



07 January 2020

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Tuesday, 07 January 2020 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

Development Management Decisions

4. Receive Planning Applications

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2017/1083/F	Retail development to include supermarket and 2 retail units with associated car parking, site access and landscaping at lands including 2 to 10 Church Street, also lands in between Fountain Road and Loran Way, Cookstown, for TJ Hamilton.	APPROVE
4.2.	LA09/2017/1403/F	Drying store and extension of existing site curtilage for relocation and storage at 2 Lisnamuck Road, Tobermore, for Tobermore Concrete Ltd.	APPROVE

4.3.	LA09/2019/0215/F	Dwelling N of and adjacent to 27 Ballynakilly Road, Dungannon, for Philip Brady.	REFUSE
4.4.	LA09/2019/0315/F	Extension to existing butchers at 15-16 The Square, Stewartstown, for Lowe Butchers.	APPROVE
4.5.	LA09/2019/0511/O	Gap site for dwelling and garage between 255 and 259 Orritor Road, Orritor, Cookstown, for Mr Isaac Barnes.	REFUSE
4.6.	LA09/2019/0844/F	New temporary building and associated car parking at lands at Lissan houé, Drumgrass Road, Cookstown, for Lissan House Trust.	REFUSE
4.7.	LA09/2019/0992/RM	Dwelling and garage at 145m SE of 16 Creevagh Road, Cookstown, for Kevin Heron.	APPROVE
4.8.	LA09/2019/1121/O	2 dwellings in substitution for approved application LA09/2018/0424/O at lands 20m E of 29 Gortinure Road, Maghera, for Patrick Bradley.	APPROVE
4.9.	LA09/2019/1133/F	Steel clad outbuilding for storage of caravan, vintage tractors and machinery at 98 Drumbolg Road, Tamlaght, Maghera, for Ciaran Bennett.	APPROVE
4.10.	LA09/2019/1148/O	Dwelling and detached domestic garage at 140m SW of 44 Drumearn Road, Cookstown, for Thomas David James Harkness.	REFUSE
4.11.	LA09/2019/1226/O	Site for dwelling and garage approx. 70m N of 31 Gortinure Road, Maghera, for Gerard McEldowney.	REFUSE
4.12.	LA09/2019/1245/O	Gap site for dwelling and garage at junction of Craigs Road and Killycurragh Road, Orritor, Cookstown, for Wesley Carson.	REFUSE
4.13.	LA09/2019/1262/O	Site for dwelling and domestic garage at approx. 45m W of 140 Kilrea Road, Upperlands, for Daniel O'Kane.	REFUSE
4.14.	LA09/2019/1283/F	Removal of 5 mobile classrooms, replace with 5 classrooms; reorganization and extension to existing school at Crossroads Primary School, 157	APPROVE

		Drumagarner Road, Kilrea, for the Very Rev Father John Cargan PP.	
4.15.	LA09/2019/1351/F	Variation of Condition 4 of LA09/2018/0554/F (completion date for provision of open space) at site adjacent to and NW of 22 Tamnamore road, Killyman, for Corove Developments Ltd.	APPROVE
4.16.	LA09/2019/1367/O	Dwelling and domestic garage at site adjacent to 2a Tonaght Road, Draperstown, for Mr Jim Hegarty.	REFUSE

5. Receive Deferred Applications

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2018/1282/O	Dwelling and garage 110m NE of 4 Tamnymullan Lane, Maghera, for Mr Robert Sufferin.	REFUSE
5.2.	LA09/2019/0408/F	Dwelling and garage approx. 50m SE of 25 Longfield Lane, Desertmartin, for John Higgins.	APPROVE

6. Receive consultation from DfC on Consideration of Listing - 5 - 20 Benburb

Matters for Information

- 7 Minutes of Planning Committee held on 3 December 2019 21 - 38
- 8 Receive Report on correspondence from DfI - Clarks Linen Mill, Upperlands 39 - 42

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

Matters for Information

- 9. Confidential Minutes of Planning Committee held on 3 December 2019
- 10. Enforcement Cases Opened
- 11. Enforcement Cases Closed

Report on	Consultation from Department for Communities, Historic Environment Division, regarding their consideration to List a Lodge at Benburb bridge, 180 Maydown Road, Benburb, Dungannon, Co. Tyrone
Date of Meeting	
Reporting Officer	Michael McGibbon – Senior Planning Officer Environment and Conservation Team Lead
Contact Officer	Chris Boomer – Planning Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To provide members with background and draft response to a consultation by Department for Communities, Historic Environment Division (DfC, HED) regarding their consideration to list a Gate Lodge at: <ul style="list-style-type: none"> - 180 Maydown Road, Benburb, Dungannon, Co. Tyrone
1.2	The consultation from DfC, HED on the Gate Lodge is attached at Appendix 1.
	Background
2.1	On the 29 th November 2019 Planning Department of Mid Ulster District Council received an 'Advance Notice of Listing' letter (Appendix 1) from DfC, HED, of a Gate Lodge at: <ul style="list-style-type: none"> - 180 Maydown Road, Benburb, Dungannon, Co. Tyrone
2.2	Part 4, Section 80(3) of the Planning Act (NI) 2011 requires the Department (HED) to consult with Mid Ulster Council, as the appropriate council in this instance, and the Historic Buildings Council before amending or compiling lists of buildings of special architectural or historic interest. HED has requested the response of MUDC to be received within 6 weeks from the date of their correspondence, therefore our response is due on or before 10 th January 2020.
3.0	Main Report
3.1	The building in question is a modest Gate Lodge, located just outside the village, which faces directly onto Maydown Road. The building is set back approximately 2 metres from the road edge and is bounded by a limestone wall, with associated gate

