

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 April 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

**Members Present**

Councillor Black, Chair

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

**Officers in Attendance**

Dr Boomer, Service Director of Planning  
Mr Bowman, Head of Development Management  
Ms Doyle, Senior Planning Officer  
Mr Marrion, Senior Planning Officer  
Mr McClean, Senior Planning Officer\*\*  
Mr McCreesh, Chief Executive\*\*  
Ms McIlveen, Legal Adviser  
Mrs Forde, Member Support Officer

**Others in Attendance**

Councillor Gildernew\*\*\*

LA09/2021/0451/F	Ms Donnelly***
LA09/2020/1476/O	Mr Cassidy ***
LA09/2021/1272/F	Ms Gourley

\* 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

**P042/22 Notice of Recording**

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

**P043/22 Apologies**

None.

**P044/22 Declarations of Interest**

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

Councillor Robinson declared an interest in following applications:

- LA09/2021/0685/F : Whey protein concentrate (WPC) processing, storage and dispatch project at existing cheese processing factory including 2 chiller units, 5No. 100000L silos 2No. 150000L silos within a 3m high bund area and associated equipment and site works including acoustic fencing and lands at 141 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd
- LA09/2021/1533/F: Retention of additional balance tank and associated site works at an existing effluent treatment plant at existing cheese processing factory (amended description) at lands at 141 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd
- LA09/2021/1731/F: Extension to the existing cheese plant & alterations to roof profile of existing building at Dunmanbridge, 141 Moneymore Road, Cookstown for Dale Farm Ltd

Councillor Corry declared an interest in LA09/2020/1476/O - Dwelling and garage between 21 and 23 Iniscarn Road, Moneymore for FJS Contracts Ltd

Councillor S McPeake declared an interest in LA09/2021/0031/F - Retrospective application for the storage of steel and assembly of steel sheds along with part storage of farm agricultural equipment at 70m SE of 32A Mayogall Road, Gulladuff for Mr Daman Brown.

## **P045/22      Chair's Business**

The Service Director of Planning drew Members attention to the addendum emailed and distributed to all Members. He drew Members attention to detail regarding the current circumstance of sewage works capacity in relation to settlements in Mid Ulster. He advised that the document was for information and should assist in providing a clearer picture of the situation.

The Service Director of Planning reminded Members that it had been previously agreed to visit the Goldmine site outside of the district and advised that the date was now scheduled for Tuesday 10 May 2022 for which a diary appointment would be forwarded. He requested that Members register their interest to attend in order that appropriate PPE would be available.

The Service Director of Planning advised he had a further item for Members attention to be considered in confidential business.

The Service Director of Planning advised that a demonstration for the new computer system was scheduled for Thursday 19 May 2022 at 6pm.

The Service Director of Planning drew attention to the Ministers announcement last week to grant planning approval for the proposed effluent site but not until the planning agreement was in place which would deal with reservoirs and loughs raised in estate case. He advised that the Department to date has not published the

commissioner's report and reminded Members that Council whilst not opposed to the site had concern that it may impact development plan. He concluded that he would not provide further comment until the commissioner's report is viewed.

The Service Director of Planning drew attention to the Planning Performance April to December 2021 statistics and made comment that the past year had not been the best due to circumstances beyond control. He highlighted that Mid Ulster was the busiest in terms of applications and had the highest percentage of positive outcomes. He drew attention to the fact that Council was 4<sup>th</sup> on the chart for hitting targets but given the pressures it was quite remarkable. In relation to major applications he said that Mid Ulster was processing more than all Councils bar Belfast.

The Service Director of Planning drew attention to the Public Accounts Committee Report into Planning and drew attention to agenda item 12 Receive report on findings of the NI Audit Report – Review of the Planning System in Northern Ireland and said although itemised for information he would seek to move into decision for comment.

The Service Director of Planning drew attention to correspondence emailed detailing the Department's Notice of Opinion to Approve regarding a Planning Application under Section 54 of the Planning Act (Northern Ireland) 2011 at -

Location: Lands approximately 3km west of Swatragh accessed off the Corlacky Road in the townlands of Corlacky Knockoneill Half Gayne and Tirkane Co. Derry/Londonderry.

