

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 November 2024 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Robinson, Chair	
	Councillors Bell, Black, J Buchanan, Carney, Clarke, Cuthbertson, Graham*, Martin*, McElvogue, D McPeake, Mullin*, Varsani	
Officers in Attendance	Mr Bowman, Head of Strategic Planning (HSP) Ms Donnelly, Council Solicitor Ms Doyle, Head of Local Planning (HLP) Mr Marrion, Principal Planning Officer (PPO) Ms McAllister, Principal Planning Officer (PPO) Ms McCullagh, Principal Planning Officer (PPO) Mr McClean, Principal Planning Officer (PPO) Ms McKinless, Principal Planning Officer (PPO) Ms Heron, Principal Planning Officer (PPO) Ms McNamee, ICT Mr McGuckin, ICT Mrs Grogan, Committee and Member Services Officer	
Others in Attendance	LA09/2018/0565/F LA09/2018/0565/F LA09/2024/0647/O LA09/2022/0641/F LA09/2022/0641/F LA09/2024/1016/F	Brian McLernon*** Jim Maneely Cllr Gavin Bell Garry McCullagh Barry O’Kane Cathal Mallaghan MP

- * Denotes Members present in remote attendance
- ** Denotes Officers present by remote means
- *** Denotes Others present by remote means

The meeting commenced at 6.00 pm.

The Chair, Councillor Robinson welcomed everyone to the meeting and those watching the meeting through the Live Broadcast.

P138/24 Notice of Recording

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

P139/24 Apologies

Councillors Kerr, McFlynn, S McPeake.

P140/24 Declarations of Interest

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

Councillor Bell declared an interest in Agenda item 5.16 – LA09/2024/0647/O.

P141/24 Chair's Business

Ms Doyle (HLP) updated members on statics published by DfI on 3rd October for the first quarter 2024/25. Reference was made to local applications, major applications and enforcement.

Ms Doyle (HLP) in referring to local applications advised that Mid Ulster had received the second highest number of planning applications across Northern Ireland, with the average processing time for local applications during the first quarter across all Councils standing at 19 weeks and was delighted to inform members that Mid Ulster Council had exceeded the target of 15 weeks with a figure of 14.8 weeks. She advised that this was an improvement in performance from last year and also improved performance in the number of local planning applications which were processed in the first quarter with an increase from 48% to 51.8%. She advised that this was a brief snapshot of a lengthy statistical report that has been published by DfI each quarter but does reflect the positive performance of the Council in processing local planning applications.

Mr Bowman (HSP) updated members on major applications and advised that these were always difficult ones to achieve in relation to meeting the target of 50% within 30 weeks. In relation to Quarter 1 on the positive side, nine were determined which was the highest of any Council in Northern Ireland, unfortunately still not hitting the target of 30 weeks and currently sitting at 89 weeks. The HSP advised that restructuring had taken place within the department, with a major applications team having been reinstalled again and hoped that this would allow to focus more on the applications which were in isolation and allow the team to raise performance. The HSP advised that four new applications were also received in the first quarter. In regard to enforcement he advised that unfortunately things had taken a dip in relation to closure time with 40% and 39 weeks but were currently working through this. The HSP said that this related to coming out of covid time and having very little staff during that time and focus was on cases that were about to become immune, with the other applications being parked to cope with more urgent cases. He advised that officers were slowly working their way through those cases again but was affecting the average processing time but hoped that going forward that working through these would get 70% closure time target reinstated again.

Councillor Cuthbertson thanked officers for their update and said that whilst looking at the report, the majority of the applications were year 2023/24, there were still some older ones in the system and said that it may be worthwhile to get a breakdown of how many applications were still outstanding pre 2023 mandate of

the committee or even pre-2020. The member said that it would be useful to get an idea of how many older applications were still in the system.

The Head of Local Planning (HLP) 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/submission of further information/withdrawn –

Agenda Item 5.2 - LA09/2020/0406/F – 2 retail units at Crossowen Road, approx. 85m SW of 33 Main Street, Augher for Mr Stephen Robinson

Agenda Item 5.3 - LA09/2022/1410/F – Battery energy storage system (BESS) 1000MWh (100 MW/1/hr), new access and alterations/extensions of existing lane and ancillary development of lands approx. 500m NE of 32 Drumkee Road, Dungannon (to rear of Tamnamore 275kv Electricity Station) for Wilmar LLP

Agenda Item 5.4 - LA09/2023/0510/F - Continued use of the yard for the storage of containers associated with VK Removals and Storage at 106 Pomeroy Road, Pomeroy for Mr Vincent Dynes

Agenda Item 5.7 – LA09/2023/0794/F - Car parking facilities for established business units at 23 Ballymacombs Road, Portglenone for James Donnelly & Sons

Agenda Item 5.8 – LA09/2023/1257/F – Distribution hub and associated ancillary works at lands C.60m SW of 21 Hillhead Road, Toomebridge for Mr Declan Graffin