	<p>piers. The building appears to be structurally intact and is of coursed rubble limestone construction, with a natural slate roof.</p>
3.2	<p>The Gate Lodge is situated within Manor House, Historic Park, Garden and Demesne (ref: T- 006) and therefore any planning application for development of it would presently fall to be considered under Planning Policy BH 6 of PPS 6 -<i>The Protection of Parks, Gardens and Demesnes of Special Historic Interest</i>.</p>
3.3	<p>Furthermore, DfC HED, has highlighted that the Gate Lodge is also within the curtilage of a listed building, the 'Bawn Cottage' (ref:HB13/11/20) and is immediately adjacent to Maydown Bridge (ref:HB13/11/003), and any planning application for development of it would presently fall to be considered under Policy BH 11- of PPS 6 <i>Development affecting the Setting of a Listed Building</i>. The building is also within a designated Local Landscape Policy Area and therefore Policy CON 2 of the Dungannon Area Plan 2010 is also applicable. It is important to note that at present Gate Lodge is unlisted in its own right.</p>
3.4	<p>HED's second survey report (within Appendix 1) advises that the Gate Lodge at Benburb Bridge <i>'is a rare example of an early, simple and rectangularly planned gatelodge, built circa 1830's. Though plain in its detailing externally, it is neatly proportioned and retains the majority of its original historic fabric.'</i> HED further advise that the building's history is complex and it has associations with Benburb Castle Estate, Bawn Cottage and also the nearby Mill on the River Blackwater (ref:HB13/11/002-03).</p>
3.5	<p>By way of information, members should note that there is a live planning application for development on this site which was received on 14th June 2019 (ref: LA09/2019/0833/F). The proposal involves the construction of a two storey rear extension to the Gate Lodge and would also involve the construction of in curtilage car parking and associated retaining structure. HED in a formal consultation response to the current planning application has raised concerns that the proposal would likely have an adverse impact on the character and setting of the listed structures Maydown Bridge and the Bawn Cottage and also the setting of the manor House Historic Park, Garden and Demesne. It is also worth noting that a planning permission was previously granted at this site on 18th January 2008, under reference no. M/2007/1231//F, for the <i>'Erection of one half storey extension and refurbishment of existing cottage to achieve single dwelling of 3 bed, 2 bath and open plan kitchen/living area.'</i></p>
3.6	<p>DfC, HED guidance on listing states that concerns over the impact of the listing on future planning considerations, such as development proposals, are not considered as part of their assessment. It is important to also note that the consultation response from this Council is only one of the factors that DfC, HED will consider in deciding a way forward with the listing of the structure. The final decision on listing will be one for DfC to make. Historic Buildings Council is also consulted and the owner of the structure is notified as part of the process, and their representations are considered by HED before a final decision is made.</p>
3.7	<p>Based on the information within the consultation from HED, the Planning Department are in favour of supporting the listing of the Gate Lodge as it is considered that the test, as set out under Section 80(1) of the Planning Act, has been met in this instance</p>

	(i.e. that the building is of <i>special architectural or historic interest</i>). It is considered that the Gate Lodge makes a significant contribution to the setting of the listed Benburb Bridge and the wider setting of the Benburb Castle Estate Historic Park, Garden and Demesne. The Planning Department of Mid Ulster District Council therefore recommends that we respond to HED to support the listing.
	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None identified
	Human: None identified
	Risk Management: None identified
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members are requested to note the contents of this report and agree that the attached draft response (Appendix 2) is issued to DfC, HED to support the listing of the aforementioned Gate Lodge.
6.0	Documents Attached & References
	Appendix 1 – Consultation from DfC, HED - Advance Notice of Listing Appendix 2 – Draft response to DfC, HED Appendix 3 – Site visit photographs



Department for
Communities

www.communities-ni.gov.uk

Historic Environment Division

Ground Floor

NINE Lanyon Place

Townparks

Belfast

BT1 3LP



ADVANCE NOTICE OF LISTING

Head of Planning
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Tel: (028) 90819 332

Our Ref: HB13/11/046

Date: 29/11/2019

Dear Sir/Madam,

LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

LODGE AT BENBURB BRIDGE, 180 MAYDOWN ROAD, BENBURB, DUNGANNON, CO. TYRONE

At present, the listing of the above-mentioned property is being considered under section 80(1) of the Planning Act (Northern Ireland) 2011.

I would welcome receipt of your offices views on the proposed Listing within 6 weeks of the date of this Letter. *Comments received outside this period will not normally be considered.*

Please find enclosed a copy of the location map together with a copy of our Second Survey Report of the building for your information. Where this letter refers to building(s), this term includes all types of structures.


Grid Ref: H8192 5198

G. Brown

GERALDINE BROWN

Enc Second Survey HBC Report
Location Map

LB2 – Advance Notice of Listing

Address Lodge at Benburb Bridge 180 Maydown Road Benburb Dungannon Co. Tyrone	HB Ref No HB13/11/046 
Extent of Listing Lodge	
Date of Construction 1820 - 1839	
Townland Benburb	
Current Building Use Residential Home	
Principal Former Use Gates/ Screens/ Lodges	

Conservation Area	No	Survey 1	Not_Listed	OS Map No	198/8SW
Industrial Archaeology	No	HED Evaluation	B2	IG Ref	H8192 5198
Vernacular	No	Date of Listing		IHR No	
Thatched	No	Date of Delisting			
Monument	No			HGI Ref	T/006 H816521
Area of Townscape Character	No				
Local Landscape Policy Area	Yes			SMR No	
Historic Gardens Inventory	Yes				
Vacant	Yes				
Derelict	Partially				

Owner Category

Building Information

Exterior Description and Setting

Detached three-bay, one-storey, rectangular-plan gate lodge, built c.1830s, with later corrugated iron roof abutment to north elevation. The lodge is located by the River Blackwater on the west side of Maydown Road and on the north side of Maydown Bridge (HB13/11/003) at the entrance to a footpath leading to Benburb Castle.

Hipped natural slate roof with angled ridge tiles, cast-iron gutters on masonry eaves and cast-iron downpipes; central rendered chimneystack with masonry coping. Walling is a mixture of undressed limestone and sandstone with occasional cementitious mortar.

Generally square-headed windows, unless otherwise stated, with a mixture of masonry and slate sills. Windows unseen at time of survey - boarded up openings to all elevations.

Principal elevation faces east. Single square-headed door opening central to east elevation between two windows with projecting masonry sills.

South elevation has central, round-headed window opening with partial red brick flush surround and slate sill.

West elevation has window opening to the south with partial red brick flush surround, plain reveals and masonry sill. To the north is a square-headed door opening containing painted timber surround and timber-sheeted door.

Set back from the road, the gate lodge is bounded by a limestone wall with masonry coping with piers to the north and south having masonry coping. A steel gate is situated between the south elevation and the southernmost pier, perpendicular to a cast-iron gate opening onto a footpath that leads east.

Roof: Natural slate
Walling: Limestone and sandstone - coursed rubble
Windows: Unseen - behind boards
RWG: Cast-iron

Interior Description

N/A

Architects

Not Known

Historical Information

This lodge is shown on the OS map of 1833, at the head of a drive that lead westwards along the River Blackwater and which appears to have culminated at the mill on the western side of the bend in the river [HB13/11/002-003]. The 1835 valuation tells us that the lodge and the mill were part of a large single plot that also included Benburb Castle, the early 17th century bawn overlooking the river directly east of the mill. In the late 18th or (more likely) the early 19th century a dwelling – 'Castle Cottage' – was built within the bawn, probably to act as the agent's residence for the Powerscourt estate. On the face of it, it would seem likely that the lodge was built to serve the back entrance this house - as one would expect of a gentry residence, but as already mentioned the drive that lead from it does not appear to have served the castle, but the mill – or at least had come to do so by 1833. If it was in fact built for the latter then it is likely to have been the work of the firm of Jackson, Eyre and Co., who had been leasing the mill from 1776; it seems more plausible that its relationship was originally with Castle Cottage, however, evidence for a connection (in terms of a drive) linking the two is lacking.

