

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 July 2024 in Council Offices, Circular Road, Dungannon

Members Present	Councillor Robinson, Chair
	Councillors Black, Clarke, Graham, Mallaghan, Martin, McElvogue, McFlynn, D McPeake, S McPeake, Varsani
Officers in Attendance	Mr Bowman, Head of Strategic Planning (HSP) Ms Donnelly, Council Solicitor Ms Doyle, Head of Local Planning (HLP) Mr Marrion, Senior Planning Officer (SPO) Ms McKinless, Senior Planning Officer (SPO) Mr Kennedy, ICT Mrs Grogan, Committee and Member Services Officer
Others in Attendance	Councillor J Burton
	LA09/2023/1215/O Sheila Curtin MRTPI

The meeting commenced at 6.00 pm.

P092/24 Notice of Recording

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

P093/24 Apologies

Councillors Bell, J Buchanan, Carney, Cuthbertson, Kerr.

P094/24 Declarations of Interest

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

P095/24 Chair's Business

The Chair passed on his congratulations to Councillor Kerr on the recent birth of his baby daughter.

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applications which were on the agenda for determination and sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting –

Agenda Item 5.2 – LA09/2023/0015/F – Retrospective farm storage shed and associated landscaping at 110m S of 31 Crancussy Road, Dunamore, Cookstown for Mr Patrick O’Gara (withdrawn from tonight’s schedule)

Agenda Item 5.5 - LA09/2023/0910/O - Site for dwelling and domestic garage at 60m NE of 46 Drumsamney Road, Magherafelt for Mr Ivor Austin

Agenda Item 5.6 - Retention of agricultural storage at 26 Reenaderry Road, Coalisland for Mr Gerard McStrvog

Agenda Item 5.12 - LA09/2024/0144/O - Dwelling and garage approx 50m to rear of 146 Washingbay Road, Coalisland for Mr Oliver Brady

Resolved That the planning applications listed above be deferred for an office meeting/withdrawn for consideration of further information.

Matters for Decision

P096/24 Planning Applications for Determination

LA09/2022/1737/F Replacement dwelling (existing dwelling retained for ancillary use) at lands 30m E of 23 Iniscarn Road, Desertmartin for FJS Contracts

Members considered previously circulated report on planning application LA09/2022/1737/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2022/1737/F be approved subject to conditions as per the officer’s report.

LA09/2023/0015/F Retrospective farm storage shed and associated landscaping at 110m S of 31 Crancussy Road, Dunamore, Cookstown for Mr Patrick O’Gara

Agreed earlier in the meeting that application be withdrawn from tonight’s schedule to consider late objection.

LA09/2023/0380/F 2 replacement dwellings at 4-6 Gortfad Lane, Gortfade Glebe, Cookstown for Mr Kenny Henry

Members considered previously circulated report on planning application LA09/2023/0380/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2023/0380/F be approved subject to conditions as per the officer's report.

LA09/2023/0853/F **Alterations and extension to listed dwelling at 180 Maydown Road, Benburb for Mr and Mrs Kieran and Rebecca Hughes**

Members considered previously circulated report on planning application LA09/2023/0853/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0853/F be approved subject to conditions as per the officer's report.

LA09/2023/0910/O **Site for dwelling and domestic garage at 60m NE of 46 Drumsamney Road, Magherafelt for Mr Ivor Austin**

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

LA09/2023/0939/F **Retention of agricultural building to be used for agricultural storage at 26 Reenaderry Road, Coalisland for Mr Gerard McStrvog**

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

LA09/2023/1093/F **Licensed Garden room, erection of acoustic fence and associated works at 9-10 The Square, Moy for Mr Barry McNeice**

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2023/1093/F which had a recommendation for approval.

The Chair advised that a request to speak against the application had been received and invited Councillor J Burton to address the committee.

Councillor J Burton advised the committee that he was in attendance tonight to voice his concerns on behalf of the residents of Moy. The Councillor said that this was something that has been raised in the past which was prevalent and in the minds of these residents across the community. The Councillor enquired whether the Council would be liaising with the residents on any ongoing issues in the future. Councillor J Burton wished to reiterate concerns relating to litter on the streets, noise pollution and anti-social behaviour within the area and felt if this application was approved, this would make a bad situation even worse in Moy and would like to see the objections taken on board as Council needs to be doing right by the residents in that area.

