings of approved dwellings with a Housing Development at lands S of 31 Brough Road, Castledawson, for D&D Loughran

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

LA09/2019/1051/O Site for a dwelling and garage at approx 80m S of 103 Mayogall Road, Magherafelt, for Mr. Conor O' Neill

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

LA09/2020/0343/F Residential development of 6 detached dwellings at 62 Glen Road, Maghera, for Danny Mc Master

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

LA09/2020/0493/F Conversion of garage to bedroom with en-suite and retention of shed and vehicular access at 17 Old Moy Road, Donnydeade, Dungannon for Mr & Mrs Stephen McDowell

Members considered previously circulated report on planning application LA09/2020/0493/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/0493/F be approved subject to conditions as per the officer's report.

LA09/2020/0763/F Silo with agricultural access provided to fields at the rear at 29 Crancussy Road Cookstown for Mr Peter McNally

Members considered previously circulated report on planning application LA09/2020/0763/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0763/F be approved subject to conditions as per the officer's report.

LA09/2020/0820/F Grass silage clamp alteration (from LA09/2015/0240/F) to include roof enclosure / steel frame, plant storage shed and extension to curtilage associated with an operational Anaerobic digestion plant at land approx. 155m NE of 72 Kilmascally Road Kinrush Dungannon for Ardboe Agri Energy Ltd

Members considered previously circulated report on planning application LA09/2020/0820/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/0820/F be approved subject to conditions as per the officer's report.

LA09/2020/0880/F Application to vary condition 19 of Planning Permission M/2007/1407/F to extend the operational lifetime of the wind farm from 25 to 30 years at Shantavny Scotch, Omagh Road, Ballygawley for Brookfield Renewable

Members considered previously circulated report on planning application LA09/2020/0880/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0880/F be approved subject to conditions as per the officer's report.

LA09/2020/1323/F Split level dwelling & attached garage between 65 & 85 Drumgrannon Road, Dungannon, for Lauren Wylie & Andrew Murry

Members considered previously circulated report on planning application LA09/2020/1323/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1323/F be approved subject to conditions as per the officer's report.

LA09/2020/1444/O Dwelling and garage on a farm adjacent to 76 Moghan Road, Castlecaulfield, Dungannon, for Brigid McElduff

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

LA09/2021/0033/F Public realm improvements comprising of new paving to pedestrian footpaths and Pomeroy Square at Main Street Pomeroy for Mid Ulster District Council

Members considered previously circulated report on planning application LA09/2021/0033/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0033/F be approved subject to conditions as per the officer's report.

LA09/2021/0319/F Change of house type (M/2004/0778/F) from a detached to a pair of semi-detached on site 2 Opposite 114 Killyliss Road Eglis, for TG Developers Ltd

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

LA09/2021/0380/F Housing development (1 detached bungalow and 4 detached 2 storey houses) with foul water treatment plants and associated site works adjacent and E of 88 Roughan Road and 48 Drumreagh Crescent, Newmills, Dungannon, for Firtree Developments Ltd

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

LA09/2021/0686/O Dwelling and garage immediately W of 210 Washingbay Road, Dungannon for Paul and Michelle O'Hagan

Members considered previously circulated report on planning application LA09/2021/0686/O which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0686/O be approved subject to conditions as per the officer's report.

LA09/2021/0691/F Change of house type (approved I/2011/0514/RM) and garage at Killycanavan Road 170m NE of Junction with Brookend Road Ardboe Dungannon for Hannah Quinn

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

LA09/2021/0773/F New vehicular access to existing Quarry at 130m E of 120 Feegarran Road, Cookstown (opposite Corby Road Junction) for Wesley Hamilton

Members considered previously circulated report on planning application LA09/2021/0773/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2021/0773/F be approved subject to conditions as per the officer's report.

LA09/2021/0882/O Two storey dwelling and garage at 50m SE of 115a Ruskey Road, Loup, for Nuala McVey and Enda McLaughlin

Members considered previously circulated report on planning application LA09/2021/0882/O which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0882/O be approved subject to conditions as per the officer's report.