Proposal: Application under Section 54 of the Planning Act (Northern Ireland) 2011 to develop land without compliance with condition 25 of the Planning

Approval Reference: LA09/2016/0232/F for an 11 turbine wind farm and associated infrastructure. Condition 25 states that the height of the turbines to the tip of the blades shall not exceed 149.9m, their hub height shall not exceed 100m and their rotor diameter shall not exceed 99.8m. This application seeks to vary condition 25 to state that the height of the turbines to the tip of the blades shall not exceed 149.9m, their hub height shall not exceed 100m and their rotor diameter shall not exceed 117m. Minor movements to two of the turbines and associated infrastructure within their micro-siting areas are also proposed.

The Service Director of Planning reminded Members that there had been a site meeting a number of years ago in relation to same, that Mid Ulster had no grounds to request a refusal but would have an opportunity to seek a hearing should they wish to do so. He further advised there was no concerns, no third party objectors and environmental health had signed off the application.

Councillor S McPeake recalled the visit and said it was unusual for a proposed windfarm to have no objections but concurred with the recommendation not to object.

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 5.2 – LA09/2020/0850/F - Agri food processing unit within a portal framed building, weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance at 140m NE of 21 Sandholes Road, Cookstown for Wesley Hamilton.

Agenda Item 5.5 – LA09/2021/0031/F - Retrospective application for the storage of steel and assembly of steel sheds along with part storage of farm agricultural equipment at 70m SE of 32A Mayogall Road, Gulladuff for Mr Daman Brown.

Agenda Item 5.11 – LA09/2021/0871/O - Site for a dwelling and domestic garage at 110m NW of 140 Gulladuff Road, Bellaghy for Mr Paul McErlean.

Agenda Item 5.12 – LA09/2021/1011/O - Dwelling and garage at 110m NE of 65 Roughan Road, Stewartstown, for Andrew Richardson.

Agenda Item 5.14 – LA09/2021/1104/F - Apartment 5 added to existing scheme with new window and door openings to yard elevation and side elevation at 34 High Street, Draperstown, for Cloane Construction.

Agenda Item 5.15 – LA09/2021/1228/O - Site for dwelling on a farm to rear of 45 Kinturk Road Coagh Cookstown for Mr Brian O'Hara.

Agenda Item 5.16 – LA09/2021/1319/F - Site of residential and mixed use development at 29 - 35 High Street, Draperstown for H V Property Developments Ltd.

Agenda Item 5.18 - LA09/2021/1531/O - Dwelling & domestic garage at lands 60m SW of 105 Ruskey Road, The Loup, for Columbo McVey.

Agenda Item 5.20 – LA09/2021/1540/F - Retrospective application for part use of a domestic storage shed for the sale of general builders merchandise at approx. 13m NW of 5 Jacksons Drive, Gulladuff, for C & C Supplies.

Agenda Item 5.21 – LA09/2021/1566/O - Farm dwelling & garage at approx. 65m N of 19 Moneygaragh Road, Rock, Dungannon for Mrs Patricia Toner.

Agenda Item 5.22 - LA09/2021/1641/F - Replacement dwelling at approx 30m N of 6 Ruskey Road, Coagh, Cookstown for Mr Jim McIntyre.

Agenda Item 5.24 - LA09/2021/1700/O Dwelling and garage at land off Pomeroy Road approx. 285m NE of 47 Kilmardle Road, Dungannon for Mr Robert Quinn.

Agenda Item 5.27 - LA09/2021/1768/DCA - Demolition of No's 29, 31 & 33 High Street Draperstown to allow for the re-development of the site for 2 offices & 3 apartments (LA09/2021/1319/F) at 29 - 35 High Street, Draperstown for H V Property Developments Ltd.

Agenda Item 5.28 - LA09/2021/1808/O - Site of dwelling & domestic garage at Rear of 39 Gortahurk Road, Desertmartin, for Eoighan McGuigan.

Agenda Item 5.29 - LA09/2021/1809/O - Site for dwelling house and domestic garage adjacent and Western boundary of 182 Glen Road, Maghera for Miss Niamh Cavanagh.