Captain George Darley Cranfield (who was indeed employed as the Powerscourt agent until 1844) is noted as the occupant of the Cottage in the valuation of 1835, but the lodge itself is not recorded either in relation to this residence or the mill. From 1838 Castle Cottage was leased by Thomas Eyre, a member of the milling family. Thomas landscaped the grounds around the castle, and a number of new paths are evident on the revised OS map of 1857-59, but there is no apparent linkage with the drive from the lodge, which was still, it would seem, acting as a route to the mill.

Following Thomas Eyre's death in 1847 the lease encompassing both the Cottage and the lodge was inherited by his brother, John Eyre of nearby Maydown House. In the valuation book of 1859 the lodge is specifically noted for the first time as a 'gate lodge', and was still in the hands of John, but by c.1863 it was part of a separate plot which was being leased directly from the estate by Hildebrand C. Oaks. In 1865 this holding came into the possession of Richard Brush (another Powerscourt agent who lived in 'Benburb House' off the village's main street), and by 1870 the plot had been subdivided, with the eastern portion including the lodge passing to Robert McKean (or McKane). Seven years later the entire Benburb estate was sold to Belfast businessman, James Bruce, who in the following decade built the present red brick manor house to the north-east of the old castle site. Hereafter, the lodge and its accompanying gateway assumed the role of a back entrance for the new mansion, and it is marked for

the first time as a 'lodge' on the 1905 OS map.

From 1895 the valuations supply the names of the occupants of the building, beginning with James Murphy. According to the valuation books, he would appear to have been succeeded by Hugh Taylor in 1898, George McQuaid in 1928, Matthew McCarroll (?1937), Const. [Constable? Constance?] Alexander (1941), James Loughran (1943) and Joseph Gorman in 1948. Mr. Gorman is recorded as still living there in 1972, by which time ownership of the dwelling, in line with the ownership of the Manor House, had passed to the Servites, the Roman Catholic order who bought the property in 1949. The lodge appears to have been vacated c.1980.

Locally, there is a general view that this property was in fact a lock house built as part of the Ulster Canal, but this is very unlikely, as lock houses built for this purpose have a very distinct planform, with a prominent canted bay to the front.

References - Primary Sources

- 1 OS maps (six-inch county series) 1833, 1857-59, 1905 (online)
- 2 PRONI VAL1B/610A First valuation, Clonfeacle parish, 1835
- 3 PRONI VAL2B/6/9C Second valuation, Clonfeacle parish, 1859
- 4 Second valuation, Clonfeacle Parish, printed edition, c.1863
- 5 PRONI VAL/12/B/38/4A-F Annual valuation revisions, Benburb ED (1960-1929)
- 6 PRONI OS/27/198/2 Irish Grid 1:10,000 Edition, 1977

Secondary Sources

- 1 Dean, J.A.K., 'The gate lodges of Ulster – a gazetteer', (UAHS, 1994), p.137 [Dean mentions a pre-1833 lodge to the manor, that served Castle Cottage, but states that this had been demolished.]
- 2 O'Dalaigh, A. and O'Brien, M., 'Fifty years in Ireland: The Servites from Benburb', (Benburb, 1999)
- 3 McAnallen, B., "Maydown, Benburb: A Millennium of History in an Armagh Townland" in 'Dhúiche Néill Journal of the O'Neill Country Historical Society', Vol 25 (2018), pp. 11-59
- 4 Hamond, F., 'An Industrial Heritage Survey of the Ulster Canal in Co Monaghan', pp.18-19 (Monaghan County Council, 2007) [available online at https://ulstercanalgreenway.files.wordpress.com/2014/07/chs1_1_7.pdf - accessed 14 November 2019]
- 5 <https://cotyroneireland.com/places/tyronemills.html> [accessed 14 November 2019]

Criteria for Listing

NB: In March 2011, revised criteria were published as Annex C of Planning Policy Statement 6. These added extra criteria with the aim of improving clarity in regard to the Department's explanation of historic interest. For records evaluated in advance of this, therefore, not all of these criteria would have been considered. The criteria used prior to 2011 are published on the Department's website under 'listing criteria'.

Architectural Interest	Historical Interest
A. Style J. Setting K. Group value	R. Age S. Authenticity X. Local Interest Z. Rarity

Evaluation

The gate lodge at Maydown Bridge is a rare example of an early, simple and rectangularly planned gatelodge, built c.1830's. It is located on the north side of Maydown Bridge. Though plain in its detailing, externally, it is neatly proportioned and retains the majority of its original historic fabric. The setting of the lodge is intact, its complexity highlighting previous links to both the Benburb Castle Estate, Castle Cottage, and the nearby Mill [HB13/11/002-003] on the River Blackwater. Though the lodge is not contemporaneous with the Benburb Castle estate, its survival is evidence of a period of change in the local history of Benburb and Maydown, and the lives of the Eyre family in Ulster.

Replacements and Alterations

None

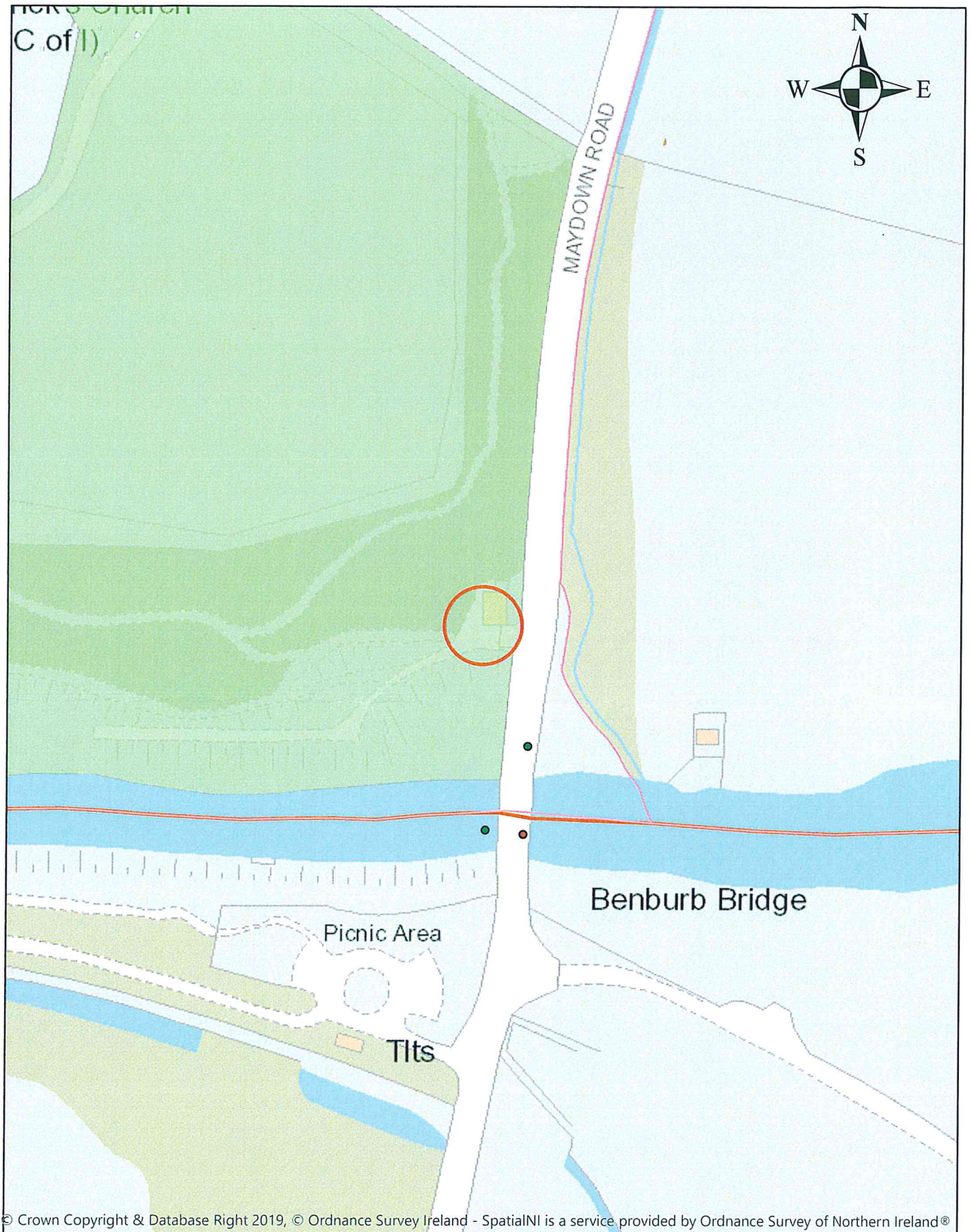
If inappropriate, Why?