LA09/2021/0905/O 3 detached dwellings to the rear of 9-11 Killyveen Park, Granville, Dungannon, for Mr Jim Fay

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

LA09/2021/1036/F New entrance in substitution to LA09/2020/0631/F at approx 60m SW of 137 Lurgylea Road Galbally Dungannon, for Mr Damian Corr

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

LA09/2021/1048/O Site for off-site replacement dwelling and detached garage at 50m SE of 22 Tirgan Road, Tullynagee, Moneymore, for Malachy McCrystal

Members considered previously circulated report on planning application LA09/2021/1048/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1048/O be approved subject to conditions as per the officer's report.

LA09/2021/1050/O Site for dwelling & domestic garage / store at 60m E of 80 Drumaspil Road, Drumhorrik, for Ryan McKenna

Members considered previously circulated report on planning application LA09/2021/1050/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/1050/O be approved subject to conditions as per the officer's report.

LA09/2021/1225/F 2 detached two storey dwellings with shared dual site entrance at lands directly adjacent to 31 Whitelough Road Aughnacloy, for Alan Campbell

Mr Marrion (SPO) presented a report on planning application LA09/2021/1225/F advising that it was recommended for refusal.

Proposed by Councillor Mallaghan
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/1225/F be refused on grounds stated in the officer's report.

LA09/2021/1265/O Infill site for 2 dwellings (renewal of LA09/2018/0977/O) adjacent to and immediately SE of 26 Whitetown Road Newmills, Dungannon, for Mrs Muriel Magee

Members considered previously circulated report on planning application LA09/2021/1265/O which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/1265/O be approved subject to conditions as per the officer's report.

LA09/2021/1274/F Dwelling with 6.5m Ridge height at site between 87 and 91 Kinrush Road Cookstown for Dwayne Mc Kenna

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

LA09/2021/1275/O Dwelling on a farm at 75m W of 125 Bush Road, Dungannon, for Mr Paul Cranston

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

**LA09/2021/1313/O Two storey dwelling between 55c and 59 Cadian Road
Dungannon (site 1), for Mr R P Reid**

**LA09/2021/1314/O Two storey dwelling between 55c and 59 Cadian Road
Dungannon (site 2), for Mr R P Reid**

Mr Marrion (SPO) presented a report on planning applications LA09/2021/1313/O and LA09/2021/1314/O advising that they were recommended for refusal.

Councillor Cuthbertson proposed the officer recommendation.

Councillor S McPeake asked for the widths of curtilages of adjacent sites.

Mr Marrion advised that in relation to the dwelling and garage to the south there is a frontage of 50m. The frontage of the dormer bungalow to the north is 70m.

The Service Director of Planning asked if the case officer was including the gap to the north in their considerations which was why they felt the site could accommodate three dwellings.

Mr Marrion felt this was the case.

The Service Director of Planning stated that taking into consideration the character to the south of the site he would not be adverse to offering an office meeting in this case.

Councillor Mallaghan stated he felt the offer of an office meeting was fair and that he would also like to get a better understanding regarding the access to the north of the site. Councillor Mallaghan proposed that an office meeting be held for both applications.

Councillor McKinney seconded Councillor Mallaghan's proposal.

The Chair, Councillor Black asked Councillor Cuthbertson if he wanted to leave his proposal on the table.

Councillor Cuthbertson stated that the will of the meeting seemed to be for an office meeting but felt that there should be some contact from the applicant.

The Service Director of Planning stated he felt the applications were worthy of more investigations in this instance.

The Chair, Councillor Black stated that Councillor Cuthbertson's comments were fair but that he also felt the applications merited an office meeting.

Resolved That planning applications LA09/2021/1313/O and LA09/2021/1314/O be deferred for an office meeting.

LA09/2018/1258/F Storage building and infilling of land at approx. 110m NE of Portafill International Ltd, Dungannon Business Park, Killyliss road, Dungannon, for Acrow Formworks NI

Mr Marrion (SPO) presented a report on planning application LA09/2018/1258/F advising that it was recommended for refusal.