Proposed by Councillor Colvin  
Seconded by Councillor Corry and

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

The Service Director of Planning further advised that a late request to speak had been received for LA09/2021/0451/F - Change of use of existing horse stable building to dog re-homing centre, retention of 2 modular buildings and provision of 1 dwelling house, at lands approximately 170m NE of 40 Ballynahaye Road, Ballynahaye, Ballygawley for Tyrone Husky Rescue. It was agreed to grant the speaking rights and then make decision on application.

### **Matters for Decision**

#### **P046/22 Planning Applications for Determination**

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

**LA09/2020/0615/O Housing development at lands S of Annagher Road, Coalisland (opposite Coalisland Na Fianna Club House and 156 Annagher Road Coalisland) for Harry McClure**

Members considered previously circulated report on planning application LA09/2020/0615/O which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Mallaghan

**Resolved** That planning application LA09/2020/0615/O be approved subject to conditions as per the officer's report.

**LA09/2020/0850/F Agri food processing unit within a portal framed building, weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance at 140m NE of 21 Sandholes Road, Cookstown for Wesley Hamilton**

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

**LA09/2020/1196/F                      Extension to existing compost manufacturing facility at 10A Ferry Road, Coalisland for Evergreen Horticulture**

Members considered previously circulated report on planning application LA09/2020/1196/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2020/1196/F be approved subject to conditions as per the officer's report.

**LA09/2020/1557/F                      Erection of 13 dwellings (11 Detached and 2 Semi detached) with garages and associated site works (revised plans) at lands to the rear and immediately W of numbers 18 and 20 Mullaghteige Road Bush Dungannon, for BOA Island Properties Ltd**

Members considered previously circulated report on planning application LA09/2020/1557/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Glasgow and

**Resolved**     That planning application LA09/2020/1557/F be approved subject to conditions as per the officer's report.

**LA09/2021/0031/F                      Retrospective application for the storage of steel and assembly of steel sheds along with part storage of farm agricultural equipment at 70m SE of 32A Mayogall Road, Gulladuff for Mr Daman Brown**

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

**LA09/2021/0185/O                      Replacement dwelling SE of 31a Corvanaghan Road, Cookstown for Oliver Mc Kenna**

Members considered previously circulated report on planning application LA09/2021/0185/O which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor Mallaghan and

**Resolved**     That planning application LA09/2021/0185/O be approved subject to conditions as per the officer's report.

**LA09/2021/0451/F                      Change of use of existing horse stable building to dog re-homing centre, retention of 2 modular buildings and provision of 1 dwelling house, at lands approximately 170m NE of 40 Ballynahaye Road, Ballynahaye, Ballygawley for Tyrone Husky Rescue**

Mr Marrion (SPO) presented a report on planning application LA09/2021/0451/F advising that it was recommended for refusal. It was noted on the addendum to planning agenda that additional letters of objection had been received. Members noted the reasons outlined in the report as to why the application should be refused such as noise nuisance, increased traffic levels, loss of sleep. They also noted that the application did not meet criteria for a number of relevant planning policies as listed in the case officer report and that a request for deferral had been received earlier in the day.

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

Ms Donnelly advised she was a resident of Ballynahaye and had lived there all her life. Ms Donnelly stated that she did not believe the location was suitable for the proposed development. Ms Donnelly stated her family run a farm and own land which is adjacent to the proposed site, it was advised that farmland surrounding the site cannot be used as the livestock are fearful and unsettled from the dog noise. Ms Donnelly stated that the animals are at risk of breaking out and causing injury to themselves or other road users. It was advised there has also been an adverse effect on lambing. Ms Donnelly stated that the farm has lost the use of their land and income as a result. Ms Donnelly advised that a neighbour owns horses which are agitated from the dog noise and as a result he cannot have horse riding lessons in his arena. Ms Donnelly referred to a previous incident when the neighbour was horseriding on the road past the proposed site and when dogs came running up to the boundary fence barking his horse reared and jumped a fence which is extremely dangerous. Ms Donnelly also referred to the loss of habitat in the area such as buzzards as a result of the dogs being in the area. Ms Donnelly advised that the noise from the barking is awful and goes on morning, noon and night. It was advised that there are 9-10 dogs at the site since 25 March. Ms Donnelly advised that the barking is disrupting the sleep of her and her family and neighbours in the area. Ms Donnelly advised that there is no one with the dogs during the night and she would have concern at a statement within the planning application which advised it was vital for someone to be there 24 hours a day. Ms Donnelly advised that this was not happening and that people and livestock are at risk if a dog escapes. Ms Donnelly stated there is already a detrimental impact and she would be very concerned regarding the application and the long term effects of it.

