

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 May 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor S McPeake, Chair

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

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management**
Ms Donnelly, Council Solicitor
Ms Doyle, Senior Planning Officer**
Mr Marrion, Senior Planning Officer**
Ms McCullagh, Senior Planning Officer**
Miss Thompson, Democratic Services Officer

Others in Attendance

LA09/2020/1214/F Councillor Elattar***

* 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

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

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

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

The Chair, Councillor S McPeake stated that as this was his last meeting as Chair of the Planning Committee he wanted to take the opportunity to thank Members and staff for their contributions and help during the past year.

P063/21 Apologies

None.

P064/21 Declarations of Interest

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

Councillor Glasgow declared an interest in agenda item 4.18 – LA09/2021/0129/O – Site for dwelling and double domestic garage at 40m NE of 2 Ballynagilly Road, Cookstown. Councillor Glasgow also requested to speak on the item.

P065/21 Chair's Business

None.

Matters for Decision

P066/21 Planning Applications for Determination

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

LA09/2018/0945/F Housing Development (79 no dwellings) to include 15 no. detached and 64 no. semi-detached dwellings at land to the SE of 1 Park Lane, Killyfaddy Road Magherafelt, for JFM Construction

Members considered previously circulated report on planning application LA09/2018/0945/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0945/F be approved subject to conditions as per the officer's report.

LA09/2018/1283/F Retention of engineering workshops, increased curtilage and hard standing at 200 Annagher Road, Coalisland, for McGrath Engineering

Members considered previously circulated report on planning application LA09/2018/1283/F which had a recommendation for approval.

The Planning Manager also highlighted the previously circulated addendum which included additional conditions of approval relating to previous decision notices.

Councillor Gildernew stated he would not take part in a vote on this item as he had not had time to study the addendum.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/1283/F be approved subject to conditions as per the officer's report and addendum circulated.

LA09/2020/0004/F New vehicle entrance to existing approved site to the rear of 17 Cullenfad Road, Dungannon, for Libby Campbell

Mr Marrion (SPO) presented a report on planning application LA09/2020/0004/F advising that it was recommended for refusal.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0004/F be refused on grounds stated in the officer's report.

LA09/2020/0428/F 5 Detached Dwellings (Amended Plan) adjacent to 86 Coleraine Road, Maghera for Younger Homes

The Planning Manager referred to request for an office meeting in relation to this application. He further advised that due to error with press advertisement a decision could not be taken on this application tonight in any case.

Resolved That planning application LA09/2020/0428/F be deferred for an office meeting.

The Planning Manager also 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 4.10 – LA09/2020/1308/F– 2 detached dwellings at lands between 8 and 12 Findrum Road, Ballygawley for Jonathan Kirkland.

Agenda Item 4.13 – LA09/2020/1615/F – Dwelling with integrated annex and garages at site adjacent to 18 Lowertown Road, Dungannon for Brian Wilson.

Agenda Item 4.14 – LA09/2020/1626/O – Site for dwelling and garage at approx. 30m N of 31 Gortinure Road, Maghera for Mr S McEldowney.

Agenda Item 4.16 – LA09/2020/1663/O – Infill site for dwelling and garage adjacent to 215A Mountjoy Road, Killycolpy, Dungannon for Marie Quinn Elliot.

The Planning Manager also requested that agenda item 4.7 – LA09/2020/1157/O – Site for 2 storey dwelling and domestic garage – 90m SE of 46 Airfield Road, Toomebridge for Centrum Farms Ltd be deferred for further information to be submitted.

The Planning Manager further requested that agenda item 4.17 – LA09/2021/0116/O – Dwelling and garage at lands E of 91 Creagh Road, Castledawson for Ciaran Devlin be deferred for further consideration.

Resolved That the above planning applications be deferred for an office meeting/ further information to be submitted / further consideration.

LA09/2020/0863/F Car parking and amenity space linking to existing river walk at lands approx. 100m SW of 39 Charlemont Street, Moy, for Hemel Ltd

Members considered previously circulated report on planning application LA09/2020/0863/F which had a recommendation for approval.

Councillor Cuthbertson declared an interest in this application.

Mr Marrion highlighted previously circulated addendum which added a further condition of approval to this application.

Proposed by Councillor Mallaghan
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0863/F be approved subject to conditions as per the officer's report and addendum circulated.

LA09/2020/0970/O Dwelling and garage at approx. 250m S of 25 Cloane Road, Draperstown, for Mark Quinn

Members considered previously circulated report on planning application LA09/2020/0970/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2020/0970/O be approved subject to conditions as per the officer's report.

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

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

LA09/2020/1171/O Site of 2 Storey dwelling and domestic garage. At 40m NW of 19 Tullyheran Road, Maghera, for Diarmuid Donnelly

Members considered previously circulated report on planning application LA09/2020/1171/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1171/O be approved subject to conditions as per the officer's report.

