Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 9 January 2023 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Mallaghan, Chair Councillors Black, Bell, Brown, Clarke*, Colvin*, Corry, Cuthbertson, Martin*, McFlynn, McKinney, D McPeake*, S McPeake*, Robinson
Officers in Attendance	Dr Boomer, Service Director of Planning Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Mr Marrion, Senior Planning Officer Mr McClean, Senior Planning Officer Mr McKeown, Senior Planning Officer Ms Scott, Council Solicitor Ms McNamee, ICT Support** Mrs Grogan, Democratic Services Officer
Others in Attendance	LA09/2021/0933/F Joe Diamond*** LA09/2021/1093/F Tom Stokes*** LA09/2021/1173/F Cllr Molloy*** LA09/2022/0194/F Joe Diamond*** LA09/2022/1106/F Damian McMurray LA09/2022/1393/F Joe Diamond*** LA09/2022/1466/F Philip Caddoo*** LA09/2022/1543/O Kieran Wilson*** LA09/2021/1618/F Les Ross*** LA09/2021/1678/F Cllr Molloy*** LA09/2022/0168/O Chris Cassidy*** Councillor Gildernew***

* Denotes members and members of the public present in remote attendance
** Denotes Officers present by remote means
*** Denotes others present by remote means

The meeting commenced at 7.04 pm

The Chair, Councillor Mallaghan wished everyone a Happy New Year and also welcomed Councillor Mark Robinson to his first meeting of the Council since he was co-opted and hoped that his father enjoys a long and happy retirement.

P001/23 Apologies

Councillor Glasgow.

P002/23 Declarations of Interest

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

P003/23 Chair's Business

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

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

The Head of Development Management 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applications which were on the agenda for determination and sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting–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 5.13 – LA09/2022/0194/F - 2 agricultural sheds for machinery and feed storage, including photo voltaic panels on southern facing roofs at approx. 40m SW of 14 Bancran Road, Draperstown for Danny Hegarty

Agenda Item 5.14 – LA09/2022/0196/F - Demolition of existing dwelling and erection of new dwelling at 29 Tobermore Road, Magherafelt for Cathy McKeefry

Agenda Item 5.15 - LA09/2022/0398/F - 3 Dwellings within existing approved housing development at existing Mulinderg Housing Development at approx 20m NE of No.8 for Corramore Construction

Agenda Item 5.18 – LA09/2022/1077/F - 2 storey dwelling and domestic garage at 30m SW of 55 Springhill Road, Ballindrum, Moneymore for Mark Henry

Agenda Item 5.21 – LA09/2022/1181/O – Site for dwelling and domestic garage at 70m NW of 14 Maghera Road, Tobermore for Hugh Bradley

Agenda Item 5.22 – LA09/2022/1277/F – Infill dwelling and garage at lands approx. 7m E of 20 Ballymacpeake Road, Portglenone for Feargus Quinn

Agenda Item 5.23 – LA09/2022/1294/O – Site for dwelling and domestic garage at lands approx. 35m N of 12 Drumard Road, Kilrea for Colm Bradley

Agenda Item 5.30 – LA09/2022/1561/O – Site for dwelling and domestic garage at lands approx. 30m S of 26 Grillagh Hill, Maghera for Malachy Scullin

Proposed by Councillor Bell
Seconded by Councillor McFlynn and

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

Matters for Decision

P004/23 Planning Applications for Determination

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

LA09/2020/1306/F Renewal of Planning Permission for Residential Development Comprising 24 Semi Detached Dwellings and 26 Townhouses and 1 Apartment at Land to Rear of 52 West Street, Stewartstown for Ramsey Stewart

Members considered previously circulated report on planning application LA09/2020/1306/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Corry and

Resolved That planning application LA09/2020/1306/F be approved subject to conditions as per the officer's report.

LA09/2021/0453/F Portal Frame Storage Shed to Store Equipment from AD Plant Adjacent and 70m S of 3 Gortnaskey Road, Draperstown for Lodge Renewables, Draperstown for Lodge Renewables

Members considered previously circulated report on planning application LA09/2021/0453/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/0453/F be approved subject to conditions as per the officer's report.

LA09/2021/0798/F 2 Storey Dwelling and Detached Garage Adjacent to an Established Farm-Yard (linked to LA09/2017/1550/O) at 140m NW of 115 Tulnacross Road, Cookstown for Ruairi Quinn

Members considered previously circulated report on planning application LA09/2021/0798/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0798/F be approved subject to conditions as per the officer's report.

LA09/2021/0887/F Housing Development & Associated Works, Comprising 4 Detached Dwellings & Provision of a layby fronting 2 Stiloga

Road, Dungannon to be used as a Drop of Point for Rainbow Community Childcare Group at lands immediately S and approx. 15m W of 2 Stiloga Road, Dungannon for PKJ Construction Ltd

Members considered previously circulated report on planning application LA09/2021/0887/F which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0887/F be approved subject to conditions as per the officer's report.

LA09/2021/0933/F Detached Home Office to Rear Existing Dwelling at 1A Cabragh Heights, Lurganagoose, Knockloughrim for Colm Roddy

Members considered previously circulated report on planning application LA09/2021/0933/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0993/F be approved subject to conditions as per the officer's report.