In response to Councillor Clarke's query it was confirmed that the application number ended in 0451 and that there had been a typographical error on the presentation.

In response to Councillor Cuthbertson's query regarding the additional objection letters Mr Marrion confirmed that all were on the planning portal but no new issues had been raised.

Councillor Cuthbertson said it would be keen for a site visit as up to ten dogs had been mentioned but there were areas in towns where there were more than ten dogs housed.

Proposed by Councillor Cuthbertson

That the application be deferred for a site meeting.

Councillor Mallaghan said whilst site meetings often provide additional information there appeared to be quite a number of reasons why planning permission should not

be granted and that the committee had heard from an objector and posed the question what more could be brought forward at this point to change what has been heard from both officers and objectors.

The Service Director of Planning said it was a unique application in that there was no case for a house and you could visit a site when the dogs were having either a noisy or quieter day. He asked what Environmental Health had ascertained. In response Mr Marrion said they had requested further information regarding location of noise equipment and had queries regarding the noise within buildings. He concluded that there were not content with the information currently available.

The Service Director of Planning said a deferral had been requested and whilst he was not opposed to an office meeting he was uncomfortable with potential nuisance. He said that if the application is refused the applicant had the right of planning appeal.

Councillor Glasgow stated that the information provided by Environmental Health could not be ignored as the objector had alluded to the impacts on the lambing season. He said that husky dogs could be noisy particularly as they have been stressed. He concluded that on considered the case officers report he would propose the recommendation.

The Chair, Councillor Black sought clarity on outstanding information to which Mr Marrion confirmed that it was a consultation response which is down to the planning department to provide reassurances.

Councillor S McPeake concurred with Councillor Glasgow and said the proposal does not fit with a rural impact assessment and the points raised by the objector were very valid especially in relation to the impact on animals such as sheep and horses. Councillor S McPeake seconded Councillor Glasgow's proposal.

Councillor Robinson said he had read the case officer report and said that up to 18 dogs had the potential to create serious noise and given the livestock issues raised he would be concerned especially in relation to sheep. He too concurred with the officer's recommendation.

The Chair, Councillor Black concurred that policy does not support the application.

Ms McIlveen, legal advisor, stated that she agreed with the report that there did not appear to be a valid exception to enable the application to be approved.

The Chair, Councillor Black thanked Ms McIlveen for the clarity.

Councillor Cuthbertson said he had made the original proposal and drew attention to the ten items deferred earlier in the meeting and said if this was similar the committee should tread carefully.

The Service Director of Planning said that all applicants in this situation seek a deferral but key factors is that it is not a dwelling, it is causing harm to neighbours and a deferral would prolong the nuisance.

Councillor Cuthbertson said he was aware of a location a short distance from Dungannon where the charity had operated and he had not been aware of any complaints at that time made to environmental health.



The Chair, councillor Black said the committee had to make the decision on the evidence provided.

Councillor Cuthbertson said his proposal had no seconder but he did not withdraw same.

The Chair, Councillor Black concluded that the majority agreed to refuse the application.

Proposed by Councillor Glasgow  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2021/0451/F be refused on grounds stated in the officer's report.

**LA09/2021/0665/O Dwelling & domestic garage at 80m E of 4 Valemount, Derryvale Road, Coalisland, for Mr Jeremy Morgan**

Members attention was drawn to the addendum and it was noted that the application had been withdrawn.

**LA09/2021/0684/O Site for a dwelling and double domestic garage on a farm at 108m SW of 19 Annaghquin Road Cookstown, for Raymond and Linda Potter**

Members considered previously circulated report on planning application LA09/2021/0684/O which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2021/0684/O be approved subject to conditions as per the officer's report.