General Comments

Listing Query ref: HB13/LQ065

Monitoring Notes – since Date of Survey

Date of Survey 10/10/2019



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Scale: 1:1,250

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Drawn By: JMcL

Site Map HBU





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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Ms Geraldine Brown
Historic Environment Division
Ground Floor
Nine Lanyon Place
Townparks
Belfast
BT1 3LP

By email only

Ref: HB13/11/046
Date: ** December 2019

Dear Ms Brown

**RE: Listing of Buildings of Special Architectural or Historic Interest – Lodge
at Benburb Bridge, 180 Maydown Road, Benburb, Dungannon, Co.
Tyrone**

Thank you for your letter dated 29th November 2019 in relation to the above-mentioned building, which is being considered for listing.

Mid Ulster District Council's Planning Committee has considered the information contained with the consultation. Mid Ulster District Council support the proposal by HED to list the aforementioned Gate Lodge.

Yours sincerely,

Michael McGibbon
Environment and Conservation Team Lead
Mid Ulster District Council

On behalf of Dr Chris Boomer, Planning Manager

Appendix 4
Site visit photographs – 06/12/2019



Appendix 4
Site visit photographs – 06/12/2019



Appendix 4
Site visit photographs – 06/12/2019



Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 3 December 2019 in Council Offices, Ballyronan Road, Magherafelt

Members Present	Councillor Mallaghan, Chair Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Glasgow, Kearney, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson
Officers in Attendance	Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Ms McCullagh, Senior Planning Officer Mr Marrion, Senior Planning Officer Ms McNally, Council Solicitor Miss Thompson, Democratic Services Officer
Others in Attendance	Applicant Speakers LA09/2018/0785/F Ms Curtin Mr Grainger LA09/2019/1169/O Mr Bain Ms Curtin LA09/2019/1183/F Mr Gourley LA09/2019/0141/F Mr Warde

The meeting commenced at 7.04 pm

P143/19 Apologies

Councillor Gildernew.

P144/19 Declarations of Interest

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

Councillor McKinney declared an interest in planning application LA09/2017/1534/F.

Councillor S McPeake declared an interest in planning application LA09/2019/0569/O.

P145/19 Chair's Business

The Chair, Councillor Mallaghan stated that as this was the last Planning Committee of 2019 he wanted to thank all planning staff for their hard work during the year including those who stay into the evening to service meetings.

The Chair, Councillor Mallaghan referred to recent comments on Facebook and Twitter relating to the Planning Committee and stated that all applications brought before the Committee are dealt with on merit and in a fair and transparent manner and that those who sit on the Planning Committee would not be swayed by posts and comments on social media.

Councillor Quinn stated he had read some of the comments which were disparaging of the Planning Committee and that he felt were out of line. The Councillor stated that the Planning Committee conducts its affairs in a fair manner.

The Planning Manager stated that in terms of social media, everyone needed to be careful of what comments they posted.

The Planning Manager referred to recently published NISRA Housing Report and advised that the report finds that Mid Ulster is the authority permitting most house builds. The Planning Manager advised that the report is available on the NISRA website.

Matters for Decision

P146/19 Planning Applications for Determination

The Chair, Councillor Mallaghan 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 –

Agenda Item 4.1 – H/2014/0154//F – Additional poultry house and feed bins at 150m NE of 20 Newferry Road, Bellaghy for Alan Mawhinney.

Agenda Item 4.7 – LA09/2018/0943/F – Extension to existing factory premises to provide staff car parking, 70m S of 177 Annagher Road, Coalisland for DMAC Engineering.

Agenda Item 4.14 – LA09/2019/0838/F – Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking at lands 90m S of 177a Annagher Road, Coalisland (DMAC Factory) for Lilac Cancer Support Ltd.

Agenda Item 4.17 – LA09/2019/1137/O – Dwelling and domestic garage on infill site at land between 13 and 19 Dunamony Road, Dungannon for Mr Colm Casey.

Agenda Item 4.20 – LA09/2019/1212/O – Farm dwelling and garage approx. 25m WSW of 71 Killymuck Road, Cookstown for Mr P McCusker.

Agenda Item 5.2 – LA09/2017/1349/F – Animal isolation and farm machinery storage shed approx. 120m SE of 37 Rocktown Lane, Knockloughrim for Mr Robert Edward Scullion.

The Chair also advised that the following application is removed from tonight's schedule and that a decision would be issued under the scheme of delegation –

Agenda Item 4.22 – LA09/2019/1257/F – Small external store at 59 Dergenagh Road, Dergenagh, Dungannon for Winston Duff Sec. Simpson Grant Assoc.

Councillor McKinney asked why agenda item 4.22 was now being removed from tonight's schedule.

The Planning Manager stated that the application had been called in but no planning reason had been given for calling it in. The Planning Manager stated that officers should not have accepted the call in without planning reasons therefore the application should not have been on the agenda in the first place.

Councillor McKinney asked who called in the application.

The Planning Manager stated that Councillor Cuthbertson had requested the call in but that no planning reasons were given to back this up and the application should not have been put on the agenda for Committee.