LA09/2021/1093/F Extension to the Existing Woodmarque Factory to facilitate the Erection of 2 No. Manufacturing/Warehouse Units (Class B2/B3/B4), ancillary offices and research and development accommodation; new on-site treatment works, security offices, electricity substation, silo, car parking and service areas, access improvements and all associated site works and landscaping at lands surrounding the existing Woodmarque Architectural Joinery Unit, 16 Mullaghbane Road, Greystone, Dungannon for Woodmarque

Members considered previously circulated report on planning application LA09/2021/1093/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1093/F be approved subject to conditions as per the officer's report.

LA09/2021/1173/F Light Industrial Development including Site Works and new access at site adjacent & SW OF 32 Coalisland Road, Lurganboy, Dungannon for M Clarke

Members considered previously circulated report on planning application LA09/2021/1173/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/1173/F be approved subject to conditions as per the officer's report.

LA09/2021/1328/O Off Site Replacement Dwelling and Ancillary Domestic Garage at 215m W of 12 Tobermesson Road, Benburb for Messrs John and Thomas Madden

Members considered previously circulated report on planning application LA09/2021/1328/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Brown and

Resolved That planning application LA09/2021/1328/O be approved subject to conditions as per the officer's report.

LA09/2021/1547/F Winning & Working of Minerals (sand & gravel) across phases 1 to 3 only and over a temporary period of 7 years and 6 months. The development includes the provision of a new access to Knockmany Road, Internal Haul Road and landscaped earth berms, with progressive restoration to agriculture at a lower level (re-advertisement) at lands to the E & W of 53 Knockmany Road, Augher, for Campbell Contracts Ltd

Members considered previously circulated report on planning application LA09/2021/1547/F which had a recommendation for approval.

Councillor Cuthbertson advised that whilst glancing through the papers he noticed that the Planners report was fairly lengthy in its decision. He enquired whether the Planners were content that this would not have any effect on the Knockmany site in which Council were promoting as it was boundarying Knockmany Forest.

The Strategic Director of Planning (SD: Planning) advised that there were concerns regarding this as Campbells were a large quarrying company in the area boundarying Fermanagh & Omagh which could have been a concern due to the area they cover. Officers had consulted with our Recreation Department and they did not raise any concerns. What the scheme does show was quite a bit of landscaping along the front and it was his understanding that this landscaping had to be completed before the mineral extraction. It was also his understanding that this had to be done in two phases for both sides.

Councillor Cuthbertson said that this was all road frontage and would not be feasible to have this all opened up all at the one time. He felt that this would be an ideal

proposal for a site visit and was unaware of any pressure being put on the candidate or not.

Ms Doyle (SPO) advised that there were restoration conditions listed within the report which were timebound. She referred to Condition 12, phases 2 and 3 & restoration Phases 2 and 3, & Restoration as annotated on drawing numbers 04, 05, 06 & 07 which were date stamp received 22nd October 2021, shall not commence until the screening bunds as shown on Drawing Number 03 and a number of other restoration works. Phases 1, 2 & 3 shall be completed within 9 years of mineral extraction. Condition 6, restoration works shall take place on a progressive basis in accordance with the details indicated. She advised that there was no emphasis on specific landscaping but that the restoration would include the landscaping.

The SD: Planning agreed that the proposal did sit beside the road and the forest and would be useful to see the phasing first and quite right that it should be looked at.

Councillor Cuthbertson said that this application would be ideal for a site visit as it would indicate where the new site entrance would be.

The SD: Planning referred members to overhead site plan and took them through each phase of the development.

Mr McClean (SPO) advised that initially the application was received for 4 Phases, but this had now been reduced to 3 Phases which were all located to the West. He stated that the extraction part on Phase 4 was removed but before excavation in Phase 1 there were works to be carried out to the East for Phase 4. He referred to the map and indicated that everything to the West was Phase 1, 2 & 3 and everything to the East was Phase 4. He advised that there was not going to be any excavation in Phase 4 but would be pre-commencement works such as bunds and landscaping included so that the excavation in Phase 1, 2 & 3 will be screened from public view.

The SD: Planning said that he could see woodland planting etc on the overhead map and asked if it was feasible to have this landscaping done before excavation takes place.

Ms Doyle (SPO) referred to Condition 4 "*No commencement of mineral extraction hereby approved shall take place until all site praparity works, including landscaping and screening bunds, have been put in place in accordance with details indicated on drawings No. 03 and 09 date received 22.10.2021, and as described in 4.8.1 of the Environmental Statement".* She advised that before commencement of Phase 1, landscaping and bunds have to be in place.

The SD: Planning advised that when this first submitted, it was for the whole development which he felt was a bit too much for this area as it was in the Clogher Valley which was an attractive area with woodlands surrounding it and had raised concerns. He said that it was next to the main road and the applicant needs to carry out this bunding to protect it and obviously there is woodlands all around it. He said to answer the question whether it would be visible from the road, he said that of course it would as the bunding would be messy at the start as it was only a heap of topsoil until

trees and shrubs were planted but hoped that over a period of 5 to 6 years that there could be adequate screening at the location.