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

Mr Cassidy advised that Acrow Foamworks operate out of several sites in the Granville Industrial Estate and that the company has seen unprecedented growth over the past five years. Mr Cassidy advised that the company operates throughout the UK and Europe and employs 70 people at the Granville site. Mr Cassidy referred to the Council report in relation to the redevelopment of the former Maghera High School site which states that the shortage of development land is the single most important development constraint for medium and large sized companies in Mid Ulster and that this lack of land is a barrier to growth of local businesses. Mr Cassidy states that this is more than evident in the Dungannon area where companies are crying out for land. Mr Cassidy advised that Acrow Foamworks owns the entire area of what is known as the Black Lough and is a total of 70,000 sq m and that they have maintained this area at their own expense over the years. Mr Cassidy stated that the proposal is for a storage unit in the western edge of the area and is adjacent to Portafill International. Mr Cassidy advised that not all of the development is within the Site of Local Nature Conservation Importance (SLNCI) and the area of the SLNCI affected equates to 4% of the total area. Mr Cassidy advised that a number of surveys were undertaken to establish that the SLNCI would not be affected, an ecology report and report on breeding birds were commissioned and both reports concluded that there would be no significant impact. Mr Cassidy advised that a drainage assessment concluded that the development would have no impact on the Black Lough. A habitat management plan for the site was also drawn up with schemes agreed to ensure the future of the site. Mr Cassidy stated that the proposal meets the core policy tests and that the scale of the development does not harm the nature of the area and that there would be environmental benefits as a result of the redevelopment and the management plan being adopted. Mr Cassidy stated that the proposal will allow the company to remain in the area where it already employs 70 people and will see a further 10 jobs created. Approval will also secure the future regeneration of the remaining 96% of the grasslands. Mr Cassidy advised that NIEA were contacted with a view to seeking a solution but they advised that they had no resources to do this, further to this, Mr Cassidy stated that communication with NIEA has proved frustrating and he believed the management plan can address NIEA concerns and could be secured by conditions. On this basis, Mr Cassidy asked the committee to reconsider the recommendation.

Councillor S McPeake stated that Mr Cassidy had quoted a number of reports which had been submitted and asked what area is concerning officers and what do they feel is absent.

Mr Marrion stated that the application was last brought to Committee in October 2019 and was deferred at that time to allow for further information to be submitted.

Mr Marrion advised that nothing further has been submitted since then despite requests. Mr Marrion advised that the last response from NIEA is in relation to a habitat conservation management plan and that they state it fails to adequately address the concerns raised regarding the permanent loss of the priority fen habitat and the significant effect on the Black Lough area. Mr Marrion stated that the NIEA position remains unchanged.

The Service Director of Planning advised that the development limit was drawn in such a way so as to protect the Black Lough area. The Service Director stated he was conscious that a lot has been done to expand development in that area but that he was also conscious of COP26 currently taking place and that a key theme is wetlands and how they help to absorb CO2 from the atmosphere and that the Black Lough is close to an industrial estate. The Service Director felt that a precautionary approach should be taken in relation to the application as NIEA are stating they have concerns and if the applicant is dissatisfied with the decision to refuse the application then this can be taken to the Planning Appeals Commission.

Councillor Colvin stated that the Service Director of Planning has explained why the site is outside of the development limit and current concern for the environment. Councillor Colvin proposed the officer recommendation.

Councillor Mallaghan stated that there have been previous conversations in relation to the Granville site and its importance to the economy and asked if it is a case there will never be any further expansion at this location or what mitigations can be put in place as a long term strategy is needed for industrial space in Mid Ulster.

The Service Director of Planning advised that the Draft Plan Strategy indicates some additions to Granville on the opposite side of the road and also on the main road and stated that a planning application has already been allowed on the main road through Granville. The Service Director felt that Granville is reaching saturation point and hoped there will be new opportunities along the A4 in the future and that there will be further expansion in this area in the future. The Service Director of Planning stated that the Committee have allowed for development outside settlement limits as an exception in the past and that this may happen again in the future but that he did not feel an exception was appropriate in this case due to the specifics of the site. The Service Director of Planning again stated that if the applicant is dissatisfied with a refusal then the application can be brought to planning appeal.