Agenda Item 5.10 – LA09/2024/0049/F – Retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) (includes removal of unauthorised security lighting and bund along western boundary and return of part hardstanding area to grassed paddock) at lands at and immediately W of 101 Dungannon Road, Cookstown for Mr Niall Bell

Agenda Item 5.11 - LA09/2024/0059/F - Domestic Storage Shed at 19 Hillside Road, Upperlands, Maghera for Mr Joe McMurray

Agenda Item 5.14 - LA09/2024/0438/O – Dwelling and garage adjacent and W of 21 Tullyheran Road, Maghera for Mr Andrew Warnock and Ms Aimee Cassidy

Agenda Item 5.15 - LA09/2024/0438/O - Change of use from salon to 2 bed apartment at 41C William Street, Cookstown for Paul Campbell Properties Ltd

Agenda Item 5.18 - LA09/2024/0695/F – Alterations to dwelling to provide house of multiple occupancy (HMO) at 9 Victoria Road, Dungannon for Mr Eugene Daly

Agenda Item 5.19 – LA09/2024/0699/O - Site for dwelling and domestic garage at land approx. 95m E of 81 Mullaghboy Road, Bellaghy for Mr Brendan Scullion

Agenda Item 5.20 - LA09/2024/0701/O – Site for dwelling and domestic garage (infill) at 80m S of 89 Derrytresk Road, Coalisland for Mr Sean Hagan

Agenda Item 5.23 - LA09/2024/0993/F – Dwelling and domestic garage (Gap Site) at land between 25A & 25B Old Monaghan Road, Clogher for Mr Sean McKenna

Agenda Item 5.24 – LA09/2024/1000/F – 5m x 25m concrete ball wall with 2.4m high paladin fencing above. 3G surface of pitch to be extended into new ball wall area at Holy Trinity College, 9-29 Chapel Street, Cookstown for St Patrick's Educational Trust

Agenda Item 5.25 - LA09/2024/1006/F – Retention of agricultural building for general farm storage purposes, access and ancillary site works at lands approx. 20m SE of 20 Reaskcor Road, Castlecaulfield, Dungannon for Mr Robert Carson

Agenda Item 5.26 – LA09/2024/1016/F - Dwelling at approx. 130m N of 116 Lurgylea Road, Galbally, Dungannon for Patrick Clarke

Agenda Item 6.1 – LA09/2018/0073/F – 2 Poultry Units (16,000 bird capacity in each unit) with 4 meal storage bins, 2 underground wash water storage tanks and associated access lane/turning area at approx. 240m N of 93 Ballagh Road, Ranenly, Fivemiletown for Mr Gary Beacom

Agenda Item 6.9 – LA09/2023/1381/O – Dwelling and garage (infill) at 35m SE of 37 Ballynacross Road, Knockloughrim for T Elliott Esq

Agenda Item 6.10 – LA09/2023/1385/O – Dwelling and garage (infill) at 85m SE of 37 Ballynacross Road, Knockloughrim for T Elliott Esq

The Chair indicated to those present that due to a perceived conflict of interest relating to Item 6.2 that planning officers would be leaving the room during the discussion of that item.

Resolved That the planning applications listed above be deferred for an office meeting/submission of further information/withdrawn.

Matters for Decision

P142/24 Planning Applications for Determination

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

LA09/2018/0565/F Housing Development of 36 dwellings (6 detached and 30 semi-detached), services and infrastructure at lands N of 7 Lisnastraine Heights, Coalisland for McAvoy Roan Pension Fund

Ms McCullagh (PPO) presented previously circulated report on planning application LA09/2018/0565/F which had a recommendation for approval. The PPO drew members attention to previously circulated agenda.

The Chair advised that requests to speak had been received, one in favour and one against.

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

Mr McLernon said that one of the key site requirements for this development of this zone is that vehicular access should be from the main Stewartstown Road, this proposal does not comply with this. A letter from EDC Consulting Engineers confirms that access while this is the height was wholly unsuitable as outlined in annex 2 in the MBA planning report. All other reasons why this height should not be used as access in the MBA planning report and only fair to members as they have a decision to make, a decision that's going to impact people's lives, their homes and their safety that members should be afforded the time to read the complete report before a decision is made.

Mr McLernon said that his next objection was based to the layout of the houses on this site. An extension has been approved and constructed to a side elevation of 3 Lisnastraine Court, this extension includes a side window at the ground floor to a bedroom and closest to sites 6 and 7 of the development. This extension was passed and built before the proposal of the 36 houses and cannot help but draw an inference that was being implied that the extension for the downstairs bedroom came after the new proposal for this development. At no time was the outline of his downstairs extension ever added to any of the new plans to illustrate the people who have to make a decision on what's acceptable and what's not and has been pointed out through his objections on the planning portal and also in the MBA planning report.