Mr McClean (SPO) advised that when the agent was carrying out their visual landscape assessment decided to do the first Phase to the North of the site which isn't adjacent to the road because the visual impact of the development/excavating would have a less of a visual impact rather than just making the access excavation directly adjacent to the road. He said what the applicant was actually proposing was to create a roadway at the very back of the site and excavating from the North towards the road and their progression restoration would mean a less of a visual impact from the public road.

The SD: Planning advised members that officers were treating this application as an exception due to the level its being brought to as planning would be quite entitled to refuse it as it currently was in an area of mineral constraint as this could be done on a small scale in a short time. He said that he was quite confident that this was not in an area of mineral extraction on the new plan.

Mr McClean (SPO) said that it was his understanding that this was in both.

The SD: Planning said that the view could be taken that this could occur as it was surrounded by the forest and treating this application as an exception.

Councillor Cuthbertson said that he was familiar with the area and would be concerned as within a half mile radius over this past 40 years there had been a lot of extractions including the other side of the road. To the left-hand side of the overhead map, only 150 – 250m away from the entrance to Knockmany which was developed in recent years and there was an open sandhole which hasn't been touched this past 20-30 years facing the road on a steep hill.

Councillor Cuthbertson felt that it would be useful for the committee to see the proposal on the ground first before approving the application.

Proposed by Councillor Cuthbertson
Seconded by Councillor Brown and

Resolved That planning application LA09/2021/1547/F be deferred for a site visit with Members.

LA09/2021/1698/F Vehicular Entrance at 41 Drumard Cross Road, Dungannon for Gary Jennings

Members considered previously circulated report on planning application LA09/2021/1698/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/1698/F be approved subject to conditions as per the officer's report.

LA09/2022/0032/F First Floor Office Extension to contain new staircase additional office and amenity space at 2 St Patrick's Street, Draperstown, Magherafelt for Heron Brothers Ltd

Members considered previously circulated report on planning application LA09/2022/0032/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Corry and

Resolved That planning application LA09/2022/0032/F be approved subject to conditions as per the officer's report.

LA09/2022/0177/F Variation of Conditions 7 & 8 of planning approval LA09/2020/0376/F at 140m NW of 4 Maghadone Road, Moneymore for Splash (Ireland) Ltd

Members considered previously circulated report on planning application LA09/2022/0177/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0177/F be approved subject to conditions as per the officer's report.

LA09/2022/0194/F 2 agricultural sheds for machinery and feed storage, including photo voltaic panels on southern facing roofs at approx. 40m SW of 14 Bancran Road, Draperstown for Mr D Hegarty

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

LA09/2022/0196/F Demolition of existing dwelling and erection of new dwelling at 29 Tobermore Road, Magherafelt for Cathy McKeefry

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

LA09/2022/0398/F 3 dwellings within existing approved housing development at existing Mullinderg Housing Development at approx. 20m NE Page 3 of 584 of No.8, Moneyneany, for Corramore Construction

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

LA09/2022/0542/F Upgrade to the existing milk reception/priority planning application including 2No. 300m3 water storage tanks approx. 6.5 diameter and 9m high plus pumping set for 2No 200m3 RO polished water storage tanks approx. 6.5m diameter and 6m overall height. Extension to existing CIP canopy to provide 3No. tanker washing facilities and demolition of existing disused office building and relocation of existing weigh-bridge, Extension to existing milk intake bays to provide 3No. milk intake bays and replacement of 6No. existing milk silos highlighted to be replaced with 6 new 250000l silos. at Dunmanbridge, 141 Moneymore Road, Cookstown for Dale Farm Ltd

Members considered previously circulated report on planning application LA09/2022/0542/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McKinney and

Resolved That planning application LA09/2022/0542/F be approved subject to conditions as per the officer's report.

LA09/2022/0716/F Dwelling and garage adjacent to 60 Sixtowns Road, Draperstown for Gavin and Senitta Scullion

Members considered previously circulated report on planning application LA09/2022/0176/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Corry and

Resolved That planning application LA09/2022/0716/F be approved subject to conditions as per the officer's report.

LA09/2022/1077/F 2 Storey Dwelling and Domestic Garage at 30m SW of 55 Springhill Road, Ballindrum, Moneymore for Mr Mark Henry

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

LA09/2022/1106/F Replacement Dwelling and Carport at 5 Greenvale, Cookstown for Mr Odhran McCracken

Ms McKinless (SPO) drew attention to the previously circulated report on planning application LA09/2022/1106/F which had a recommendation for approval. She advised that additional information was submitted late this evening by one of the objectors supporting his claim that the laneway was a right of way which was included in the addendum.

The Chair referred to information in the addendum relating to the Title Deeds and maps included and enquired what this provides the committee.

Ms McKinless (SPO) advised that these were provided by one of the objectors basically indicating the claim to support that the laneway is right of way and as such should be retained. She said that there were queries during the application whether it was a public or private right of way and as it stands there is no development or planting obstructing the right of way. She said that Officers were happy in terms of policy.