**LA09/2021/0685/F Whey protein concentrate (WPC) processing, storage and dispatch project at existing cheese processing factory including 2 chiller units, 5No. 100000L silos 2No. 150000L silos within a 3m high bund area and associated equipment and site works including acoustic fencing and lands at 141 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd**

Members considered previously circulated report on planning application LA09/2021/0685/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0685/F be approved subject to conditions as per the officer's report.

**LA09/2021/0871/O**                    **Site for a dwelling and domestic garage at 110m NW of 140 Gulladuff Road, Bellaghy for Mr Paul Mc Erlean**

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

**LA09/2021/1011/O**                    **Dwelling and garage at 110m NE of 65 Roughan Road, Stewartstown for Andrew Richardson**

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

**5.13 LA09/2021/1066/F**            **Cattle house and machinery shed at 148m NW of Junction of Hillside Road & Gorteade Road, Swatragh for Mr PJ Lagan**

Ms Doyle (SPO) presented a report on planning application LA09/2021/1066/F advising that it was recommended for refusal. Ms Doyle highlighted the reasons for refusal as detailed within the report and Members noted that despite requests for additional information the applicant had not submitted same and neither had sufficient information been submitted to enable Council to undertake a Habitats Regulation Assessment.

Proposed by Councillor Brown  
Seconded by Councillor McKinney and

**Resolved**    That planning application LA09/2021/1066/F be refused on grounds stated in the officer's report.

**LA09/2021/1104/F**                    **Apartment 5 added to existing scheme with new window and door openings to yard elevation and side elevation at 34 High Street, Draperstown, for Cloane Construction**

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

**LA09/2021/1228/O**                    **Site for dwelling on a farm to rear of 45 Kinturk Road, Coagh, Cookstown for Mr Brian O'Hara**

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

**LA09/2021/1319/F**                    **Site of residential and mixed use development at 29 - 35 High Street, Draperstown for H V Property Developments Ltd**

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

**LA09/2021/1376/O**                      **Site for a Dwelling and Domestic Garage (Amended Plans) at 50m N of 81 Desertmartin Road, Moneymore for Philip Hughes**

Members considered previously circulated report on planning application LA09/2021/1376/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor S McPeake and

**Resolved**     That planning application LA09/2021/1376/O be approved subject to conditions as per the officer's report.

**LA09/2021/1531/O**                      **Dwelling & domestic garage at lands 60m SW of 105 Ruskey Road, The Loup, for Columbo McVey**

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

**LA09/2021/1533/F**                      **Retention of additional balance tank and associated site works at an existing effluent treatment plant at existing cheese processing factory (amended description) at lands at 141 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd**

Members considered previously circulated report on planning application LA09/2021/1533/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2021/1533/F be approved subject to conditions as per the officer's report.

**LA09/2021/1540/F**                      **Retrospective application for part use of a domestic storage shed for the sale of general builders merchandise at approx. 13m NW of 5 Jacksons Drive, Gulladuff for C & C Supplies**

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

**LA09/2021/1566/O**                      **Farm dwelling & garage at approx. 65m N of 19 Moneygaragh Road, Rock, Dungannon for Mrs Patricia Toner**

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

**LA09/2021/1641/F**                      **Replacement dwelling at approx. 30m N of 6 Ruskey Road, Coagh, Cookstown for Mr Jim McIntyre**

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

**LA09/2021/1692/O**                      **Renewal of Outline Planning Permission  
LA09/2018/1095 for infill dwelling and garage at lands  
between 14 and 24 Rossmore Road, Dungannon for  
Ashley Fleming**

Members considered previously circulated report on planning application LA09/2021/1692/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Robinson and

**Resolved**     That planning application LA09/2021/1692/O be approved subject to conditions as per the officer's report.

**LA09/2021/1700/O**                      **Dwelling and garage at land off Pomeroy Road  
approx. 285m NE of 47 Kilmardle Road, Dungannon  
for Mr Robert Quinn**

Members noted that an email had been received requesting that the application be deferred.

**Resolved**     That planning application LA09/2021/1700/O be deferred for an office meeting.

**LA09/2021/1729/F**                      **Dwelling & Garage (Infill site) at approx. 40m S of 44A  
Sherrigrim Road, Stewartstown for Mr A Kelso**

Members noted that an email had been received requesting that the application be deferred.