Mr McLernon said that in his view houses No.s 6,7,8 and 9 are being built too close to his home. The committee report states that there's more than 10% open space being proposed within the development, this space is being created to the detriment of himself who lives at 3 Lisnastraine Court. There will be many windows on the proposed buildings directly facing the bedroom window of extension 3 Lisnastraine Court, given that the proposed building will be much closer than the plan illustrates, there will be an unacceptable impact on the privacy of No. 3. Also, the rear gardens of No's 6,7,8 and 9 will be too small once landscaping and boundary features were to be provided. When this is established, there will not be 10m garden depth for No.s 6 and 7 as the report suggests as this corner plot is unsuitable for building on given the conflict with 3 Lisnastraine Court and the lack of quality and private amenity space. The gardens of No.s 8 and 9 have a depth less than 10m which was recommended in the guidance document of creating spaces. The planners have illustrated the planting of trees on the boundary of these gardens, this is not acceptable as these trees will grow and block his home from any natural light and leave his property in a dark and damp corner of a development. Mr McLernon said that if this site was going to be passed, he hoped that common sense and a position of compromise could be reached regarding the close proximity of the sites 6,7,8 and 9 to his property, 3 Lisnastraine Court. He said that there was ample open space within the site for the building of these 4 houses, so they won't be infringing on the privacy of any existing residents.

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

Mr Maneely advised that through no fault of Mid Ulster Council, this application was running for an excess of 5 years specifically to deal with Road Service issues and wished to thank the planning team for their patience and understanding on matters in resolving issues revolving around access around DfI Roads. This application was sited on phase 1 lands which was on the old plan and also on the current plan, the key requirements of this plan has been met in the design that vehicle access should be from the Stewartstown Road. It doesn't define where the Stewartstown Road is and under AMP2 and AMP3 the development has been taken through the existing entrance of Lisnastraine Park out onto the Stewartstown Road therefore removing the requirement for an additional new access onto this road. It also states that vehicle access should be linked through this housing development to link Stewartstown Road and Mullaghmore Road and again the scheme provides for this. It also requires that pedestrian access should be provided through the site from the Stewartstown Road to Mullaghmore Road and Mousetown Road which has been provided for within the scheme. Other requirements in regards to mine shafts, the detailed survey and retention of open water course have also been identified within the scheme and possible supervision of the existing waterway.

Mr Maneely stated that the proposal is comparable in design and density to the adjacent residential properties, with the proposal providing for the upgrading of the existing footpath along the Stewartstown Road and within Lisnastraine Heights and increase in road width the same to meet standards. The proposal provides for the increase of the existing sight lines from Lisnastraine Heights onto Stewartstown Road which was lost through a previous permission for creation of a boundary wall at the junction and this proposal is for reinstatement of the existing approved sight lines. Further to a request from the planning team and meeting with neighbours including the objector, a buffer planting zone between the boundaries not alone the development in front of or to the rear of the objector's house, but also around the periphery of the site. To comply with aspirations of the zoning, the internal site road through the site has been increased to 6m, not required under this scheme to provide a natural link from the Stewartstown Road to the rear lands should someone else want to build in the future. Under this proposal no key land has been retained by the developer and this land on the road has been seated over to DfI Roads. While there have been minor changes to the internal scheme, the main issue to resolve was the main entrance which has taken almost 5 years for DfI Road Service to come full circle on their agreement during pre-application discussions. There have been no objections with consultees including DfI Roads and therefore if it was necessary that Council deemed it essential that further screening or screen fencing be provided to the rear of the objector's boundary, this could be accommodated.

Councillor Clarke said that he listened attentively to both sides of the story and said that he had an issue which he had raised many times regarding the lack of maps, drawings and plans being circulated to members and said that it was difficult for them to make a decision when all the relevant information was not in front of them. The member felt that the committee were not in a position to make a decision here tonight.

The Chair said that members had the opportunity to go onto the portal and see all the drawings.

Councillor Clarke advised that members were issued a pack involving these applications and that it was important that everything should be included within that pack as he had not the time to go through documents which was not in front of him. The member said that he would not be making a decision when all the relevant information was not in front of him and the only thing that could be done was to defer the application until members acquire all the information or defer for a site visit.

The Chair said that he took the member's point but if the committee were to get all the drawings and plans for every application on the schedule tonight, members would be going through it for a long period of time and felt that it wouldn't be practical.

Ms Doyle (HLP) said that whilst talking about the logistics and not having the time to go through the applications, with 37 being brought before members tonight, advised it was her understanding that there was an excess of 30 drawings for this application alone. She said that this would be time consuming for someone to scan across drawings for that one application and send it through when digital system was up and running and working really well to be able to be efficient. The HLP said that officers would be guided by members if this was something they wished to discuss further and request if they want officers to consider how logistically they wished to make this happen. She said that this would impact on officer's time to get it across with heavy agendas each month, where there would be one or two having the volume of applications. The HLP advised that a site visit may be considered, but members have site drawings in front of them tonight and key points have been pulled through on areas of contentions in terms of the objector this evening.