Councillor Varsani said that this application was on for approval this evening but there have been a number of issues raised by residents and was right that these have been considered and continue to be considered into the future. The Councillor outlined issues i.e. noise surveys being carried out, but no actual noise complaints received since 2022 which showed a balancing aspect; there has been no objections from the Police which was a mitigating factor and although there have been incidents, no formal objections has been received from the Police which was important to note. In terms of noise reduction there has been a condition included and an acoustic fence being put in place which was an attempt by the establishment to mitigate the effects of noise which she hoped residents would become aware of also. It was hoped that everyone could become good neighbours to each other and would be important to note that monitoring of noise should be continued and other issues like litter and anti-social behaviour monitored into the future also, but nonetheless any reasons for not letting this application go forward would have to be very tightly focused and quite legal. The Councillor said that on that basis she would be happy to approve the recommendation but with a view to the concerns of the residents being considered into the future.

Councillor Black said that by listening to the report and representations which have been made felt that it was clear that some concerns still do exist within the local community. The Councillor said that it was clear within the report that there were some conditions attached i.e. erection of acoustic fence which would hopefully go some way in regard to controlling any noise that may come from the premises in question. The Councillor enquired if there would be any merit in deferring this application for a site meeting to allow further engagement with the residents in and around the positioning of the acoustic fence which may help to alleviate the concerns at the outset and hopefully move forward in a positive manner with engagement with all the stakeholders concerned.

Mr Marrion (SPO) referred to Councillor Black's proposal for a site meeting and advised that any meetings that would be taking place would be a site visit for members to see the site and not an opportunity for members to engage with the general public to discuss the proposals, but members could certainly come along and see where the proposed building was going. He drew members attention to the report and details that were there in relation to the construction of the proposed building which has not been erected yet, it is proposed to be self-contained and also have an acoustic attenuation within the building itself. Conditions have been put in place to make sure that doors are closed at appropriate times and ensure that acoustic fences are erected so that anyone coming from the bar into the property itself, that noise would be muted from neighbouring properties. Mr Marrion (SPO) said he wished to make members aware that this was not an opportunity for members to go out on site to discuss proposals with public but rather to go and see the proposals on the ground.

Councillor S McPeake said that by reading the conditions attached felt that they were pretty onerous, particularly the acoustic barriers that were being proposed and whilst he took on board there were incidents where site visits can be beneficial, this was relating to noise which was different as members would not be going out at night to listen to bands playing or loud music, only going out on site during daytime hours. The Councillor said that by reading the conditions in place and what was being

proposed that he would have full confidence that this has been properly adjudicated by the Officers and would second the proposal.

Councillor Black said that he wished to clarify that he wasn't proposing to engage with residents on-site at a site meeting but for members to become more informed and further discussion taking place after the event. The Councillor felt if members were more informed then this could be something that could be relayed back to residents in due course in a more informed manner.

The Chair enquired what an acoustic fence was as he wished to know for his own benefit as this was something he wasn't familiar with.

Mr Marrion (SPO) advised that there were no gaps within the fence, it was a dense wooden fence to contain noise within the site, similar to the same concept of blast walls. He said that this was a fence which was going to be located between the development itself and neighbours on the west side, who were the ones who raised the most concerns. He confirmed that this was a very dense fence which would control and contain noise.

Ms Doyle (HLP) advised that the situation at the moment meant that visitors to the premises could stand outside and not be contained within the building and as there was no acoustic fence there, this would actually help the situation going forward.

Mr Marrion (SPO) agreed as there was a certain area where everyone could congregate and now it is proposed that the acoustic fence would be erected there to help control the noise.

Councillor J Burton stated that he didn't sit on this committee and cannot support the Councillor Black's proposal but felt that it may be a good idea to proceed with the proposal anyway to relay back to the residents and set out exactly what was going to be done going forward. Councillor J Burton felt that it would be important to keep residents informed.

Councillor Graham said that she would be happy to second Councillor Black's proposal.

The Chair clarified that the reason for the site visit was for members to see for themselves the issues raised.

The Chair advised that it was proposed by Councillor Varsani and seconded by Councillor S McPeake to accept the recommendation and asked if the two members would consider withdrawing their proposal to allow the opportunity for a site visit for the other Councillors or were they still happy to continue with their proposal.