LA09/2020/1214/F 2 storey extension to side & 2 new bays windows to front of existing dwelling at 1 Cordarragh Heights, Draperstown, for Mr Sean Kennedy

Ms McCullagh (SPO) presented a report on planning application LA09/2020/1214/F advising that it was recommended for approval.

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

Councillor Elattar stated she was speaking on behalf of Mrs Woods, resident of 2 Cordarragh Heights, who wanted to object to this application. Councillor Elattar stated that the main reservation in relation to the application is with regard to parking and referred to page 159 of the Creating Places document which indicates that a 4 bedroom semi detached house (which the property will become) would need to have at least 2.75 in curtilage parking spaces whereas Roads Service have stated that 2 spaces is sufficient. Councillor Elattar stated that there are 3 vehicles parked at the property at present and, should the application be approved, then one of these vehicles will need to park on the roadside and that this will severely impede access to and from 2 Cordarragh Heights. Councillor Elattar referred again to the Creating Places document in relation to extensions and alterations to a property which states that sufficient space should remain within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles and that it is not believed this will be achievable if the application is approved in its current form. Councillor Elattar asked that the Committee take into consideration Mrs Wood's reservations in relation to parking.

The Planning Manager stated that the objector is correct in that the larger the house the more parking spaces however he advised that this is an extension to an existing dwelling and it would seem harsh to refuse the application when there are two parking spaces at the dwelling. The Planning Manager stated that Roads Service were consulted on the application and that they had no objections. The Planning Manager stated that the reason for consulting with Roads Service in this instance is in relation to road safety and that there could be parking on the roadside and confirmed again that Roads Service were satisfied.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1214/F 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

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

LA09/2020/1325/F **Redevelopment of Phoenix Integrated Primary School and nursery unit to provide a 7 classroom primary school and nursery unit ; associated hard and soft play areas ground: mounted solar panels, retaining walls structures and new underground drainage system. Existing access point off Fountain Road, to be retained with reconfiguration of internal vehicular and pedestrian network including car parking , car drop off areas and zebra crossing points; temporary construction compound areas and ancillary site works at Phoenix Integrated Primary School, 80 Fountain Road, Cookstown, for the Trustees of Phoenix Integrated P.S.**

Members considered previously circulated report on planning application LA09/2020/1325/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1325/F be approved subject to conditions as per the officer's report.

LA09/2020/1473/F **Renewal of LA09/2015/0177/F at lands approx. 100m NW of 25 Tullyleek Road for Mr Michael O'Neill**

Members considered previously circulated report on planning application LA09/2020/1473/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/1473/F be approved subject to conditions as per the officer's report.

LA09/2020/1615/F **Dwelling with integrated annex and garages at site adjacent to 18 Lowertown Road, Dungannon for Brian Wilson**

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

LA09/2020/1626/O **Site for Dwelling & Garage at approx. 30m N of 31 Gortinure Road, Maghera, for Mr S McEldowney**

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

LA09/2020/1634/O **Site for dwelling and domestic garage adjacent to 47 Mullaghnamoyagh Road, Portglenone, for Sean Convery**

Members considered previously circulated report on planning application LA09/2020/1634/O which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1634/O be approved subject to conditions as per the officer's report.

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

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

LA09/2021/0116/O Dwelling & garage at lands E of 91 Creagh Road, Castledawson for Ciaran Devlin

Agreed that application be deferred for further consideration earlier in meeting.

LA09/2021/0129/O Site for dwelling and double domestic garage at 40m NE of 2 Ballynagilly Road, Cookstown, for James Harkness

Councillor Glasgow declared an interest in this item and withdrew to the public gallery.

Ms McCullagh (SPO) presented a report on planning application LA09/2021/0129/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 Councillor Glasgow to address the committee.

Councillor Glasgow stated that the applicant had contacted him in relation to the application as they had been struggling to contact their agent in order to request a deferral and to put a case forward. Councillor Glasgow felt that if the application was deferred there was also an opportunity for a site meeting in order to see the layout of the road as he did not feel one more dwelling would make a difference along this particular stretch of road. Councillor Glasgow requested that the application be deferred and that a site meeting be accommodated as he felt there is good learning in relation to this site before a decision is made.

Ms McCullagh stated that the officer had gone through all the policy considerations in relation to the application. Ms McCullagh stated that she appreciated the applicant had experienced difficulty making contact with their agent and it may be better making contact through the agent in the first instance rather than a site meeting.

The Planning Manager stated that the aerial photo only shows a lot of trees and that he would suggest an office meeting be organised as this provides the opportunity for the applicant to put their case forward.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0129/O be deferred for an office meeting.

Councillor Glasgow rejoined the meeting.

LA09/2021/0191/F Renewal of Permission for 17 town houses, 25 apartments with associated car parking and landscape enhancements, at 8 Killyneill Road, Dungannon for Mr and Mrs John Quinn

Members considered previously circulated report on planning application LA09/2021/0191/F which had a recommendation for approval.