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

Mr McMurray thanked the members for allowing him the opportunity to address the committee tonight. He apologised for submitting additional information at such late notice as it was only made available to him from the planners in the last few days. He advised that he had resided at No. 11 Drumvale Avenue for almost 25 years and during that time it has been a public right of way. He said that he had absolutely no objections to the house being replaced but his objection was to have the right of way retained the way it was and when he put up his retaining wall the previous owner had stated that it was right of way and when he went to Land Registry last Friday to see what the documents were it showed that the reason why they right of way wasn't on the new document was because the solicitors did not fill in the parts of the form in the document. He referred to the last page of the map which clearly shows the right of way. He said that the new solicitors did not fully complete their role as this was a right of way to the old estate of the Greenvale Hotel and during the time he had lived at his home everyone had walked through it from various estates. His concern was the application which was submitted it indicated a new line of hedges adjacent to his retaining wall which over 15 years could grow causing detrimental damage to his wall. He said that he worked for Building Control in Derry & Strabane Council and was all to aware the effect trees and roots have on retaining walls and his concern was whose responsibility it will be if the wall deflects and collapses as his drainage lines go through that. He asked who was going to stand over a damaged/collapsed wall or a hedge of Portuguese Laurel growing to 2 metres high and asked why the original right of way cannot be retained.

The SD: Planning said that there were two distinct issues. One related to a right of way and if this is a private right of way then Council does not come into play and this is an issue between the parties concerned, but if it is a public right of way, then Council does have a responsibility to take that into account in reaching a decision. He said that obviously there is nothing from stopping someone from building on someone else's land and this is between the parties to find a solution. He referred to the retaining wall and enquired why objector felt it was at risk.

Mr McMurray advised that the proposed hedge will be adjacent to his retaining wall and if it was shrubs or trees like Portuguese Laurel or something similar then the roots of these species will move and damage his retaining wall and enquired who will stand over the repair of the wall.

The SD: Planning said that in planning terms, the department does not give permission to plant hedges or not to plant hedges. Clearly if a bit of retaining wall is built on another piece of land what is under your control then it's your responsibility and was sure the objector was aware that a retaining wall was not the remit of

planning. In this instance Planning cannot stop someone from planting hedges against the retaining structure but can ask for the hedge which was proposed to be removed from the plan and it was obvious that there was no building taking place on the right of way. Officers could request that the tree/hedge planting be pulled back and the land kept free as it was not affecting by this proposal and this was as far as planning could go to address the objector's concerns.

In response to objector's query regarding the height of the hedge, the SD: Planning advised that officers would request that these are not shown on the plans. When officers ask for hedges and trees to be included in plans, this is usually done to keep with the character of the area which is usually in the countryside or screening within a town, but in this instance this is not a public interest either way. He felt if this was removed from the plans then this would address the objector's concerns which would be authorised by officers, but they wouldn't step in and get involved and in this instance. He suggested a deferral for submission of amended drawings from the agent.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn

Resolved That planning application LA09/2022/1106/F be deferred for submission of amended drawings from the agent.

All members present declared an interest in planning application LA09/2022/1149/F.

LA09/2022/1149/F **Public realm improvements comprising the resurfacing of existing footpaths and spaces; new/replacement tree planting; new street and feature lighting; new/replacement street furniture and railings; reconfiguration of ingress/egress points at the car park on the Coleraine Road; reconfiguration of on-street parking and realignment of roadside kerbs; a new pedestrian crossing on Lower Main Street; and all associated site works at Lands Adjacent To 1-5 Glen Page 4 of 584 Road, 2-122 Main Street, Maghera Day Centre, 2-53 Coleraine Road, 2-48 Hall Street, 1-19 Fair Hill, 2-12 Bank Square, 1-6 Martins Terrace, 1-43 Church Street, 20 Tirkane Road, 7 Meeting House Avenue, Maghera for Mid Ulster District Council**

Members considered previously circulated report on planning application LA09/2022/1149/F which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor Bell and

Resolved That planning application LA09/2022/1149/F be approved subject to conditions as per the officer's report.

LA09/2022/1181/O Site for Dwelling and Domestic Garage at 70m NW of 14 Maghera Road, Tobermore for Mr Hugh Bradley

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

LA09/2022/1277/F Infill dwelling and garage at lands approx 7m E of 20 Ballymacpeake Road, Portglenone for Mr Feargas Quinn

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

LA09/2022/1294/F Site for Dwelling & Domestic Garage at Lands approx. 35m N of 12 Drumard Road, Kilrea for Mr Colm Bradley

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

LA09/2022/1393/F 2 Detached Dwellings 1 accessed via Glen Road and 1 accessed via Glen Gardens at 20m E of 62 Glen Road, & Glen Gardens off Glen Road Maghera for Mr Bernard O'Loughlin

Members considered previously circulated report on planning application LA09/2022/1393/F which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor Bell and

Resolved That planning application LA09/2022/1393/F be approved subject to conditions as per the officer's report.

LA09/2022/1414/O Site for Dwelling and Garage adjacent and S of 197 Drumagarner Road, Kilrea for Mr Terence Birt

Members considered previously circulated report on planning application LA09/2022/1414/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1414/O be approved subject to conditions as per the officer's report.