Councillor Varsani referred to this particular case where it had taken 5 years to sort an issue with Roads in regard to access and 58 objections from people. The member advised that she was only on the panel for 18 months but did appear to be the highest number of objections in that period of time and appeared to be something extra within this proposal that may well warrant a site visit in terms of what the impact would be for the people in the front estate with a new development of 36 houses, with 2 to 3 people in each dwelling and also two cars for each property. She felt that this may be quite an onerous thing for people living within an established development to have to undertake through no fault of their own and whether or not they already known this fact before moving into their properties.

Councillor Varsani referred to second objection from the objector here tonight about the impact on his property and amenity and whether his extension was taken into account. The member said that that it was unclear whether the extension was taken into account when the plans were drawn up and felt it would be beneficial for members to actually go out and see for themselves and help benefit the decision-making process.

Councillor Varsani referred to Councillor Clarke's comment regarding a particular planning application which was complex and caused a lot of challenges, it may be those particular cases who would benefit from having all the relevant information

within the pack as this case particularly illustrates that there may well be particular ones each month that would benefit members around the chamber having that access on the evening.

The Chair enquired if there were any objections to date from any of the agencies.

Ms McCullagh (PPO) advised that no objections have been forthcoming.

The Chair said that he did take on board members point on having all the relevant drawings etc, but members do have the ability to log onto the portal and see for themselves all the appropriate information but was at members discretion if they wished to go down the alternative route.

Councillor Varsani proposed a deferral for a site visit as she was confident that this would help members to fully engage with all the different elements due to the complexity of the case which was ongoing for some time.

Proposed by Councillor Varsani
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/0565/F be deferred for a site visit.

LA09/2020/0406/F **2 retail units at Crossowen Road, approx. 85m SW of 33 Main Street, Augher for Mr Stephen Robinson**

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

LA09/2022/1410/F **Battery energy storage system (BESS) 100 MWh (100 MW/1 hr), new access and alterations/extensions of existing lane and ancillary development at lands approx. 500m NE of 32 Drumkee Road, Dungannon (to rear of Tamnamore 275kv Electricity Substation) for Wilmar LLP**

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

LA09/2023/0510/F **Continued use of the yard for the storage of containers associated with VK Removals and Storage at 106 Pomeroy Road, Pomeroy for Mr Vincent Dynes**

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

LA09/2023/0639/RM **Mixed use development to include Building (Class D1 Use) and associated play area, fuel filling station and shop and business units class B1 (Business Use) and (B2 Light Industrial) at lands to the rear of 114 Bush Road, Dungannon for Silverford Property Ltd**

Members considered previously circulated report on planning application LA09/2023/0639/RM which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0639/RM be approved subject to conditions as per the officer's report.

LA09/2023/0793/F **Retrospective relocation of previously approved storage shed with a change of use of the shed from storage to manufacturing and assembly at Unit D, 23 Ballymacombs Road, Portglenone for Mr James Donnelly & Sons**

Members considered previously circulated report on planning application LA09/2023/0793/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2023/0793/F be approved subject to conditions as per the officer's report.

LA09/023/0794/F **Car parking facilities for established business units at 23 Ballymacombs Road, Portglenone for Mr James Donnelly & Sons**

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

LA09/2023/1257/F **Distribution hub and associated ancillary works at lands C. 60m SW of 21 Hillhead Road, Toomebridge for Mr Declan Graffin**

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

LA09/2023/1387/F **2 workshop buildings (3 units) to replace existing workshops at 68A Mullaghmore Road, Dungannon for Mr Gareth Hutton**

Mr Marrion (PPO) presented previously circulated report on planning application LA09/2023/1387/F which had a recommendation for refusal.

Councillor Cuthbertson advised that this was one of two applications recommended for refusal which hadn't been deferred tonight and asked if it would be possible to hold it for one month until the requested information was submitted.

Ms Doyle (HLP) advised that the applicant had been given two chances and every opportunity to bring the information forward. She advised that some evidence was needed in terms of history and was unsure of the impact on neighbouring residents

as objections has been raised and no confirmation from the applicant whether there was an established business use on the site. She said that planning department was trying to process applications, and this application has been in the system from 2023 and waiting on requested information from May.

Councillor Cuthbertson proposed to hold the application for one month to allow the applicant one final chance. If information is not forthcoming in one month, then refusal to be issued.

The Chair advised that the application would have to be presented before the Planning Committee again before a decision can be made on the application.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2023/1387/F be deferred for one month to request additional information.