Councillor S McPeake said that he had already alluded to within his original contribution, that he did not see any merit in the site meeting on this occasion because it was a technical issue regarding a sound barrier. The Councillor said that Officers had already explained that the acoustic fence would help absorb any noise situation and felt that this was a win-win situation and doing the application an injustice by questioning or prolonging it any longer. The Councillor felt what was

being proposed was not of benefit and would remain of the opinion that the application be approved.

Councillor Graham felt that a site visit would help the committee to see how close the neighbouring properties were to what was being proposed as members were only looking at plans and advised that was why she seconded the proposal.

The Chair advised that two proposals were being brought forward for consideration tonight.

Councillor Black's proposal to defer the application for a site visit was put to the vote:

For	2
Against	8

Resolved That planning application LA09/2023/1093/F be approved subject to conditions as per the officer's report.

LA09/2023/1095/F **Change of use from nightclub to 4 flats (2 No two bedroom and 2 No one bedroom) at 24 – 28 The Square, Coalisland for Mr Declan Dorrity**

Members considered previously circulated report on planning application LA09/2023/1095/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/1095/F be approved subject to conditions as per the officer's report.

LA09/2023/1218/F **Erection of a cover spectator stand, 4 floodlights and extension to walkway around pitch with access steps to primary school at 1 Convent Road, Cookstown for Cookstown Fr Rock GFC**

Members considered previously circulated report on planning application LA09/2023/1218/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2023/1218/F be approved subject to conditions as per the officer's report.

LA09/2023/1238/F **Competition level 8-lane running track and IFA immediate level 3G soccer pitch and class 1 floodlighting. Banking spectator terraces and pathways with bollard lighting, fencing landscaping**

**and associated site works at 47A Tullywiggan Road,
Loughry, Cookstown for Mid Ulster District Council**

All members present declared an interest in the above application.

Members considered previously circulated report on planning application LA09/2023/1238/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Martin and

Resolved That planning application LA09/2023/1238/F be approved subject to conditions as per the officer's report.

LA09/2024/0090/LBC Reducing the reservoir's water level to access necessary repairs and suggesting 2 new valves configuration along with pipes and headwall at Dungannon Park, Moy Road, Dungannon for Mid Ulster District Council

All members present declared an interest in the above application.

Members considered previously circulated report on planning application LA09/2024/0090/LBC which had a recommendation for approval.

The Chair advised that he had received an email from another member this afternoon in relation to whether or not these valves need fitting as it could cause flooding in local fields and the surrounding area.

Mr Marrion (SPO) referred members to overhead map and advised that this was to do with the dam wall at Dungannon Park Lake. The SPO said that members may or may not be aware that the actual park itself was designated as a reservoir under the Reservoirs Act, with the Council becoming the designated manager of the Act. This proposal is to allow works to be carried out to the existing wall to permit the Council to reduce the level of water behind it and to carry out the necessary checks to ensure that the structure is safe and secure and the ability to maintain it for the future. He said that the area downstream from the dam wall is within a flood inundation zone and within that zone, planning policy does not allow any development unless there are assurances that the dam itself is being properly managed. The SPO stated that this proposal was to allow the Council to carry out their function to properly manage and maintain the reservoir itself.

The Chair thanked Mr Marrion (SPO) for the update but felt that the issue was in relation to when the water was lowered in supposed to the usage of valves. The Chair said that it was his understanding that this may have been carried out in a different way in the past that didn't possibly cause as many issues.

Mr Marrion (SPO) said pumps were previously used and referred members to overhead sketch and advised that the valves would be on the lower side of the dam within new manhole covers. The proposal is to ensure that people will have to go up

onto the dam wall to carry out the draining and advised that this was a listed structure with Officers consulting with Historic Environment Division who were content and no issues with the proposal. This will allow the Council to carry out its function more properly and easily within the Reservoirs Act.

Councillor Varsani said that she would be happy to propose the recommendation as it was engineering and water specific and a very technical area. The Councillor said that by reading through the application it was important that the necessary safeguards were in place.

Councillor Graham sought clarification regarding comment about land being lower down in a flood plain and referred to a blockage a few years ago where Linen Green was flooded and enquired if there was a possibility that this could happen again.