**Resolved**     That planning application LA09/2021/1729/F be deferred for an office meeting

**LA09/2021/1731/F**                      **Extension to the existing cheese plant & alterations  
to roof profile of existing building at Dunmanbridge,  
141 Moneymore Road, Cookstown for Dale Farm Ltd**

Members considered previously circulated report on planning application LA09/2021/1731/F which had a recommendation for approval.

In response to Councillor McFlynn's query regarding objectors to all of the Dale Farm applications the Service Director of Planning provided clarity.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved**     That planning application LA09/2021/1731/F be approved subject to conditions as per the officer's report.

**LA09/2021/1768/DCA**      **Demolition of No's 29, 31 & 33 High Street, Draperstown to allow for the re-development of the site for 2 offices & 3 apartments (LA09/2021/1319/F) at 29 - 35 High Street, Draperstown for H V Property Developments Ltd**

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

**LA09/2021/1808/O**      **Site of dwelling & domestic garage at Rear of 39 Gortahurk Road, Desertmartin for Eoighan McGuigan**

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

**LA09/2021/1809/O**      **Site for dwelling house and domestic garage adjacent and Western boundary of 182 Glen Road, Maghera for Miss Niamh Cavanagh**

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

**LA09/2022/0139/F**      **Single storey extension to the rear and side of dwelling with internal alterations at 12 Manor Close, Magherafelt for Sean & Sarah McNamee**

Members considered previously circulated report on planning application LA09/2022/0139/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Mallaghan and

**Resolved**      That planning application LA09/2022/0139/F be approved subject to conditions as per the officer's report.

**LA09/2022/0171/F**      **Replacement extension to the rear of 116 Church Street, Cookstown for Martin O'Hare**

Members considered previously circulated report on planning application LA09/2022/0171/F which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor Corry and

**Resolved**      That planning application LA09/2022/0171/F be approved subject to conditions as per the officer's report.

### **Receive Deferred Applications**

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

Ms Doyle (SPO) presented a report on planning application LA09/2020/1476/O advising that it was recommended for refusal highlighting the reasons outlined in the case officer report.

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 stated that infill policy requires two specific elements to be met, firstly that the gap site must be within a substantial and built up frontage consisting of at least three buildings. Secondly, the gap site must be small and only able to accommodate a maximum of two buildings. Mr Cassidy stated that planners accept the gap is small and the only debate is in regard to whether no.23 has a frontage to the road. Mr Cassidy stated that a building has a frontage to the road if the plot on which it stands abuts or shares a boundary with the road and that policy states that buildings similar to this case and sited back from the road can still be part of the common frontage if they have a boundary which touches the road. Mr Cassidy stated that no.23 is a bungalow set back approximately 70 metres from the road, there is a tarmacked driveway from the house to the road. At the entrance to the road there are concrete pillars which are approximately 1400mm high, each pillar has a concrete capping stone on top and between the pillars there is a painted concrete wall approximately 800mm high and on top of the wall there are ornate railings. Mr Cassidy advised that there are electric gates between the pillars and set behind the walls and railings is a formal lawn on both sides with the frontage along the road being approximately 30m wide. Mr Cassidy stated that when travelling along the road, the appearance and awareness of no.23 is evident and has a frontage by way of its formal garden, driveway and associated features. Mr Cassidy stated that no.23 is visually linked to the neighbouring roadside development at no.21 and taking into account the overall size, shape and position of the site he did not believe the development would give rise to a visual break on the Iniscarn Road but rather it presents a gap in the existing development along the road. Mr Cassidy stated that considering the frontage of no.23 bookends a line of three or more buildings which constitutes a substantial and built up frontage and fulfils the required policy. Mr Cassidy stated with this in mind he would request Members to reconsider the recommendation.

The Service Director of Planning said this had been similar to a previous application where there had been a pillar for intercom at the front of the site but the building was set back a substantive distance. He reminded Members that what was relevant was the frontage to the road not the buildings set back from it.

In response to query by the Service Director of Planning Ms Doyle confirmed that there was a slight rise in the field and it was highlighted that the map showed the driveway which as not frontage.