The Chair, Councillor Black stated he understood Councillor Mallaghan's comments but that the Service Director of Planning has indicated other avenues for expansion at Granville in the future and that the application site under consideration was not included in the settlement limit due to the particular environmental issues.

Councillor McKinney seconded Councillor Colvin's proposal.

Resolved That planning application LA09/2018/1258/F be refused on grounds stated in the officer's report.

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

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

It was advised that a request to speak on the application had been received however the agent was not present at the meeting either online or in person to address the committee.

The Service Director of Planning stated there are clusters of shelters on the farm but that these are not buildings and should not be considered as such. The Service Director stated that if there was a reasonable argument an exception could be made but, in this case, there didn't seem to be an argument other than the applicant doesn't like the other options.

Councillor Mallaghan stated he was aware of the alternative site location and felt that the topography of the site, particularly field 8, does not lend itself to build a house on. The Councillor also stated that, although not a planning consideration, he did not think a mortgage would be obtainable for fields 2, 3, 4, 6 and 7 and further to this a river runs behind field 4. Councillor Mallaghan stated that the area is not an easy location to build a house and felt there is an opportunity for a site visit to understand the reason why the applicant may not want to build on the suggested location. Councillor Mallaghan proposed that the application be deferred for a site visit.

Councillor Brown seconded Councillor Mallaghan's proposal.

The Chair, Councillor Black felt it would be beneficial to see the site and in the interests that the agent has not been in attendance tonight.

Councillor Glasgow stated it would not be easy to make a decision based on the map shown tonight and that he could concur with Councillor Mallaghan's comments in relation to the topography of the site. Councillor Glasgow stated he would support a site visit.

Resolved That planning application LA09/2019/1105/O be deferred for a site meeting.

**LA09/2020/0024/F 3 lodges for short term accommodation to facilitate access
to adjacent lough shore nature area at 210m SW of 35
Brookend Road, Ardboe for Donal Coney**

Agreed that application be deferred for further information to be submitted earlier in meeting.

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

Ms Doyle (SPO) presented a report on planning application LA09/2020/0804/O advising that it was recommended for refusal.

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

Mr Nugent stated that the application is based on a 165 acre farm and is run by the applicant's father and brother. Beef cattle, poultry and sheep are farmed and the objective is to sub divide the 165 acre farm into two sustainable stand alone farms. Mr Nugent stated that this is a bona fide working farm and that the two brothers both attended Loughry College to study farming. Mr Nugent stated that the case officers report dating back almost a year clearly indicates that the site is suitable for a two storey house and felt that the information brought tonight is contradictory. Mr Nugent referred to planning policy paragraph 5.41 which states that if an existing building group is well landscaped planning permission can be granted for a new dwelling even though visual linkage is limited or virtually non existent. Mr Nugent stated that there is a substantial landscaping around the existing cluster of farm buildings and the site and therefore he felt that the proposal meets with this statement. Mr Nugent went on to refer to planning policy paragraph 5.42 which asks for verifiable information to be offered in relation to farm expansion and environmental or welfare reasons as to why the client needs to look for a site other than the principal farm. Mr Nugent stated that numerous documents have been submitted along with a supporting letter from the Ulster Farmer's Union. Photographic evidence has also been provided showing current and new buildings being erected on the farm, copy of an up to date flock book was also submitted which shows a substantial increase in growth of flock in recent years. Mr Nugent felt that this all goes to show the growth of this farm and that this can be seen on the ground. Mr Nugent stated that it is felt that the application meets the terms of the policy in full and that a lot of evidence has been submitted to support the application.

Councillor Robinson stated that it is evident that the applicant wants to expand the farm business and if he wants to farm at this location he will need a dwelling. Councillor Robinson stated that taking into consideration the expanding farm this may be the only viable site to build a dwelling on and felt that, although difficult, the Committee should be doing everything it can to assist the applicant.

The Service Director of Planning referred to the three agricultural buildings and asked what these were.

Mr Nugent stated these were poultry houses.

The Service Director of Planning asked where the farm house is.

Mr Nugent advised that it was to the south of the poultry houses.