Mr Marrion (SPO) stated that this was a different matter, as this was about making sure the integrity of the dam itself is maintained and to allow the Council to do that. He said that there were unknowns here, there is knowledge that there may be a secondary wall behind the dam, with divers being sent down to try and discover how far back that is. Essentially the flooding at Linen Green was a different matter as this was to do with flood inundation that would happen if the dam wall itself was to fail and if this was the case, all the water from Dungannon Park Lake would empty into Moygashel and cause flood inundation which would be even worse than what happened to the Linen Green previously. This proposal is to allow the Council to carry out its function as the reservoir manager.

Proposed by Councillor Varsani
Seconded by Councillor Graham and

Resolved That planning application LA09/2024/0090/LBC be approved subject to conditions as per the officer's report.

LA09/2024/0144/O Dwelling and garage approx. 50m to rear of 146 Washingbay Road, Coalisland for Mr Oliver Brady

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

Councillor J Burton left the meeting at 6.28 pm.

LA09/2024/0155/O Dwelling and garage approx. 110m W of 39 Castle Road, Cookstown for Mr Ricky Boyd

Ms McKinless (SPO) presented a report on planning application LA09/2024/0155/O advising that it was recommended for refusal.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake

Resolved That planning application LA09/2024/0155/O be refused.

LA09/2024/0262/F **To complete dwelling commenced – approved M/2005/2046/O and M/2009/0230/RM at 110m SE of 16C Annaloughan Road, Augher for Mr Stephen Maxwell**

Members considered previously circulated report on planning application LA09/2024/0262/F which had a recommendation for approval.

Councillor Black declared an interest in planning application LA09/2024/0262/F.

Councillor Black withdrew from the meeting at 18.30 pm.

Proposed by Councillor Robinson
Seconded by Councillor Graham and

Resolved That planning application LA09/2024/0262/F be approved subject to conditions as per the officer's report.

Councillor Black returned to the meeting at 18.32 pm.

LA09/2019/0483/O **Infill dwelling and garage at approx. 51m SW of 12 Fallylea Road, Maghera for Mr Fergal Rafferty**

Members considered previously circulated report on planning application LA09/2019/0483/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2019/0483/O be approved subject to conditions as per the officer's report.

LA09/2020/1380/F **Erection of dwelling, relocation of existing dwelling and site restoration adjacent & 100m E of 18 Shantavny Road, Garvaghy for Mr Ciaran Owens**

Members considered previously circulated report on planning application LA09/2020/1380/F which had a recommendation for approval.

Proposed by Councillor McElvogue
Seconded by Councillor Varsani and

Resolved That planning application LA09/2020/1380/F 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 considered previously circulated report on planning application LA09/2021/1700/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2021/1700/O be approved subject to conditions as per the officer's report.

LA09/2023/0874/F **Farm shed at lands approx. 53m E of 17A
Corvanaghan Road, Cookstown for Mr Charles Quinn**

Members considered previously circulated report on planning application LA09/2023/0874/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0874/F be approved subject to conditions as per the officer's report.

LA09/2023/0916/F **Off site replacement dwelling and garage at 180m W
of 16 Carnose Road, Cranny, Moneymore for Mr
Gregory McGovern**

Members considered previously circulated report on planning application LA09/2023/0916/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/0916/F be approved subject to conditions as per the officer's report.

LA09/2023/1215/O **Site for two dwellings and detached garages at lands
between 21 and 23 Halfgayne Road, Maghera for Mr
Francis Bradley**

Members considered previously circulated report on planning application LA09/2023/1215/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2023/1215/O be approved subject to conditions as per the officer's report.

Matters for Information

P097/24 Minutes of Planning Committee held on 4 June 2024

To note previously circulated minutes of Planning Committee held on 4 June 2024.

Live broadcast ended at 18.34 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Varsani
Seconded by Councillor Graham 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 P098/24 to P100/24.

Matters for Information

- P098/24 Confidential Minutes of Planning Committee held on 4 June 2024
- P099/24 Enforcement Cases Opened
- P100/24 Enforcement Cases Closed
- P101/24 Update on Local Development Plan

P102/24 Duration of Meeting

The meeting was called for 6 pm and ended at 18.45 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Planning, Policy & Resources /Environment/ Development] Committee in the Chamber, [Cookstown /Dungannon/Magherafelt].

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast as aforesaid, 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.

I would remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted.

Thank you and we will now move to the agenda.