LA09/2022/1417/O Site for Dwelling and Garage adjacent and S of 199 Drumagarner Road, Kilrea for Mr Terence Birt

Members considered previously circulated report on planning application LA09/2022/1417/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1417/O be approved subject to conditions as per the officer's report.

LA09/2022/1466/F Renovation works to include side and rear extensions with attic conversion at 8 Ballyreagh Road, Ballygawley for Mr Peter Somerville

Mr Marrion (SPO) presented a report on planning application LA09/2022/1466/F advising that it was recommended for refusal.

The Chair said that it was his understanding that the principle of the development has been met and this was simply down to the design feature of the windows on the second floor.

Mr Marrion (SPO) agreed that this was the case as it was just the two windows on the front elevation of the property.

The Chair advised that a request to speak in favour of the application had been received and invited Mr Caddoo to address the committee.

Mr Caddoo said that after deliberation felt that it may be better to proceed with a deferral. He said that due to the circumstances they had looked around due to it being stated within the report that the proposal was out of character in the surrounding area and it was evident that there were quite a few house with dormers, with one beside a listed building as the house itself has dormers. He felt that this may be a case where there could be a bit of play and the applicant's view on it was that it actually helps the house as it has a very steep pitch roof. He said that the case officer had indicated that usually they don't usually permit these roof lights unless they come off the front wall as a traditional dormer which was simply not an option in this case as the pitch of the roof would make it more strikingly obvious.

He said that he would welcome a deferral or discussions with officers to see if there was any movement on it at all rather than going with the roof lights.

In response to a query regarding liaising with Historical Buildings, Mr Marrion (SPO) advised that there was no consultation with them due to the fact the at the building was some distance away.

The SD: Planning said that whilst it can be seen from the main road, it looks to be fair distance away.

He said that Building Control recommends a means of escape and enquired how this would be achieved.

Mr Caddo referred to the front elevation which is actually one bedroom in that area where a window was added to the gable wall. He said that essentially that this is a roof and felt that it would help the building as they were symmetrical and place over the openings.

The SD: Planning said that officers do not want someone not to be making improvements to their own home but would take the view that this was so minor that he wouldn't be that worried about it as it was a building post war and not harming its rustic or origin of character. He felt that distance from the listed building was also substantial and was not too worried.

Councillor Cuthbertson advised members that he travels the Dungannon Road each day and was well aware where the old cottage was and also knew that it wasn't linked to the old barn which is the listed building. In his mind's eye it's not really visible from the road and was only a small typical high cottage and didn't see an issue and if there were any issues, he was confident that Building Control would pick it up.

Councillor Cuthbertson said that he would be happy to overturn the recommendation as an exception.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2022/1466/F be approved.

LA09/2022/1476/RM Dwelling (LA09/2021/0994/O) adjacent to 21 Tullyveagh Road, Doorless ,Cookstown for Mr Patrick Conlon

Members considered previously circulated report on planning application LA09/2022/1476/RM which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1476/RM be approved subject to conditions as per the officer's report.

LA09/2022/1543/O Dwelling adjacent to 11 Gort Road, Coagh for Mr Patrick Wilson

Members considered previously circulated report on planning application LA09/2022/1543/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Bell and

Resolved That planning application LA09/2022/1543/O be approved subject to conditions as per the officer's report.

LA09/2022/1561/O Site for dwelling & domestic garage at approx. 30m S of 26 Grillagh Hill, Maghera for Mr Malachy Scullin

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

Receive Deferred Applications

LA09/2020/0122/F Housing Development (34 units), foul water treatment works and associated site works at Lands between Killymeal Grange and Dunlea Vale (Former Oaks Park Stadium) Dungannon for Landmark Homes (NI) Ltd

Members considered previously circulated report on planning application LA09/2020/0122/F which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0122/F be approved subject to conditions as per the officer's report.

LA09/2020/0428/F 1 No. detached dwelling and 2 No. semi-detached dwellings (two storey) adjacent to 86 Coleraine Road, Maghera for Mr Michael Young

Members considered previously circulated report on planning application LA09/2020/0428/F which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0428/F be approved subject to conditions as per the officer's report.

LA09/2020/0561/F Unit for valeting and cleaning of cars (amended plans) at 15m SE of 82 Corr Road, Dungannon for Dan McNulty

Members considered previously circulated report on planning application LA09/2020/0561/F which had a recommendation for approval.

Councillor Cuthbertson said he was sure that he was speaking regarding the right location. He referred to a very bad sightline and felt that it would be beneficial for the developer to tie something in as it would be in everyone's best interests to remove the hedge as it was obstructing the view coming onto the junction at the A45 Ballynakelly Road close to the Cohannon Inn.

The SD: Planning enquired if Roads Service was consulted.

Mr Marrion (SPO) advised that Roads Service were consulted re Access onto Corr Road, as it was a public road. He advised that it wasn't part of the proposal and Roads Service have been consulted regarding access onto Corr Road.

Proposed by Councillor Bell
Seconded by Councillor McFlynn

Resolved That planning application LA09/2020/0561/F be approved subject to conditions as per the officer's report.

Councillor Black left the meeting at 7.58 pm.