The Service Director of Planning stated he could understand why someone would not want to build next to poultry houses but that there appeared to be fields all over and asked why a house could not be built towards the existing houses on the farm.

Mr Nugent stated that the principal farm holding is where the farm expansion is happening at the moment.

The Service Director of Planning stated there were numerous other fields which would still be close by.

Mr Nugent stated that the objective is to separate the farm geographically so that the two farms can be run independently of each other.

The Service Director of Planning stated that an argument to subdivide the farm is not helpful. The Service Director stated it is clear a viable site could be achieved if there was willing.

Mr Nugent stated that he was open to suggestions.

The Service Director of Planning suggested that the application be deferred in order for the applicant to consider an alternative site.

Councillor McKinney stated he understood the argument being made by the agent and since a site meeting has already been agreed for the Pomeroy area he stated he would like to see this site. Councillor McKinney proposed that the application be deferred a site meeting.

Councillor Robinson seconded Councillor McKinney's proposal.

Councillor Glasgow agreed that since Members will be in the area a site meeting for this application would be useful.

The Chair, Councillor Black stated he felt the proposal is a sensible way forward.

Councillor Mallaghan felt that both an office meeting and site meeting would be required.

Councillor McKinney clarified that his proposal was for a both an office meeting and site meeting.

The Service Director of Planning stated that he did not feel an office meeting would be beneficial. The Service Director stated that the agent is aware tonight of the need to look at alternative sites and to have that conversation with the applicant. The Service Director stated that Members should undertake a site meeting and that the Head of Development Plan will then brief him on the situation with a view to reaching a resolution.

Councillor McKinney agreed to amend his proposal to undertake a site meeting only.

Resolved That planning application LA09/2020/0804/O be deferred for a site meeting.

LA09/2020/0864/F Car parking and block of semi detached dwellings at lands approx 50m W of 39 Charlemont Street, Moy for Hemel Ltd

Members considered previously circulated report on planning application LA09/2020/0864/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/0864/F be approved subject to conditions as per the officer's report.

Councillor Glasgow referred to the addendum and letter from NI Water regarding connection to public sewer.

Mr Marrion stated that there is a capacity issue at Moy waste water treatment works and that there has been a condition attached to the approval in relation to connection to the waste water treatment works. Mr Marrion advised that the letter included in the addendum has been received by the agent to advise them that, provided they meet certain criteria, they can connect to the NI Water infrastructure.

Councillor Glasgow stated this was positive.

LA09/2020/0888/O Site for dwelling & garage (re-advertised and neighbour notified due to amended address) at Drummurrer Lane 90m NE of 20 Annaghnaeboe Road, Coalisland for Mr Paul Henry

Members considered previously circulated report on planning application LA09/2020/0888/O which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/0888/O be approved subject to conditions as per the officer's report.

LA09/2020/0890/O Infill site for dwelling & garage (re-advertised and neighbour notified due to amended address) at Drummurrer Lane 60m N of 20 Annaghnaeboe Road, Coalisland for Mr Paul Henry

Members considered previously circulated report on planning application LA09/2020/0890/O which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2020/0890/O be approved subject to conditions as per the officer's report.

LA09/2020/1140/O Infill dwelling and detached garage between 104 Ballygawley Road and an agricultural building 100m NE of 104 Ballygawley Road Glenadush, for Bernard McAleer

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

Councillor S McPeake asked why this application was deferred.

The Service Director of Planning advised that the application is described as infill dwelling however the siting has changed which means it is no longer an infill dwelling but rather a dwelling on a farm. The Service Director advised that if the application was approved with its current description it could be perceived to be unsound and that it would be better to amend the description.

LA09/2020/1157/O Site for 2 storey dwelling and domestic garage 90m SE of 46 Airfield Road, Toomebridge for Centrum NI Farms Ltd

Members considered previously circulated report on planning application LA09/2020/1157/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Corry and

Resolved That planning application LA09/2020/1157/O be approved subject to conditions as per the officer's report.

LA09/2020/1308/F 2 detached dwellings at lands between 8 and 12 Findrum Road, Ballygawley, for Jonathan Kirkland

Members considered previously circulated report on planning application LA09/2020/1308/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/1308/F be approved subject to conditions as per the officer's report.