Councillor S McPeake said that from the photograph in the papers it had been difficult to get a clear view due to trees and said that some situations are unique.

Proposed by Councillor S McPeake  
Seconded by Councillor Mallaghan

That a site meeting be arranged.

Ms McIlveen, Legal adviser, said a site meeting would be desirable given the points highlighted.

The Service Director of Planning said that it is a matter of judgement as it was policy not regulation and he would concur a site meeting would be best to progress a site meeting.

The Chair, Councillor Black stated the dwelling did appear to be quite sheltered and he was unsure if it would 'bookend'.

Councillor Colvin said he could not ultimately see three houses in a row and said maybe he was missing something but would seek clarification on the policy in order that the committee did not have to participate in recurring site meetings.

The Chair, Councillor Black said he would concur with a site meeting for which there was a proposal.

Proposed by Councillor S McPeake  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2020/1476/O be deferred for a site visit.

**LA09/2021/0319/F**                    **Change of house type from a detached (M/2004/0778/F) to a pair of semi-detached on site 2, Opposite 114 Killyliss Road, Eglish, Dungannon for T G Developers**

Members considered previously circulated report on planning application LA09/2021/0319/F which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2021/0319/F be approved subject to conditions as per the officer's report.

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

Ms Doyle (SPO) presented a report on planning application LA09/2021/1272/F advising that it was recommended for refusal. She advised that an amended design had been submitted and upon consideration of same she withdrew reason for refusal 'contrary to Policy CTY 12 of PPS 21 Sustainable Development...'. Ms Doyle drew Members attention to the other reasons cited for refusal which still stood.

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

Ms Gourley stated she would like to respond to some of the points raised by Ms Doyle. Ms Gourley advised that the site is located at the end of a minor road, which is more like a lane, and sits lower than a public road. It was advised that other than traffic accessing the houses past the site, the level of passing traffic would be extremely low. Ms Gourley advised that the harm to the rural landscape is minimal. In terms of plot size, Ms Gourley stated she would agree with Ms Doyle that the test is not just a rudimentary measurement of the site frontage but that she would add that the assessment should not be limited to the dwellings on either side of the site and that policy CTY8 refers to respecting the existing settlement pattern along the road frontage and does not imply that a site should replicate a neighbours plot. Ms Gourley stated that plot sizes should not be measured from a map with a scale rule

but rather from and on the ground measurement given that existing vegetation and hedging can restrict the space available within the site to build on. Ms Gourley stated that on paper the site may appear to have a large frontage and Ms Doyle had mentioned 80-90m, in reality it is 80m in terms of the space that can be built on. Ms Gourley stated she submitted a concept plan last Friday and made reference to the plan. Ms Gourley stated that the application site has a frontage of 80m with mature hedging on the northern boundary being excluded as it cannot be built on. It was advised that the applicant's parent's home to the south of the site sits on a bend in the road and has a site frontage of approximately 82m. No.89a which is set behind the applicant's parent's house has a site frontage of approximately 78m. Ms Gourley stated she appreciated that there is a small holding with two detached bungalows to the north of the site but she advised that these houses have been constructed within the confines of a farm yard and have a shared single access and it is the width of the combined plot of 60m which is relevant to the assessment and not the plots of each bungalow individually. Ms Gourley stated that when travelling along the road, there is a wide range of plot and house sizes and highlighted that the application site measures 80m at the road and 60m at the rear is not unusual in the area. Ms Gourley stated that the applicant's parents are both elderly and live to the south of the proposed site and have varying medical conditions. Ms Gourley stated that the applicant works as a self employed hairdresser and is flexible in the hours she can work. It was advised that whilst there are other siblings who live close by they both work long hours, some distance away. Ms Gourley stated that the applicant currently lives in Cookstown and intends to move to the Cavanakeeran Road to help with the care of her parents as their needs increase. Ms Gourley asked Members to rethink the recommendation to refuse and consider approving the application given a) the plot size is in keeping with the varying plots along the road, b) the degree of public interest is minimal given it is at the end of a dead end road and c) the applicants family circumstances and desire to live beside her parents in order to care for them as they grow older.