LA09/2024/0049/F **Retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) (includes removal of unauthorised security lighting and bund along western boundary and return of part hardstanding area to grassed paddock) at lands at and immediately W of 101 Dungannon Road, Cookstown for Mr Niall Bell**

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

LA09/2024/0059/F **Domestic Storage Shed at 19 Hillside Road, Upperlands, Maghera for Mr Joe McMurray**

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

LA09/2024/0213/F **Retrospective application for the retention of stables, storage shed, yard, paddock, horse walker, hard standing and associated laneways at 190m S of 2 Coltrim Road, Moneymore for Mr Mark Hamilton**

Members considered previously circulated report on planning application LA09/2024/0213/F which had a recommendation for approval.

Proposed by Councillor Black
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2024/0213/F be approved subject to conditions as per the officer's report.

LA09/2024/0428/O **Learner pool with associated village changing kitchen and toilet facilities. Carparking, charging points and photovoltaics, clustered within an existing settlement of Washingbay Centre, Derrylaughan Club House and football/training field at lands approx. 120m N of 255 Washingbay Road, Coalisland for Miss Eve McAvoy**

Members considered previously circulated report on planning application LA09/2024/0428/O which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Varsani and

Resolved That planning application LA09/2024/0428/O be approved subject to conditions as per the officer's report.

LA09/2024/0438/O **Dwelling and garage adjacent and W of 21 Tullyheran Road, Maghera for Mr Andrew Warnock and Ms Aimee Cassidy**

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

LA09/2024/0507/F **Change of use from salon to 2 bed apartment at 41C William Street, Cooktown for Mr Paul Campbell Properties Ltd**

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

LA09/2024/0647/O **Site for dwelling in a cluster at 120m N of 26 Moss Road, Coagh, Cookstown for Mr Jason Lawn**

Ms McKinless (SPO) presented previously circulated report on planning application LA09/2024/0049/F which had a recommendation for refusal.

The Chair advised that a request to speak in support had been made and invited Councillor Gavin Bell to address the committee.

Councillor Bell advised that he was speaking tonight in support of the application and wished to point out and make people aware that we in Mid Ulster have the fastest growing population out of all Councils in the North and our population is sitting just shy of 150k and forecast to grow beyond 170k within the next 5 to 6 years. Mid Ulster boast to have the fastest growing business base outside of Belfast and of a talented and highly skilled workforce, our region produces 7.3% of economic output and fastest growing district over the past 10 years. On our Council's website we talk about property solutions and that we offer excellent property options at affordable prices from greenfield sites to turnkey solutions already available for investors to move in. We also promote a superb quality of life, a perfect combination of urban and rural living. In contrast to these very positive figures and soundbites, we have also a very large number of young people leaving these shores to places as far away as Australia, more often than not, they never

return home to live here permanently. One of the main contributory factors to this growing number especially within our rural communities is an inability to buy or build an affordable home in their townlands. For those within this district that grew up and lived in the countryside all their lives and wanting to continue with that tradition, it is becoming more and more difficult as land becomes more scarce and prices driven up as a result of draconian planning policies that are outdated with some arguing that they are not fit for purpose and devised by some direct rule Minister sat in Whitehall completely detached from this place and its people.

Councillor Bell advised that the background provided feeds into the current difficulties of what our young people were experiencing today and also feeds into this application.

The member said that this application was made by a young gentleman from Ballinderry who lived his whole life there, attended the local school, developed lifelong friendships, represented the local football team and strengthening the local community. The applicant wished to continue this proud tradition by building his own house in a place he calls home and start a family of his own and then follow in his footsteps. The member said that he was of the strongest view that this application ticked all the boxes of the policy for development in the countryside and was very much within the spirit of the policy. On the 6th of June last year planning application LA09/2023/0214/O was granted permission at the very same location, within a few metres from this site. Reading the case officer's report for that particular application, he believed that Mr Lawn's is no different at all. Mr Lawn's application has been tested on the same criteria, but unfortunately, he has arrived at a different outcome which was not right. Mr Lawn's application site sits within the same cluster of development that lies outside a farm and consists of 4 more buildings of which 3 are dwellings.

Councillor Bell concluded by saying that taking these points into consideration, would ask the committee to do the right thing and please approve this application. The member said that he lived on the road himself, and it was his strong view that this development can be integrated and absorbed into the existing cluster through rounding off. In relation to not being bound on two sides by development, it was bookended and as seen in the overhead presentation, a forest was visible which was owned by the local authority and no more houses can be built as there was no opportunity to go further.

Councillor Bell withdrew from the meeting at 6.46 pm

Ms Doyle (HLP) said that she wished to advise members on a few points and add weight to some of the points which have been raised in terms of draconian and outdated planning policies. She advised that these were our policies and adopted areas plans that were in place and was one of planning's material considerations which decisions were based upon. If they were considered draconian and out of date, this was what planners have to assess planning applications on when reports are brought forward to members every month and every day in terms of delegated applications. The HLP asked members to give weight to this with extreme caution. She said that the application does not tick all the boxes and was different from the last application. In regard to the last application, officers considered the dwelling across the road which was set at an angle which helped to have development on

two sides. This application was set back from that so there is a gap and an unauthorised mobile home and dwelling and cannot rely on an unauthorised development for development in a cluster. She agreed that it was within the cluster and four more buildings but meets five of the six policies and up to members to decide on what weight they give as it wasn't an exception as there was no exception to the policy but a departure from policy.