LA09/2020/1371/F Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath at Shanmoy Downs, Eglish, Dungannon for T G Developments Ltd

Members considered previously circulated report on planning application LA09/2020/1371/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2020/1371/F be approved subject to conditions as per the officer's report.

LA09/2021/0096/F Retention of existing agricultural shed on lands to the E of 15 Tamlaghtmore Road, Cookstown for Mr and Mrs Hutchinson

Members considered previously circulated report on planning application LA09/2021/0096/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0096/F be approved subject to conditions as per the officer's report.

Matters for Information

P153/21 Minutes of Planning Committee held on 5 October 2021

Members noted minutes of Planning Committee held on 5 October 2021.

P154/21 Receive report on Planning Performance

The Service Director of Planning presented previously circulated report which outlined Council's performance in relation to planning, progress against national statistics and in comparison to other Councils.

The Service Director of Planning also highlighted some staffing issues however he stated that three permanent planning officers had recently been appointed and that he would be speaking to HR further on the matter. The Service Director advised that some planning officers and staff had also been diverted to assist with the configuration of the new planning portal. The Service Director of Planning stated he was conscious that agents may feel there have been delays however he stated that these delays are often caused by agents themselves having to resubmit information and again referred to the delays in receiving responses from consultees such as DfI Roads. The Service Director stated that there are a mixture of factors which are causing delays and that he suspected that targets for this year will not be met however he was not unduly concerned as the department has managed to weather the storm of Covid and the staffing issues and that he felt performance is good given the circumstances.

The Chair, Councillor Black stated there were issues indicated however steps are being taken to address these. The Chair took the opportunity to highlight the good job being done by the planning department particularly in difficult circumstances.

Councillor Glasgow concurred with the comments of the Chair however he stated that he had been approached by a number of agents in relation to delays in processing of applications. The Councillor stated he was satisfied with the Service

Director's explanation tonight and that he would relay the message back to those agents. Councillor Glasgow stated he had a concern and not a criticism in relation to continued working from home whereby communication can be difficult. The Councillor stated he had been waiting for a response for two weeks in relation to an application and felt that lines of communication need to be strengthened and asked that this be looked into.

The Service Director of Planning stated that Councillor Glasgow's comments concerned him and that it is not normal to have to wait that long on a response. The Service Director advised that if a query is copied into himself or the Head of Development Management they will ensure that a timely response is provided. The Service Director advised that officers working from home are contactable and he was glad the Councillor had raised the issue.

Councillor Glasgow stated that it was not a criticism of staff but that he wanted to ascertain if officers working from home needed to be better resourced.

The Chair, Councillor Black highlighted that if an officer is working from home they have access to email, phone and computer systems the same as if there were in the office therefore it should be business as usual.

The Service Director of Planning stated that Covid has changed the world and has encouraged remote working. The Service Director advised that remote working reduces the need to travel which in turn reduces pollution in the atmosphere however officers do need to be in the office some of the time. The Service Director stated there are opportunities for efficiencies and highlighted that an applicant/agent will be able to upload revised plans to the new planning system when it is operational and that he felt this will help to speed things up greatly.

Councillor Brown referred to objections to applications and amended plans being sent in and the timescale taken to get these uploaded to the portal when people are not in the office and asked if this can be improved. Councillor Brown also spoke in relation to the number of applications in the system and asked if it is possible to get a breakdown report on this.

The Service Director of Planning advised that the number of live applications can be seen online – what has been submitted over 6 months or a year – and that this can be contrasted against previous years. The Service Director advised that, at the moment, there are approximately over 1000 live applications in the system and that he would see a normal figure for this as being 600. The Service Director stated he did not foresee any problem in being able to work through these applications.

Councillor Brown asked if there is a way of getting a breakdown of these applications ie. how many have been in the system for a long time.

The Service Director of Planning advised that a breakdown of figures can be seen online, in the last quarterly report.