Councillor Mallaghan said he had spoken briefly regarding the application on previous occasion and said he knew the area quite well, it was a small lane on which four families and their children had houses. He said that the over houses are quite small and then as family Members had built the houses had been bigger and that plot sizes were variable. He stated that the site referred to in the report which had been sold was between family Members. He highlighted that there was meadows to either side which would alleviate material considerations in relation to future farming and concluded the application should be approved.

Proposed by Councillor Mallaghan to approve.

The Chair, Councillor Black alluded to a site visit.

Councillor Mallaghan reiterated his proposal to approve.

Councillor McKinney said he would be of the same mindset and stated it is exceptional circumstance at a dead end road and seconded Councillor Mallaghan's proposal

In response to the query from the Service Director for Planning Ms Doyle confirmed that the site was large and drew attention to road frontages detailed on the map and highlighted the parental home in relation to same.



The Service Director of Planning said the committee had to make a logical interpretation of the policy but could make an exception. Highlighting caution regarding consideration in relation to the gap site and character of the area he suggested a site visit may be appropriate.

In response to Councillor Martin's queries in relation to all relevant policies and the provision of care to parents the Service Director of Planning said in this instance no special circumstance had been highlighted.

Ms McIlveen Legal Advisor said she would endorse the view to carry out a site visit.

The Chair, Councillor Black for clarity highlighted the proposal to grant the application which had been seconded. He said whilst he did not agree with any opinion debated he was conscious of the Directors comments.

Councillor Mallaghan said he would take cognisance of the Service Director of Planning's comments and withdrew his proposal.

It was proposed by Councillor Mallaghan, seconded by Councillor McKinney that a site meeting be convened.

The Chair, Councillor Black concurred.

Proposed by Councillor Mallaghan  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1272/F be deferred to site meeting

### **Matters for Information**

#### **P047/22 Minutes of Planning Committee held on 1 March 2022**

Members noted minutes of Planning Committee held on 1 March 2022.

*Live broadcast ended at 8.23 pm*

Cllr Cuthbertson withdrew from meeting.

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

Proposed by Councillor Robinson  
Seconded by Councillor Brown and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P048/22 to P055/22.

**Matters for Decision**

- P048/22 Receive Response to The Private Access on the A6 Toome By-Pass (Stopping-Up) Order (Northern Ireland) 2022
- P049/22 Receive Report on Approach to Building Preservation Notices
- P050/22 Receive Enforcement Report

**Matters for Information**

- P051/22 Confidential Minutes of Planning Committee held on 1 February 2022
- P052/22 Report on findings of the Northern Ireland Audit Report – Review of the Planning System in Northern Ireland
- P053/22 Report on Caledon Regeneration Partnership Invitation
- P054/22 Enforcement Cases Opened
- P055/22 Enforcement Cases Closed

**P056/22 Duration of Meeting**

The meeting was called for 7.00 pm and concluded at 9.21 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: 5 April 2022**

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

### **Chairs Business –**

- Performance update
- Public Accounts Committee Report in Planning in NI
- Receive Notice of Opinion from DFI Planning:

Location: Lands approximately 3km west of Swatragh accessed off the Corlacky Road in the townlands of Corlacky Knockoneill Half Gayne and Tirkane Co. Derry/Londonderry

Proposal: Application under Section 54 of the Planning Act (Northern Ireland) 2011 to develop land without compliance with condition 25 of the Planning Approval Reference: LA09/2016/0232/F for an 11 turbine wind farm and associated infrastructure. Condition 25 states that the height of the turbines to the tip of the blades shall not exceed 149.9m, their hub height shall not exceed 100m and their rotor diameter shall not exceed 99.8m. This application seeks to vary condition 25 to state that the height of the turbines to the tip of the blades shall not exceed 149.9m, their hub height shall not exceed 100m and their rotor diameter shall not exceed 117m. Minor movements to two of the turbines and associated infrastructure within their micro-siting areas are also proposed.

<b>ITEM</b>	<b>INFORMATION RECEIVED</b>	<b>ACTION REQUIRED</b>
5.7	Additional letters of objection received	Members to note
5.8	Application withdrawn	Members to note