Councillor Black sought clarity as it was his understanding that the only issue was that the application was not bound on two sides. There's an application in the system at the moment that has yet to be determined and if this was determined positively that this could potentially help this application.

Ms McKinless (PPO) advised that the situation was that there was a current reserved matters application in on that site which was undecided and stated that the gentleman who owns the parcel of land in front of the site has erected an unauthorised building without planning permission and does not benefit from planning permission. If planners approve the reserved matters, then they would be insisting on a more permanent construction and if reserved matters application got approved, then it would be a design of a permanent construction but would not deal with the unauthorised building that was currently there. The gentleman who owns the site could apply for a temporary permission for the unauthorised building until such times he was in a position to build the permanent dwelling approved under the reserved matters if it gets approval. She stated that it was a bit more convoluted than just there being a reserve matters application in for the unauthorised building as reserved matters application cannot be used to deal with an unauthorised development.

Councillor Black suggested holding this application until the other one was determined. The member felt if the only reason for this application was falling down was due to bounding on two sides, then it may be beneficial to wait until the outcome of the reserved matters determination for the other application as this may give members an answer on whether this would then be acceptable or not.

Ms McKinless said that potentially this might be the case but there were two different landowners and one relying on the other application being approved.

Councillor Varsani referred to the visuals and how it fits within the existing buildings amongst other issues, felt it was incredibly harsh that on one side of the road there was an identical strip of housing including where it was backing onto the forest area. The member said that it almost looked like a mirror image in terms of the actual plot, with the Evergreen Club beside it and could be considered as a focal point. The member advised that these were not people moving into the area, these were families from the area and to be turned down on one point on what looks like a mirror image plot. She referred to comment previously in the chamber regarding the spirit of the policy and may well be the case in another year or two if it came forward, it would be passed and would be interested to hear the views of other members as she found it harsh not to pass it.

In comparing the 5 out of 6 Policy tests acknowledged as being met in this case, Councillor Clarke stated that this still represented 85% of the Policy being met but yet this was still being seen as a failure to satisfy the Policy.

The HLP said that the difficulty was that policy states that an application must meet all the criteria and unfortunately in this instance planners have no other option to recommend a refusal of the application.

Councillor Clarke said that given what we have heard at this stage it wasn't going to change but there was a possibility that the other application could be successful and change things for this application and suggested that the application be deferred until a decision is made on the other application.

The HLP said that it could possibly change things, as the other application would not be held much longer as a reserved matter and pretty straightforward if approved but would still not be development as it did not meet that criteria. She agreed that this application could be held until a decision was made on the reserved matters and bring it back to committee to see what the intention of the other applicant was at that stage.

Proposed by Councillor Clarke
Seconded by Councillor Varsani and

Resolved That planning application LA09/2024/0049/F be deferred to allow determination of adjacent RM application.

Councillor Bell returned to the meeting at 6.58 pm.

LA09/2024/0653/O **Two storey dwelling and detached double garage at 60m SE of 148C Washingbay Road, Clonoe, Coalisland for Mr Philip Brady**

Mr Marrion (PPO) presented previously circulated report on planning application LA09/2024/0653/O which had a recommendation for refusal.

Councillor Carney enquired whether the local hurling club would be a focal point as it was only a couple of yards from the proposed site.

The PPO advised that policy was quite clear when it states that it has to be associated with the focal point and what the member referred to was further over to the East. He stated that all the development over there had been considered and approved within the cluster but because this was so far removed from the hurling club, it was not seen as being associated with that focal point.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2024/0653/O be refused subject to conditions as per the officer's report.

LA09/2024/0695/F **Alterations to dwelling to provide house of multiple occupancy (HMO) at 9 Victoria Road, Dungannon for Mr Eugene Daly**

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

LA09/2024/0699/O **Site for dwelling and domestic garage at land approx. 95m E of 81 Mullaghboy Road, Bellaghy for Mr Brendan Scullion**

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

LA09/2024/0701/O **Site for a dwelling and domestic garage (infill) at 80m S of 89 Derrytresk Road, Coalisland for Mr Sean Hagan**

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

LA09/2024/0794/RM **Infill site for 2 dwellings and associated garages at 30E of 21A School Lane, Gulladuff for Mr Eugene Bradley**

Ms McKinless (PPO) presented previously circulated report on planning application LA09/2024/0794/RM which had a recommendation for refusal.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2024/0794/RM be approval subject to conditions as per the officer's report.