Mr Marrion highlighted the addendum which advised that EIA Screening was carried out on 30 April 2021.

Councillor Glasgow stated he noted that one of the objections to the application related to fir trees and safety issues with the trees around the site. Councillor Glasgow sought clarification on whether it was within the planning remit to set conditions regarding the height of trees or whether trees should be cut down if there are safety issues.

The Planning Manager stated that there is a duty under law to consider the impact of development on trees but that this does not necessarily mean undertaking tree surveys for every case. The Planning Manager asked if a condition was being applied in relation to trees for this application.

Mr Marrion stated that there is a condition in relation to landscaping and retention of trees and vegetation. Mr Marrion stated that there is also high hedges legislation which would come into effect in relation to the height and maintenance of trees.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0191/F be approved subject to conditions as per the officer's report.

LA09/2021/0196/O Dwelling and domestic garage at land between 1 and 3 Dunamoney Road, Dungannon, for Sean Mallon

Members considered previously circulated report on planning application LA09/2021/0196/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0196/O be approved subject to conditions as per the officer's report.

LA09/2021/0202/O Site for dwelling and garage at lands adjacent & 30m N of 10 Tullydowey Road, Dungannon for Daniel Donnelly

Members considered previously circulated report on planning application LA09/2021/0202/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2021/0202/O be approved subject to conditions as per the officer's report.

LA09/2021/0203/O Site for dwelling and garage at lands adjacent & 30m S of 4 Tullydowey Road, Dungannon, for Daniel Donnelly

Members considered previously circulated report on planning application LA09/2021/0203/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0203/O be approved subject to conditions as per the officer's report.

LA09/2021/0228/F Replacement dwelling at 12 Agharan Road Newmills Dungannon, for Brian and Pamela Brodison

Members considered previously circulated report on planning application LA09/2021/0228/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0228/F be approved subject to conditions as per the officer's report.

LA09/2020/0387/O Dwelling and garage at 82m W of 64 Carraloan Road, The Woods, Magherafelt, for Mr John Gribbin

Members considered previously circulated report on planning application LA09/2020/0387/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0387/O be approved subject to conditions as per the officer's report.

LA09/2020/0564/O Dwelling and garage at lands between 121 & 127 Thornhill Road, Pomeroy, for Cathal Hayden

Members considered previously circulated report on planning application LA09/2020/0564/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/0564/O be approved subject to conditions as per the officer's report.

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

Members considered previously circulated report on planning application LA09/2020/1192/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/1192/O be approved subject to conditions as per the officer's report.

LA09/2020/1660/O Dwelling and garage adjacent to 135 Ballynease Road, Portglenone, for Jim McAuley

Members considered previously circulated report on planning application LA09/2020/1660/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2020/1660/O be approved subject to conditions as per the officer's report.

LA09/2021/0060/F Garage and store within the curtilage of the existing dwelling at 65a Lissan Road, Cookstown, for Paul Donnelly

Members considered previously circulated report on planning application LA09/2021/0060/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0060/F be approved subject to conditions as per the officer's report.

Matters for Information

P067/21 Minutes of Planning Committee held on 12 April 2021

Members noted minutes of Planning Committee held on 12 April 2021.

Live broadcast ended at 7.36 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor D McPeake 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 P068/21 to P072/21.

Matters for Decision

P068/21 Receive Report on Consultation from BT
P069/21 Receive Enforcement Report

Matters for Information

P070/21 Confidential Minutes of Planning Committee held on 12 April 2021
P071/21 Receive Report on DfC's Updated Definition of Affordable Housing in the Context of Our Local Development Plan
P072/21 Enforcement Cases Opened

P073/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 7.53 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: 4th May 2021

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.2	<p>EIA screening carried out 29 April 2021.</p> <p>This application is for retention of development and conditions 1, 2, 3 and 12 should reflect this:</p> <p>1 This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>2 Within 6 weeks of the date of this decision, visibility splays of 2m x 90m shall be provided in accordance with the approved Drawing No.1A bearing the date stamp 28th November 2018, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.</p> <p>3 Within 6 weeks of the date of this decision the hard surfaced areas shall be provided in accordance with approved drawing No 01A bearing the stamp dated 28 NOV 2019 to provide adequate</p>	Members to note

	<p>facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>12 All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.1A dated 28th November 2018 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within 12 months of the date of this decision.</p>	
4.4	<p>Due to an error with Derry Post Advertisements the expiry date will not end until 25.05.2021 so a decision cannot be made until after this date.</p>	Recommend to Defer application
4.5	<p>EIA Screening carried out 30 April 2021</p> <p>Condition for HED to be added: A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 2. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.</p>	Members to note

	Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.	
4.19	EIA Screening carried out 30 April 2021	Members to note
	Letter dated 29 April 2021 to Ulster Farmers Union circulated	Members to note