The Planning Manager stated that this was a common mistake made by Members however officers should be going back to ask for the planning reason for a call in.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That the planning applications listed above for deferral be deferred for an office meeting/submission of further information/removed from schedule.

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

H/2014/0154/F Additional poultry house and feed bins at 150m NE of 20 Newferry Road, Bellaghy for Mr Alan Mawhinney

Agreed that application be deferred to allow for submission of further information earlier in meeting.

LA09/2017/1534/F 15 dwellings between 53 and 11 Calmore Road, Tobermore for I McKinney Moyola Farms Ltd

Councillor McKinney withdrew to the public gallery.

Members considered previously circulated report on planning application LA09/2017/1534/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2017/1534/F be approved subject to conditions as per the officer's report.

Councillor McKinney rejoined the meeting.

LA09/2017/1801/F Rationalisation of existing sand and gravel extraction, lateral extensions to existing approved extraction, deepening of extraction below the current base levels to a level circa 202mAOD, with restoration to agricultural after use at lands at Murnells Sand and Gravel Quarry, N and W of 46 Murnells Road, Pomeroy for Creagh Concrete Products

Members considered previously circulated report on planning application LA09/2017/1801/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1801/F be approved subject to conditions as per the officer's report.

LA09/2018/0073/F 2 no. Poultry Units; 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

Mr Marrion (SPO) presented a report on planning application LA09/2018/0073/F advising that it was recommended for refusal.

The Chair, Councillor Mallaghan asked if an ammonia consultation was completed and if the applicant was aware that the application is before Committee as a refusal.

Mr Marrion advised that further information has been requested on several occasions and that the applicant was aware the application could be taken to Committee.

Councillor Robinson asked if the only reason for refusal was relating to the provision of an ammonia report.

Mr Marrion stated this was correct, that the information had been requested several times and had not been provided.

Councillor Robinson referred to the cost of getting all assessments completed for such an application.

The Planning Manager stated that anyone who wants to build this type of structure will be aware of the costs and the assessments required and that in this case the applicant has not provided the information.

Mr Marrion advised that the information was requested in July and again in September and that the applicant had not responded.

The Chair, Councillor Mallaghan suggested that the applicant be given 30 days to submit the necessary information.

Proposed by Councillor Robinson
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2018/0073/F be deferred for 30 days in order to submit necessary information.

LA09/2018/0471/F General industrial building (Use Class B3) with ancillary accommodation at lands at 76 Derrynoid Road, Draperstown for Inova Gates

Members considered previously circulated report on planning application LA09/2018/0471/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0471/F be approved subject to conditions as per the officer's report.

LA09/2018/0785/F Erection of ancillary store building and ancillary store extension to existing workshop at Rogers Business Park, 76 Derrynoyd Road, Draperstown for Sperrin Metal Storage Solutions

Ms McCullagh (SPO) presented a report on planning application LA09/2018/0785/F advising that it was recommended for approval.

The Chair advised the committee that requests to speak on the application had been received and invited Ms Curtin to address the committee in the first instance.

Ms Curtin stated that she represented the occupants at 74 and 74a Derrynoid Road and that whilst they did not object to the proposal in principle they did have a number of concerns. Ms Curtin highlighted that maps do not show no. 74a Derrynoid Road. Ms Curtin stated that the proposed closed board fence would not go far enough to protect against noise and referred to complaint made to Environmental Health in July 2018 by the occupants of 74a Derrynoid Road, Ms Curtin questioned why subsequent noise monitoring was not undertaken from 74a Derrynoid Road. Ms Curtin also expressed concern regarding the noise assessment taken and asked if the stamper which is the main complaint was in use when the assessments were taken and if the roller shutter door was open at the time. Ms Curtin stated that given the history of complaints and that it was felt the acoustic barrier fencing would not go far enough to alleviate concerns she asked that the application be deferred for a site meeting when noise from stamper can be monitored including when the roller shutter door is open.

The Planning Manager asked if the stamp machine is currently there and in use why does this application for an extension make the situation worse.

Ms Curtin advised that there was a fear in terms of intensification and the potential for more machines if the building is extended.

The Planning Manager stated that the permission for the dwelling had been achieved as it was related to neighbouring commercial activity and that the occupiers would have been aware that they were building in an industrial area.

Ms Curtin stated that the use of the stamper had come about since the planning permission was obtained.

The Planning Manager referred to the fear that if the extension is approved then more machinery will be brought in meaning more noise and asked if the approval was conditioned for storage purposes only if this would help.

Ms Curtin referred to the additional concerns of the roller door being left open.

The Chair, Councillor Mallaghan invited Mr Grainger to address the Committee.

Mr Grainger stated that a joint noise monitoring exercise was conducted with Environmental Health over the course of one week and that further measurements of noise inside the shed when equipment was operational were undertaken which showed the footprint of prospective noise. This impact has been calculated and both houses have been monitored and noise predicted as follows –

74 Derrynoid Road – less than 35db
74a Derrynoid Road – just over 35db

The Planning Manager asked that if the roller door was open if this was attributing to undue noise.

Mr Grainger stated that when assessments were being taken both himself and the officer from Environmental Health commented that the area was quiet, that there was no significant noise and that levels were reasonable for the character of a country area.

Councillor McKinney proposed that officer recommendation to approve the application.

The Planning Manager asked if Councillor McKinney's proposal included the condition of use being added to the approval as he had suggested earlier.

Councillor McKinney stated his proposal was to approve the application without the additional condition.

Councillor S McPeake proposed the approval of the application with the additional condition.

Councillor McKinney asked why the additional condition was needed.

The Planning Manager stated that when a site is approved for general industrial use it does not need to get any further permissions relating to use and referred to the fear that if the extension is approved then more machinery will be moved in which will add to noise levels.

Councillor McKinney stated he would accept this explanation and withdrew his proposal.

Councillor Bell seconded Councillor S McPeake's proposal.

Resolved That planning application LA09/2018/0785/F be approved subject to conditions as per the officer's report with additional condition to be added that will restrict use of extension to shed to that of storage.

LA09/2018/0943/F Extension to existing factory premises to provide staff car parking, 70m S of 177 Annagher Road, Coalisland for DMAC Engineering

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

LA09/2018/1069/F 2 additional broiler poultry sheds with 4 feed bins 2 gas tanks and associated development at land approx. 190m SE of 39 Cornamaddy Road, Pomeroy for Mr Phelim McGee

Members considered previously circulated report on planning application LA09/2018/1069/F which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Bell and

Resolved That planning application LA09/2018/1069/F be approved subject to conditions as per the officer's report.

LA09/2018/1094/F Single storey detached with garage (amended site) at Strathmullan House, 56 Killymeal Road, Dungannon for Mr Stephen Boyle

Members considered previously circulated report on planning application LA09/2018/1094/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/1094/F be approved subject to conditions as per the officer's report.