LA09/2024/0869/F **Single-storey extension to the existing Sports Pavilion with reconfiguration and extension of the existing hard-standing car parking area and wheelchair access provision connecting both and solar panels on the new extension at Castlecaulfield Playing Field, Drumreany Road, Castlecaulfield for Mr Johnny McNeill (Mid Ulster District Council)**

All members declared an interest in the application as relating to Mid Ulster District Council.

Members considered previously circulated report on planning application LA09/2024/0869/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Varsani and

Resolved That planning application LA09/2024/0869/F be approved subject to conditions as per the officer's report.

LA09/2024/0993/F **Dwelling and Domestic Garage (Gap Site) at land between 25A & 25B Old Monaghan Road, Clogher for Mr Sean McKenna**

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

LA09/2024/1000/F **5m x 25m concrete ball wall with 2.4m high paladin fencing above 3G surface of pitch to be extended into new ball wall area at Holy Trinity College, 9-29 Chapel Street, Cookstown for St Patrick's Educational Trust**

Agreed that application be withdrawn from tonight's schedule to allow consideration of additional information earlier in the meeting.

LA09/2024/1006/F **Retention of agricultural building for general farm storage purposes, access and ancillary site works at lands approx. 20m SE of 20 Reaskcor Road, Castlecaulfield, Dungannon for Mr Robert Carson**

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

LA09/2024/1016/F **Dwelling at approx. 130m N of 116 Lurgylea Road, Galbally, Dungannon for Mr Patrick Clarke**

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

LA09/2018/0073/F **2 Poultry Units (16,000 bird capacity in each unit) with 4 meal storage bins, 2 underground wash water storage tanks and associated access lane/turning area at approx. 240m N of 93 Ballagh Road, Ranenly, Fivemiletown for Mr Gary Beacom**

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

LA09/2022/0641/F **Retention of boundary wall/fence at 29 Glengomna Road, Draperstown for Mr Barry O'Kane**

Mr Doyle (HLP) withdrew from the meeting at 7.02 pm.

Ms McCullagh (PPO) withdrew from the meeting at 7.02 pm.

Ms McKinless (PPO) presented previously circulated report on planning application LA09/2022/0641/F which had a recommendation for approval.

The Chair advised that requests to speak had been received, one in favour and one against.

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

Mr McCullagh advised that he wished to state that this application was not for a garden wall but a retaining wall between a farmyard and a dwelling. Secondly, planning had stated that this wall would have limited visual impact on third parties, and he would strongly dispute this as it was having serious impact on third parties. This was his farmyard for years and previous wall that was erected had a clear view of the main road and beautiful scenery of Slieve Gallion mountain which has now been blocked. It seems to be the case now that a farmer was not important. Thirdly, planning appears to be washing their hands of anything to do with structural stability of this wall and on the 5th September in which they stated there's no planning policy requirement that deals with the structural stability of the wall, yet for the past two years Ms McKinless (PPO) and Ms Doyle (HLP) asked for numerous Engineers reports to be carried out and submitted to them. The HLP insisted that site visits be carried out by a Structural Engineer and Ms Jane Leadon issued her report to the planning department as planning couldn't be based on assumptions. Ms Jane Leadon this past two years had sent three reports to the planning department with over 50 pages of facts and figures, not assumptions which the Council seems to be now dismissing. He referred MEA's report carried out on behalf of their client Barry O'Kane which was based mainly on assumptions and was in front of members. An assumption that he really wished to highlight is that there was supposedly a 300mm x 500mm concrete section connected to the wall which should make this the strongest stable part of the structure, and he believes that this concrete structure does not exist. The planning department however has taken on board their own Independent Engineer and Mr Liam O'Neill's report states that "this wall is more than adequate" a report that has been backed up by no facts, no figures, no drawings and no evidence proving that this concrete block exists and based solely on its assumptions during a site visit with Ms McKinless (SPO). He referred to document in front of members tonight dated 10th October by Structural Engineer, Jane Leadon where she states how there were two completely different planning applications submitted for this one wall. The first application was for full wall all along the back of the dwelling and down the side of the laneway. The second application was for the wall just along the back of the house, however this was all the one structure and asked why the Council's planning department allowed the second application to go ahead completely along the shared laneway at the side where it carries farm vehicles, cars and pedestrians as this was the most dangerous part of the structure retaining 1.2m of soil. Mr McCullagh said that he had raised this issue on numerous occasions and had been dismissed and asked if this was the way planning was moving forward by allowing applicants to submit two applications ensuring the most dangerous unsafe part as withdrawn. To finalise it was his belief that throughout this application, planning had focused on getting this retaining wall passed and not for the reasons why it should be refused. He felt that this should be refused as himself and Ms Jane Leadon a highly competent Structural Engineer, were both of the opinion that this retaining wall and its entirety is not structurally safe.