Councillor Mallaghan stated that he felt remote working works well and even the amount of travelling for Members has been vastly reduced through being able to use

different platforms to attend meetings. The Councillor stated that attending meetings remotely offers Members more time at home with their families and where it can be used it should be going forward. Councillor Mallaghan echoed the positive comments made about planning officers and stated that he would also like to mention the admin staff as they also respond to queries and do so in great detail. Councillor Mallaghan stated he did have a concern whereby an application is submitted and goes through the process and if it is a refusal it is put on the agenda for the Planning Committee without any further communication with the applicant/agent and opportunity to submit further information.

Councillor Cuthbertson left the meeting at 8.40 pm

The Service Director of Planning stated that applications are regularly put back if it is felt there is a solution. The Service Director referred to his earlier comments in relation to the Judicial Review and that this gives an opportunity to look at the Planning Protocol and Scheme of Delegation and that it would be useful to have a workshop on this in the future.

Councillor Mallaghan stated that Council is a customer facing organisation and when an applicant has spent money on submitting a planning application and doesn't even receive a phonecall to say an application is up for refusal he felt this was concerning.

The Service Director of Planning stated that planning applications often involve more than one party and all need to be treated equitably. The Service Director advised that the way this is dealt with is to put all recommendations on the website and that everyone has the same opportunity to request to speak at the committee or seek a deferral and that this protects Council. The Service Director of Planning stated although he felt there are difficulties with what Councillor Mallaghan was referring to he would look into the matter a bit more.

The Chair, Councillor Black stated that there were some interesting suggestions being made and that this can be discussed further at a workshop meeting.

Councillor S McPeake echoed the previous commendation of staff and stated that he always found them courteous and amenable in bringing back information although he realised that planning can be complex and there can be delays in getting responses back from other parties which can hold things up. Councillor S McPeake stated he had some concern in relation to the loss of staff from the Magherafelt team which he felt is going to compound issues and that officers should not be afraid of investing in additional resources.

The Service Director of Planning noted concerns of Members with regard to staffing issues at present which have been compounded due to the backlog of applications and Covid but highlighted that the three officers on leave from the Magherafelt team would be returning in due course. The Service Director advised that a further officer from the Magherafelt team has recently taken a career break and that other staff will get the opportunity to act up during this time however he would look to see whether there is a need to hold to Councillor S McPeake's comments in relation to the assertion of the need for staff.

Proposed by Councillor Brown
Seconded by Councillor S McPeake and

Resolved To note the content of the report.

Live broadcast ended at 8.50 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Glasgow
Seconded by Councillor Corry 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 P155/21 to P159/21.

Matters for Decision

P155/21 Receive Enforcement Report

Matters for Information

P156/21 Confidential Minutes of Planning Committee held on 5 October 2021

P157/21 Confidential Minutes of Special Planning Committee held on 13 October 2021

P158/21 Enforcement Cases Opened

P159/21 Enforcement Cases Closed

P160/21 Duration of Meeting

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

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

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

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

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



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 2 November 2021

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

Chairs Business

Receive letters from NI Assembly Committee for Infrastructure and Minister Mallon in relation to Policy Advice Note on the Strategic Planning Policy on Development in the Countryside.

Enforcement appeal decision 2020/E0029- The appeal on ground **(g)- period for compliance** fails. The Enforcement Notice is upheld. The appellant wanted 4 months, however, the Commissioner ruled 60 days was sufficient to comply with the notice. The enforcement team will monitor the situation on the ground. The appeal was for the alleged unauthorised material change of use of the land for storage purposes including the storage of motor vehicles, end of life vehicles, motor vehicle parts, trailers, plant, miscellaneous items and other materials. the alleged unauthorised laying of hardcore on land associated with the unauthorised use. the alleged unauthorised widening of two access points to serve the alleged unauthorised use on the land at lands approx 65m south east of 38 Aghnagar Road, Ballygawley. Co Tyrone BT70 2HP for Mr Ryan Mulgrew.

Receive response from DfI Divisional Roads Manager following concerns raised by Dr Boomer at consultation response delays.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.24	Map with siting condition not uploaded with the report	Members to note
5.5	Agent has provided further details relating to waste water treatment	Members to note
5.6	Agent has submitted an indicative layout showing a proposed access	Members to note

[illegible]