LA09/2021/0146/O Site for 2 storey dwelling and garage with use of existing entrance to the Drum Road between 167 Drum Road and Oakland Villas at Site Between Oakland Villas and 167 Drum Road, Cookstown for Philip And Judith Mitchell

Members considered previously circulated report on planning application LA09/2021/0146/O which had a recommendation for approval.

Councillor Black returned to the meeting at 8 pm.

Proposed by Councillor Brown
Seconded by Councillor Bell and

Resolved That planning application LA09/2021/0146/O be approved subject to conditions as per the officer's report.

LA09/2021/0599/O 2 infill detached dwellings and detached garages, shared access onto Rogully Road and landscaping adjacent and NW of 6 Rogully Road, Loup, Moneymore for Ashling McNicholl

The Chair referred to previously circulated report on planning application LA09/2021/0599/O which had a recommendation for refusal. He advised that a request had been made about raising this item in confidential business but because no concerns had yet been raised with the Planning Department in terms of a need i.e. medical or whatever the case might be, this cannot be accommodated. He advised that if this evidence is provided at some later stage perhaps if this goes to a site visit or whatever the case may be, then this can be considered if it was to be heard again.

The Chair advised that a request had been made for a meeting on site with the Planning Committee. The request reads that the applicant wishes to have an office meeting on site, but it has been made clear to the agent that this was not an option, and a site visit was the only option to allow committee members the opportunity to look and see what the circumstances were.

Councillor McKinney felt in these circumstances it may be beneficial to have a site visit and if the agent and applicant wishes to address the issues with some of the officers or requests an office meeting, then so be it.

The SD: Planning advised that an office meeting had already taken place.

He said that the arguments were crystal clear and quite reasonable for a situation like this one for members to go out and look at the site for themselves. In a situation like this it was important to stress that there was something here which was quite unusual

to come to committee and ask for this to go into closed business without giving an explanation why as this was against planning's basic principles as it was important to have an open and transparent process. If they were seeking this request for one house it shouldn't reflect on the other houses. He stated that he had no objections to what the member has said but the meeting with officers has already occurred and if there was something to be brought to light then this should have been done. He said that he was raising this as there seemed to be the assumption that there could be endless bites of the cherry, which was not the case, as an office meeting requires everything to be written down which they wish to be considered as there was a need to keep planning applications moving.

Councillor McFlynn advised that she wished to make people aware that there may be family circumstances relating to this one and said that it was her that approached the Chair seeking that it be raised in confidential business and said that this was her fault. She apologised in the instance of not following the correct procedure.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0599/O be deferred for a site visit with Members.

LA09/2021/0905/O 2 Detached Dwellings and wastewater treatment plant (Revised Concept Scheme) to rear of 9-11 Killyveen Park, Granville, Dungannon, for Jim Fay

Members considered previously circulated report on planning application LA09/2021/0905/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0905/O be approved subject to conditions as per the officer's report.

LA09/2021/1302/F Infill dwelling and domestic double garage at approx. 35m NW of 92 Lisaclare Road, Stewartstown for James Coyle

Members considered previously circulated report on planning application LA09/2021/1302/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1302/F be approved subject to conditions as per the officer's report.

LA09/2021/1618/F Storage shed, yard repositioning of existing saw and associated ancillary works adjacent to 51 Knockanroe Road, Cookstown for Reid Engineering Ltd

Members considered previously circulated report on planning application LA09/2021/1618/F which had a recommendation for approval.

Councillor Black declared an interest in above application.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2021/1618/F be approved subject to conditions as per the officer's report.

LA09/2021/1678/F Two storey dwelling and attached garage at S of 179 Coash Road, Killyman, Dungannon for Stephen Mc Aliskey

Cllr McKinney left the meeting at 8.05 pm.

Mr Marrion (SPO) presented a report on planning application LA09/2021/1678/F advising that it was recommended for refusal.

Cllr McKinney returned to the meeting at 8.09 pm.

The Chair advised that a request to speak in favour of the application had been received and invited Councillor Molloy to address the committee.

Councillor Molloy said that he was aware of the significant work and complications around the design of this dwelling to get it to where it looks now with several changes back and forth. He agreed that it was slightly different to the other dwellings around the area but when he drives around the countryside in this area, not too far away he sees multiple slightly different looking buildings which have been passed by this Council. If we were splitting hairs and not on ridge height which was originally a problem and right down now from ascetics to looking at equal ridge heights across the three buildings. He said that this was a young couple coming into settle within the area and had put forward a more modern design and felt there was a need for Council to be looking at this on the realm of it.

The Chair said that he recalled this raised the last time and one of the concerns from the drawing was that the architect had indicated that the ground levels were lower for the proposed site than what existed. He said that unfortunately he did not make the site visit and enquired what was the situation on the ground.

Mr Marrion (SPO) referred to the overhead drawing submitted by the architect there were spot levels showing that the site level does rise and fall, the proposed house itself will involve some cutting to the south part of the site but does not require any retaining structures which was discussed at the original meeting. He advised that site itself would not have the massive excavation that was previously thought.

The Chair sought clarity on the difference of ridge heights between the proposed dwelling and neighbouring dwelling.