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

Mr O'Kane said as previously alluded to by the case officer, this wall was applied for in May 2022 and first before committee in November 2022. During that time, it was deemed necessary for the safety and privacy of his family and construction of the wall commenced. At a later date it was deemed that the wall was now

retrospective to have substantive works being done to it and had argued the point that there was still groundwork to be done and was yet to be completed and as Mr McCullagh pointed out ground levels were changed. Although the application for the wall was for 2.7m, it was actually 1.9m high which includes the fence on top of it. He referred to submitted storm data proving the stability and safety of the wall and felt that the wall was in good shape as evident in the recent photos he had submitted.

The Chair said that members had heard what has been stated here tonight and asked for their comments.

Councillor Varsani advised that to be clear there were no grounds described to members according to policy on which they can refuse. The application has been recommended for approval according to a very thorough process and understood the very different views which were presented but in terms of what Councillor may and may not do, there were no avenues to refuse the application and, on that basis, would be happy to propose the recommendation.

Proposed by Councillor Varsani
Seconded by Councillor Robinson and

Resolved That planning application LA09/2022/0641/F be approved subject to conditions as per the officer's report.

LA09/2023/0405/O **Farm dwelling & domestic garage at lands 170m S of 82 Bancran Road, Draperstown for Mr Aidan Coyle**

Members considered previously circulated report on planning application LA09/2023/0405/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2023/0405/O be approved subject to conditions as per the officer's report.

Mr Doyle (HLP) returned to the meeting at 7.20 pm.

Ms McCullagh (PPO) returned to the meeting at 7.20 pm.

LA09/2023/0771/O **Site for a dwelling and domestic garage at approx. 120m E of 65 Moneysharvan Road, Swatragh for Mr Patrick Turner**

Members considered previously circulated report on planning application LA09/2023/0771/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2023/0771/O be approved subject to conditions as per the officer's report.

LA09/2023/0790/F **Garage at 73 Favour Royal Road, Aughnacloy for Mr Stuart Henderson**

Members considered previously circulated report on planning application LA09/2023/0790/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Black and

Resolved That planning application LA09/2023/0790/F be approved subject to conditions as per the officer's report.

LA09/2023/0939/F **Retention of agricultural building for agricultural storage and hardcored yard (amended description) at 26 Reenaderry Road, Coalisland for Mr Gerard McStravog**

Members considered previously circulated report on planning application LA09/2023/0939/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0939/F be approved subject to conditions as per the officer's report.

LA09/2023/1031/F **Removal of Condition 4 (dwelling to be sited in the area shaded green on drawing L01) of application LA09/2022/1294/O at lands approx. 35m N of 12 Drumard Road, Kilrea for Mr Colm Bradley**

Members considered previously circulated report on planning application LA09/2023/1031/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/1031/F be approved subject to conditions as per the officer's report.

LA09/2023/1217/O **Dwelling and garage on a farm at land adjacent to 30 Killyfaddy Road, Magherafelt for Mr Ian Brown**

Members considered previously circulated report on planning application LA09/2023/1217/O which had a recommendation for approval.

Proposed by Councillor McElvogue
Seconded by Councillor Black and

Resolved That planning application LA09/2023/1217/O be approved subject to conditions as per the officer's report.

LA09/2023/1381/O Dwelling and garage (infill) at 35m SE of 37 Ballynacross Road, Knockloughrim for T Elliott Esq

Agreed that application be deferred for submission of amended proposal.

LA09/2023/1385/O Dwelling and garage (infill) at 85m SE of 37 Ballynacross Road, Knockloughrim for T Elliott Esq

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

LA09/2024/0177/O Dwelling and garage in an existing cluster with access onto Curr Road at land adjacent to 33 Moneymore Road, Desertmartin for Thomas and Brigid McGuigan

Members considered previously circulated report on planning application LA09/2024/0177/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Varsani and

Resolved That planning application LA09/2024/0177/O be approved subject to conditions as per the officer's report.

Matters for Information

P143/24 Minutes of Planning Committee held on 1 October 2024

Members noted Minutes of Planning Committee held on 1 October 2024.

Proposed by Councillor Carney
Seconded by Councillor Varsani and

Live broadcast ended at 7.26 pm.

Local Government (NI) Act 2014 – Confidential Business

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 P144/24 to P136/24.

Matters for Decision

P144/24 Receive Enforcement Report

Matters for Information

P145/24 Confidential Minutes of Planning Committee held on 1
October 2024

P146/24 Enforcement Cases Opened

P147/24 Enforcement Cases Closed

P148/24 Duration of Meeting

The meeting was called for 6 pm and ended at 7.39 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: 5th November 2024

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

Chair's Business

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.1	<p>A late objection has been received from the solicitor of objector stating that condition 6 is not achievable. This has been considered in the case officer report and is not new information.</p> <p>Second letter of objection from B McLarnon on 2 Nov, no new issues raised.</p>	For members to note
6.2	<p>Additional information received with Speaking Rights for application LA09/2022/0641/F</p>	For members to note