LA09/2018/1566/O Dwelling and garage 500m SE of 101 Branagh Road, Altmore for Mr Sean O'Donnell

Mr Marrion (SPO) presented a report on planning application LA09/2018/1566/O advising that it was recommended for refusal.

Proposed by Councillor Robinson
Seconded by Councillor Brown and

Resolved That planning application LA09/2018/1566/O be refused on grounds stated in the officer's report.

LA09/2019/0007/RM Dwelling and domestic garage 130m E of 9 Creenagh Road, Dungannon for Mr Conor Shields

Members considered previously circulated report on planning application LA09/2019/0007/RM which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2019/0007/RM be approved subject to conditions as per the officer's report.

LA09/2019/0282/O Site for housing development, foul sewerage treatment plant and associated works at lands opposite and immediately E of 2, 7 and 9 Aghinduff Park, Aghaginaduff, Dungannon for Mrs Anne McKeever

Members considered previously circulated report on planning application LA09/2019/0282/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/0282/O be approved subject to conditions as per the officer's report.

LA09/2019/0704/F Changes of layout to approved (LA09/2017/0293/F) at Church View, Church Street, Ballygawley for Jackay Ltd

Members considered previously circulated report on planning application LA09/2019/0704/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/0704/F be approved subject to conditions as per the officer's report.

LA09/2019/0838/F Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking at lands 90m S of 177a Annagher Road, Coalisland (DMAC Factory) for Lilac Cancer Support Ltd

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

LA09/2019/0980/F Replacement dwelling and detached double garage at 10 Coolnasillagh Road, Maghera for Mr J Grant

Members considered previously circulated report on planning application LA09/2019/0980/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/0980/F be approved subject to conditions as per the officer's report.

LA09/2019/1088/F Extension to curtilage and erection of domestic store and all associated site works at lands immediately between 218 and 220 Ballynakilly Road, Dungannon for Moussa Jaafar

Mr Marrion (SPO) presented a report on planning application LA09/2019/1088/F advising that it was recommended for approval, Mr Marrion also referred to addendum which advised of additional informative to be added to decision to state –

This permission does not confer title nor alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Proposed by Councillor Glasgow
Seconded by Councillor Kearney and

Resolved That planning application LA09/2019/1088/F be approved subject to conditions as per the officer's report and additional informative as outlined above.

LA09/2019/1137/O Dwelling and domestic garage on infill site at land between 13 and 19 Dunamony Road, Dungannon for Mr Colm Casey

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

LA09/2019/1169/O Infill dwelling and garage at lands between 33a and 33b Grange Road, Moy for Mr Andrew Smith

Councillor Colvin declared an interest in this application and withdrew to the public gallery.

Mr Marrion (SPO) presented a report on planning application LA09/2019/1169/O advising that it was recommended for approval. Mr Marrion referred to addendum which outlined a further objection however it was advised that this objection did not raise any new issues.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Bain to address the committee in the first instance.

Mr Bain stated that the proposal fails to meet policy CTY8 in that infill will only be allowed in an exception. Mr Bain stated that the site is positioned between 2 houses, not the required 3, as the garage being relied upon is not a standalone building. Mr Bain stated that as there was not a continuous built up frontage the application should be refused as to approve would result in ribboning. Mr Bain stated that to approve this application would be flouting policy and would set a precedent which would expose Council to risk of

legal challenge. Mr Bain stated that the application also contravenes policy CTY14 in that the proposal would change the character of the rural area and a new house would be highly visible and would therefore not integrate. Mr Bain stated that the character of this stretch of the Grange Road had changed over the last 20 years, that when he came to live on the Grange Road there were only 2 houses and there were now 18. Mr Bain stated that the applicant alone had had 10 sites passed. Mr Bain also referred to planning appeal reference 2016/a0160 which supports his objection.

The Chair, Councillor Mallaghan stated that a further request to speak had been received from Ms Curtin and invited her to address the committee.

Ms Curtin stated she concurred with the points made in the officer reports, that the site sits within a line of 3 buildings on the Grange Road and that determining weight should not be given to planning history as assessment on these was made under a previous policy.

Councillor Cuthbertson stated that given the confusion over road frontage and hedging he would propose a site meeting be held to allow Members to assess the proposal.

The Planning Manager stated that he felt this was a sensible proposal, he advised that planning appeals take the view that a garage is a building however the real test is the impact the proposal will have on the character of the area and asked Members to consider this when on site.

The Planning Manager outlined that Policy CTY8 starts out against ribbon development but states that there can be exceptions in that if there is a substantial and built up frontage of 3 or more buildings along a road frontage without accompanying development to the rear.

Councillor S McPeake stated that he would be content with a site meeting but that critical for him was road frontage and what the site looks like from the road. The Councillor felt that photographs taken from along the road would have been helpful.

Mr Marrion advised that there are gateways, pillars, driveways and hedges visible from the road which may be beneficial for Members to see.

Councillor S McPeake seconded Councillor Cuthbertson's proposal to defer the application for a site meeting.

Resolved That planning application LA09/2019/1169/O be deferred for a site meeting.

Councillor Colvin rejoined the meeting.

LA09/2019/1183/F Retention of building to provide communal site canteen, locker room and first aid facilities adjacent to 18 Cookstown Road, Dungannon for Barry O'Neill

Mr Marrion (SPO) presented a report on planning application LA09/2019/1183/F advising that it was recommended for refusal.

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

Mr Gourley stated that the proposal is for a welfare facility for the employees on site and is ancillary to the use of the site. The proposal will not generate additional traffic movement to and from the site and in fact should help to reduce traffic movements at lunchtime as employees will have a facility on site. Mr Gourley stated that the applicant can provide visibility splays of 2.4m by 120m and that as there are less than 60 vehicles per day accessing the site it was unfair to ask for set back of 4.5m as this would only be required if there were over 60 vehicles per day, as set out in DCAN15. Mr Gourley requested that the application be deferred to allow for provision of visibility splays of 2.4m by 120m, Mr Gourley also stated the applicant would accept the conditioning of an approval for use as canteen/welfare facility of employees.

The Planning Manager referred to previous applications at this site and previous planning appeals taken however none of these have provided a proposal on how the necessary visibility splays can be achieved. The Planning Manager referred to the unauthorised development on the site and felt that the applicant had no intention of resolving the issues in relation to visibility splays otherwise he would have done so before now. The Planning Manager stated that access into/out of this site was dangerous for road users.

Mr Gourley stated that there was a lot of development throughout the countryside which is unauthorised and stated that there were some elements within the proposal site which were lawful. Mr Gourley stated that the facility was existing and was asking for time in order to resolve issues in relation to visibility splays.

Councillor McKinney proposed that the application be deferred for 60 days to allow for submission of detail on how visibility splays can be provided.

The Planning Manager stated that he felt the application was challenging the credibility of the Planning Committee and that the site curtilage outlined on map can only provide 110m to the North.

The Chair, Councillor Mallaghan asked what comments DfI Roads had made in relation to the proposal.

Mr Marrion stated that DfI Roads were requesting visibility splays of 4.5m by 120m in both directions.

Mr Gourley stated that the setback of 4.5m was only required in instances where there were more than 60 vehicles per day as set out in DCAN15 and in this case there will be less than 60 vehicles meaning that 2.4m by 120m should be adequate.

The Chair, Councillor Mallaghan stated that the Planning Committee would take its road safety advice from DfI Roads.

Councillor Quinn stated he had been at this site recently and that it is difficult to get out of given the speed of the traffic and additional nearby junction at Coal Pit Road.

The Planning Manager asked why a setback of 4.5m could not be provided.

Councillor McKinney stated he was not happy at how the conversation between the Planning Manager and Mr Gourley was being conducted across the Chamber and that the protocol in relation to those speaking was that they should speak from the microphone at the front of the Chamber. Councillor McKinney also stated that his earlier proposal was to defer the application to resolve issues in relation to visibility splays for the proposed canteen and welfare facilities and not for a café.

The Planning Manager stated that he was trying to establish what could be provided, that the Committee had been told a visibility splay of 4.5m setback could not be provided and when asked why had not received an answer.

The Chair, Councillor Mallaghan stated that although additional questions may need to be asked from time to time he felt that way the conversation was conducted tonight was above what was necessary.

Councillor Brown seconded Councillor McKinney's proposal.

Resolved That planning application LA09/2019/1183/F be deferred for 60 days to allow for information in relation to provision of visibility splays to be submitted.

LA09/2019/1212/O Farm dwelling and garage approx. 25m WSW of 71 Killymuck Road, Cookstown for Mr P McCusker

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

LA09/2019/1213/O Renewal of outline planning approval at Westland Road South and lands to the rear of 9 Adair Gardens, Cookstown for R and F Developments

Members considered previously circulated report on planning application LA09/2019/1213/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/1213/O be approved subject to conditions as per the officer's report.

LA09/2019/1257/F Small external store at 59 Dergenagh Road, Dergenagh, Dungannon for Winston Duff Sec. Simpson Grant Association

Agreed that application be removed from schedule and decision will be issued under the scheme of delegation.

**LA09/2019/1309/F Removal of Condition No.2 to planning application
H/2000/0323/F, with change of use of existing storage building
to dwelling, front and rear extension and detached garage at 75
Lisnagrot Road, Kilrea for Mr Michael Boyle**

Members considered previously circulated report on planning application LA09/2019/1309/F which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2019/1309/F be approved subject to conditions as per the officer's report.

**LA09/2017/1004/O Replacement dwelling and domestic garage at land approx.
320m NW of 180 Caledon Road, Aughnacloy for Mr Adrian
Robinson**

Mr Marrion (SPO) presented a report on planning application LA09/2017/1004/O advising that it was recommended for refusal.

Councillor Cuthbertson stated that he had been at the site meeting for this application and it was his understanding that a lane had been found during this meeting.

Councillor Colvin concurred with Councillor Cuthbertson and stated that he also believed that a lane had been located during this meeting and that the main difficulty was that it accessed onto a protected route.

Councillor Robinson stated that he felt the building would have been a dwelling at one time and that there would have been a route from the site onto the road before the upgrade of the Caledon Road.

The Planning Manager stated that the policy was clear in that all external walls should be intact and there should be the characteristics of a dwelling such as fireplace, windows, doorways etc. In this case the buildings did not have any features that would identify them as a dwelling.

Councillor Cuthbertson referred to previous documentation submitted which showed a rent paid on a dwelling.

The Planning Manager stated that the information submitted was inconclusive.

In response to the Planning Manager, Mr Marrion advised that a farm case had been made at the outset however there was a difficulty in relation to policy PPS3 and using a field gate as access. Mr Marrion stated that other potential sites had been identified on the farm but the problem of using a field gate off a protected route remained.

The Council Solicitor asked Members to identify the characteristics of a dwelling which had been found on site.

Councillor Colvin stated that the building on site would not tick all the boxes of a dwelling as outlined by policy.

The Planning Manager stated that if the application was refused the applicant could submit an appeal or consider other potential sites on the farm.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2017/1004/O be refused on grounds stated in the officer's report.

Councillor Colvin left the meeting at 8.36 pm.

LA09/2017/1349/F Animal isolation and farm machinery storage shed approx. 120m SE of 37 Rocktown Lane, Knockloughrim for Mr Robert Edward Scullion

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

LA09/2017/1452/F Storage extension to the rear of building (amended plans) at 12 William Street, Cookstown for Andrew McConnell

Members considered previously circulated report on planning application LA09/2017/1452/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2017/1452/F be approved subject to conditions as per the officer's report.

LA09/2018/0371/F Subdivision of replacement dwelling into two dwellings incorporating a proposed dwelling on a farm at 89 Moneysallion Road, Kilrea for David Gordon

Members considered previously circulated report on planning application LA09/2018/0371/F which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0371/F be approved subject to conditions as per the officer's report.

LA09/2018/0454/F Retention of a mobile home for residential use approx. 170m N of 5 Doon Avenue, Aughamullan, Dungannon for Martin McCaliskey

Members considered previously circulated report on planning application LA09/2018/0454/F which had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0454/F be approved subject to conditions as per the officer's report.

LA09/2019/0141/F Agricultural shed with steel box profile façade at 65m SE of 21 School Lane, Gulladuff for Mr Eugene Bradley

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0141/F advising that it was recommended for refusal.

Councillor Colvin returned to the meeting at 8.39 pm during presentation of the above report.

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

Mr Warde stated that the proposal was seeking permission to replace a large shed with a smaller shed and that there was no particular policy that deals with this. Mr Warde stated that the proposal was approximately the size of a double garage and that by replacing the current shed amenity would be improved and curtilage reduced. Mr Warde stated that the applicant was a hobby farmer and had no other farm buildings. Mr Warde referred to policy CTY8 and advised that the proposal was not for a new building, Mr Warde also referred to policy CTY12 which refers to exceptions providing they are essential and demonstrate health and safety benefits.

The Planning Manager asked why the small shed could not be located further up the laneway meaning that the larger shed could be retained. The Planning Manager outlined the officer's concerns regarding the tendency towards ribboning and the possible infill opportunity if this application be approved. The Planning Manager stated that the application has also not met the test regarding buildings on a farm.

Mr Warde stated that the applicant's farm is about 2^{1/2} acres. He further stated that the applicant lived about 10 miles away from the proposal site.

In response to the Planning Manager Mr Warde advised that the current shed did not have planning permission and that a CLUD had not been determined.

The Planning Manager stated that if the application was refused the applicant would still have the opportunity of going to planning appeal.

Proposed by Councillor Robinson
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/0141/F be refused on grounds stated in the officer's report.

LA09/2019/0186/F Retention of mobile home for temporary accommodation at 98a Gortlenaghan Road, Dungannon for Tony McElduff

Members considered previously circulated report on planning application LA09/2019/0186/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2019/0186/F be approved subject to conditions as per the officer's report.

LA09/2019/0470/O Site for dwelling and garage 25m SE of 27a Garrison Road, Toberhead for Mr Liam O'Kane

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0470/O advising that it was recommended for refusal.

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

Councillor B McGuigan stated that Mr Cassidy had made a request to speak but had to leave the meeting earlier.

Proposed by Councillor Glasgow
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/0470/O be refused on grounds stated in the officer's report.

LA09/2019/0569/O Site for farm dwelling and domestic garage 35m ENE of 22 Dirnan Road, Dirnan, Cookstown for Mr Noel Conway

Members considered previously circulated report on planning application LA09/2019/0569/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/0569/O be approved subject to conditions as per the officer's report.

Matters for Information

P147/19 Minutes of Planning Committee held on 5 November 2019

Members noted minutes of Planning Committee held on 5 November 2019.

P148/19 Receive Report on Non-Determination Appeal Decision

The Head of Development Management presented previously circulated report which advised of an Appeal decision dated 8 November 2019 (2019/E0008) relating to the non-determination of a CLUD (Certificate of Lawful Use/Development) at the Jungle NI, Desertmartin Road, Moneymore.

Councillor Cuthbertson left the meeting at 8.56 pm.

The Planning Manager stated that he did not feel this decision sorted anything out.

The Council Solicitor stated that any discussion would be best left until an application is brought forward to the Committee for determination.

P149/19 Receive Update on Ammonia – UFU

The Planning Manager presented previously circulated report which provided an update in relation to correspondence between Council and Ulster Farmer's Union with regard to Ammonia emissions.

The Planning Manager referred to the two different definitions on what is significant impact and advised that officers would be considering such applications on a case by case basis.

Councillor Kearney stated that if a meeting can be set up then NIAPA should also be invited.

Councillor McKinney thanked officers for their efforts in trying to set up a meeting and stated that relevant applications already in the system should not be held back.

The Planning Manager stated that common sense needs to come into the equation and that the situation ultimately needs to be addressed.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Brown
Seconded by Councillor Robinson 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 P150/19 to P155/19.

Matters for Decision

P150/19 Receive Report on Consultation from Mid and East Antrim Borough Council on their Draft Plan Strategy

Matters for Information

P151/19 Special Planning Committee (Development Plan) Confidential Minutes held on 30 October 2019

P152/19 Confidential Minutes of Planning Committee held on 5 November 2019

P153/19 Special Planning Committee (Development Plan) Confidential Minutes held on 19 November 2019

P154/19 Enforcement Cases Opened

P155/19 Enforcement Cases Closed

P156/19 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.10 pm.

Chair _____

Date _____

Report on	Correspondence from Department of Infrastructure regarding Planning applications (H/2009/0264/O, H/2009/0270/F & H/2009/0271/LB) at the Former William Clark and Sons Linen Mill Complex at Upperlands, Maghera.
Date of Meeting	7 th January 2020
Reporting Officer	Sinead McEvoy – Head of Development Plan
Contact Officer	Chris Boomer – Planning Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to provide members, with a copy of correspondence received from Department of Infrastructure regarding planning applications (H/2009/0264/O, H/2009/0270/F & H/2009/0271/LB) at the Former William Clark and Sons Linen Mill Complex at Upperlands, Maghera.
2.0	Background
2.1	Members will recall that the at the September 2019 Planning Committee meeting a report was presented, setting out the Departments (DfI) decision to issue Notices of Opinion (NOP) to approve development of the former Clark's Linen Mill in Upperlands.
2.2	At that meeting, it was agreed that a response issue to the Department to welcome the NOP, but demand an examination unless the Department can reassure us that the number of homes approved would not affect our HGI or designations adversely in relation to other settlements. That response issue to DfI on 10 th September 2019.
3.0	Main Report
3.1	The correspondence attached at Appendix 1 is a letter from DfI to Mr Sammy Wilson MP, in relation to the NOP's, to which we have also been copied in.
3.2	Members will note from the attached letter that the Department have asked the PAC to convene a hearing in respect of these applications, and that the relevant papers have been submitted to them.

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None identified at this time.
	Human: None identified at this time.
	Risk Management: None identified at this time.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified at this time.
	Rural Needs Implications: None identified at this time.
5.0	Recommendation(s)
5.1	That members note the content of this report and the attached letter at Appendix 1.
6.0	Documents Attached & References
	Appendix 1 – Letter from Department for Infrastructure, Strategic Planning Directorate.

Strategic Planning Directorate



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

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Your reference: SW/SL/19/6488
Our reference: DfIPG 154/19
COR-0553-2019

11 December 2019

Dear Mr Wilson

Re: Planning Applications (Refs. H/2009/0264/O, H/2009/0270/F & H/2009/0271/LB) at the Former William Clark and Sons Linen Mill Complex at Upperlands, Maghera

Thank you for your email dated 22 November 2019 regarding the above planning applications.

I can confirm that our development management report, which accompanied the Department's Notice of Opinion to approve the application, addressed in some detail the concerns raised by the Council in relation to housing allocations. In summary this report clearly advised of our view that whereas the number of units proposed is significant for Upperlands itself, it is not considered significant in the overall context of the district and would not pre-determine decisions about the scale and location of new development which can still be taken in the Local Development Plan Context. Paragraph 3.21 of the report illustrates that the number of new dwellings proposed as part of this development is not significant in numerical or percentage terms.

The report also advised of our view that the fundamental justification for the proposal is the enabling argument – that is the preservation of a unique heritage asset in line with current policy and that the proposal would not prejudice the outcome of the plan process. Notwithstanding this response to their concerns the Council requested a hearing before the Planning Appeals Commission (PAC).

E-mail: planning@infrastructure-ni.gov.uk
Website: www.planningni.gov.uk

As the Permanent Secretary advised, the Council's Plan Strategy is a draft document and the housing allocation may be subject to change as it progresses through the stages towards adoption. The Department will be ultimately required to consider the recommendations of the PAC following the Independent Examination and will direct the Council to adopt the plan with or without modifications.

At this early stage in the plan process, we are therefore unable to give the firm assurance to the Council that they appear to be seeking on the housing allocations. To do so could prejudice the debate at the independent examination and undermine the Department's position when deciding whether the plan document should be adopted.

As we cannot add to what the development management report has stated generally we have asked the PAC to convene a hearing to hear the Council's grounds for concern. The Department has submitted the relevant papers to the PAC. We acknowledge the applicant's frustration and trust that the matter will progress as quickly as possible through the hearing process.

I trust this information addresses your queries. As a courtesy, I am copying this response to Mid Ulster District Council.

Yours sincerely



Alistair Beggs
Director

CC Anthony Tohill, Chief Executive, Mid Ulster District Council

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