Mr Marrion (SPO) advised the difference in ridge heights is less than one metre from between the dwelling on the right-hand side and the dwelling to the left-hand side. The other side the difference in heights is nearly two metres and the small cottage on the left-hand side and the new highest ridge.

The SD: Planning stressed the importance of making sure that a proposal meets the policy.

The Chair said that basically it was down to the fact that this was a two-storey dwelling nestled between two bungalows and the view of the officers is that it was out of character.

The SD: Planning advised that members had been out to see the site.

Councillor Colvin said that he was on that site visit and could understand officers' concerns on the ridge height. He was aware of a conversation with the agent and when you look at the drawing it does appear to look higher and couldn't see how that would change.

Councillor Bell referred to the right of the building where it slopes down towards the bungalow on the left side and assumed that's where it was 2 metres higher than the adjacent. He said it looks to be integrating well on the right-hand side and felt that if this was going to be a sticking point that something similar could be done on the left side therefore it would integrate.

Mr Marrion (SPO) advised that this was one of the first proposals put to the applicant, but they had refused.

The SD: Planning said that it was quite clear to him that if the application was refused the applicant still had the opportunity to go to planning appeals. He advised that if the applicant loses the planning appeal that planning was still open for business.

Proposed by Councillor Bell
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/1678/F be deferred for submission of amended plans.

LA09/2022/0168/O Domestic dwelling and garage in a cluster at 25m N of 2 Coltrim Lane, Moneymore for Mr Mark Hamilton

Ms Doyle (SPO) presented a report on planning application LA09/2022/0168/O advising that it was recommended for refusal.

Bell left at 8.15 pm and returned at 8.17 pm.

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

Mr Cassidy advised Members that in front of them was an overview of the site and the policy under which we are applying. The site itself is outlined in red and is accessed from a laneway adjacent to Chambers Bus yard on the Coldrim Road at the top of the image. This laneway serves two houses, railway carting and has approval for two further houses in the area outlined in blue. He took members through each of the criteria in turn:

Criteria 1- requires that there are at least 4 buildings, three of which are houses. The image shows at least twelve buildings here, three of which are houses as denoted on the image. He said that Council consider this to be correct and accept there is a cluster of development here.

Criteria 2 & 3 - Criteria 2 asks that the cluster appears as visual entity in the landscape and criteria 3 asks that it is associated with a focal point. The image he believed speaks for itself. Railway carting and Chambers bus Hire are long standing features in the landscape here. Many of the members here tonight will pass this site on a weekly or indeed daily basis. The site itself is sandwiched between these two businesses. They are easily identifiable focal points. The laneway that is used to access the site also is used to access Railway Carting. There is nowhere in the policy that states all the buildings in the cluster must read together. The Council accept there is a cluster of development here that meets policy. The question he asked members was to consider is if these two focal points are viewed as separate entities or are they both associated with the cluster of development at this location.

The site is currently bounded by dwellings 1 and 3 in the image. It does not rely on the two approved sites for enclosure. Dwelling 1 bounds the site in its entirety and dwelling 3 bounds it with approx. two thirds of its curtilage.

He felt that an approval here will not alter the character of the area or impact on any surrounding properties. The introduction of this development will lie into the existing cluster and will not encroach into the open countryside. The proposal in his view meets the requirements of the cluster policy and complies with the overall thrust of it. This being the case Mr Cassidy asked members to reconsider the recommendation.

The SD: Planning advised although a lot was said only one key area was addressed stating that it wouldn't change rural character. He said that sometimes you can focus too much on detail and miss the actual point. He said that an infill was granted which was quite generous and these have not been built and the countryside is not a place where you can just accumulate emissions and the whole point of the cluster is what is there exists so when you put something there, it will not change the rural character. He stated that he passed down this road twice every single day and can see quite clearly that it will start to change that character because this was not infilling but filling a line of houses to the front and would be confident if two permissions was granted that this will not end there. He felt in time if this continued that rural character would be changed.

Councillor Brown said that he wasn't familiar with the site but said that it may be beneficial for members to go and visit it.

The SD: Planning advised members that planning was under scrutiny to make planning decisions and didn't object with members going out on site visits and in earlier times it was very sensible, but this is next to a main road which members have passed on a daily, weekly or monthly basis and would be very surprised if a member did not know where this was on the Moneymore Road. He asked members to make some decisions as the Council were inundated with planning applications which cannot be shifted and although sometimes it is unpleasant to refuse applications, there is a need to make those decisions.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2022/0168/O be deferred for a site visit with members.

Matters for Information

P005/23 Minutes of Planning Committee held on 6 December 2022

Members noted minutes of Planning Committee held on 6 December 2022.

Live broadcast ended at 8.30 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McFlynn
Seconded by Councillor Corry 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 P006/23 to P010/23.

Matters for Decision
P006/23 Receive Enforcement Report

Matters for Information
P007/23 Confidential Minutes of Planning Committee held on 6 December 2022
P008/23 Enforcement Live Case List
P009/23 Enforcement Cases Opened
P010/23 Enforcement Cases Closed

P011/23 Duration of Meeting

The meeting was called for 7.00 pm and concluded at 9.00 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.

Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 9 January 2023

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

Chairs Business –

-

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.19	Additional information received from objector	Members to note, matters already considered in report.
6.10	Refusal reasons were omitted from the case officer report as follows: 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape, the cluster is not associated with a focal point or is not located at a cross-roads, the site is not bounded on at least two sides with other development in the cluster and the dwelling	Members to Note

	would if permitted visually intrude into the open countryside. 3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside. The conclusion of the report should read “the application fails to meet four of the six criteria of Policy CTY2a and a refusal is being recommended”. See ortho photography submitted by agent.	

A

Form 1

001523843-003679506-00001-1:F

User Ref: M2753/5(1streg)/Rc/DF

Application by a Solicitor for first registration (rule 11(1))

Land & Property Services.
THE LAND REGISTRY

DATE: 31 May 2022

1. Description of the Land

"The land"

The land shown shown edged red on the map annexed, shown edged red on the map annexed, known as 5 GREENVALE, DRUM ROAD, COOKSTOWN, COUNTY TYRONE and AND THE ADDITIONAL LANDS FORMING PART OF THE LANEWAY LEADING TO THE PREMISES SITUATE IN THE TOWNLAND OF GORTALOWRY PARISH OF DERRYLORAN BARONY OF DUNGANNON UPPER AND COUNTY OF TYRONE, COUNTY TYRONE

2. Applicants

"The applicant"

ODHRAN MCCRACKEN AND NATASHA MCCRACKEN of 4, WESTWOOD PARK, COOKSTOWN, COUNTY TYRONE is full owner

3. Limited Ownership

4.Applicant's estate and class of title sought

Absolute title by virtue of a Conveyance (not being a Conveyance of a Fee Farm Grant) dated 15 August 1994 between Edith Heather Ann Lyle and Anthony James Dardis and Matilda Margaret Dardis. The root of title being a conveyance for monetary consideration more than 15 years old.

Absolute title by virtue of a Conveyance (not being a Conveyance of a Fee Farm Grant) dated 15 August 1994 between Samuel Robert Lyle and Anthony James Dardis and Margaret Matilda Dardis. The root of title being a conveyance for monetary consideration more than 15 years old.

5. Acquisition

The applicant(s) acquired the land on 25 March 2022 by virtue of a deed of Conveyance dated 25 March 2022 between MATILDA MARGARET DARDIS and ODHRAN MCCRACKEN AND NATASHA MCCRACKEN

6.Appurtenant Rights

[NB: Mapping of this right will not be carried out by Land Registry. A note of a claimed appurtenant right will only be registered where the requisite additional fee has been paid.]

7. Easements

[NB: Mapping of this right will not be carried out by Land Registry. A note of the existence of a Schedule 5 burden will only be registered where the requisite additional fee has been paid.]

8. SCHEDULE - BURDENS

Item No.	Particulars of burdens

9. Certificate of Title

I hereby certify as follows:

(a) I act for the Applicant in relation to the land and I have investigated the title fully.

(b) All necessary searches and enquiries have been made.

(c) I believe that the Applicant is in undisputed possession of the land or in sole receipt of the rents and profits thereof and I am satisfied that the land is not subject to any burden requiring entry on the title register except for the matters listed in the Schedule hereto. The applicant is entitled to the benefit of such appurtenant right (if any) as is referred to in Panel 6.

(d) None of the persons named as Applicant is a minor or a bankrupt or the subject of insolvency proceedings or is a company which does not have power to hold, sell, mortgage, lease, or otherwise deal with the land.

(e) I am not aware of any circumstances whereby the Applicant's title may be set aside or impeached in any matter whatsoever under the Insolvency (Northern Ireland) Order 1989.

(f) The person or persons (if any) identified in the Schedule as being entitled to the interest of the mortgagee or chargee under a mortgage or charge is/are entitled to be registered as owner of that mortgage or charge and as solicitor for such person(s) I apply for registration of ownership.

(g) All material information has been supplied and I enclose the documents mentioned in Panels 4 and 5, and mortgage or charge to be registered and any other document mentioned in Panels 6 or 7 or in the Schedule hereto.

(h) The applicant is entitled to be registered as owner of the land for the estate and with the class of title stated above subject only to the burdens listed in the Schedule hereto and I request registration accordingly.

(i) I am applying for an extension of time as the application has not been made within the period specified in Schedule 2 to the Land Registration Act (NI) 1970 by reason of the following accident or sufficient cause:
we require the extension on the basis of completion of registration in Registry of Deeds

Signature of partner or authorised Solicitor: .....
(Signature must be of a qualified Solicitor not that of the firm)

Date 31 May 2022 Name of Firm ... Dons and MacMahon

ACEmap® *Single*

Printed: 10/08/2017 Customer Ref:

Centre Point (Easting, Northing): 280606, 377045

5 GREENVALE, GORTALOWRY, COOKSTOWN, BT80 8QS, 185771103

Scale: 1:1,250

Order no. ORD43501

Plan No. 12407SE3

Licence / Permit No.

A

Folio: TY117644 County: Tyrone Date Searched to: 23/12/2022

Details of Pending Applications:

Application Number	Application Type	Applicant Reference	Applicant	Date Lodged
There are no pending applications.				

Any entries deleted are no longer subsisting

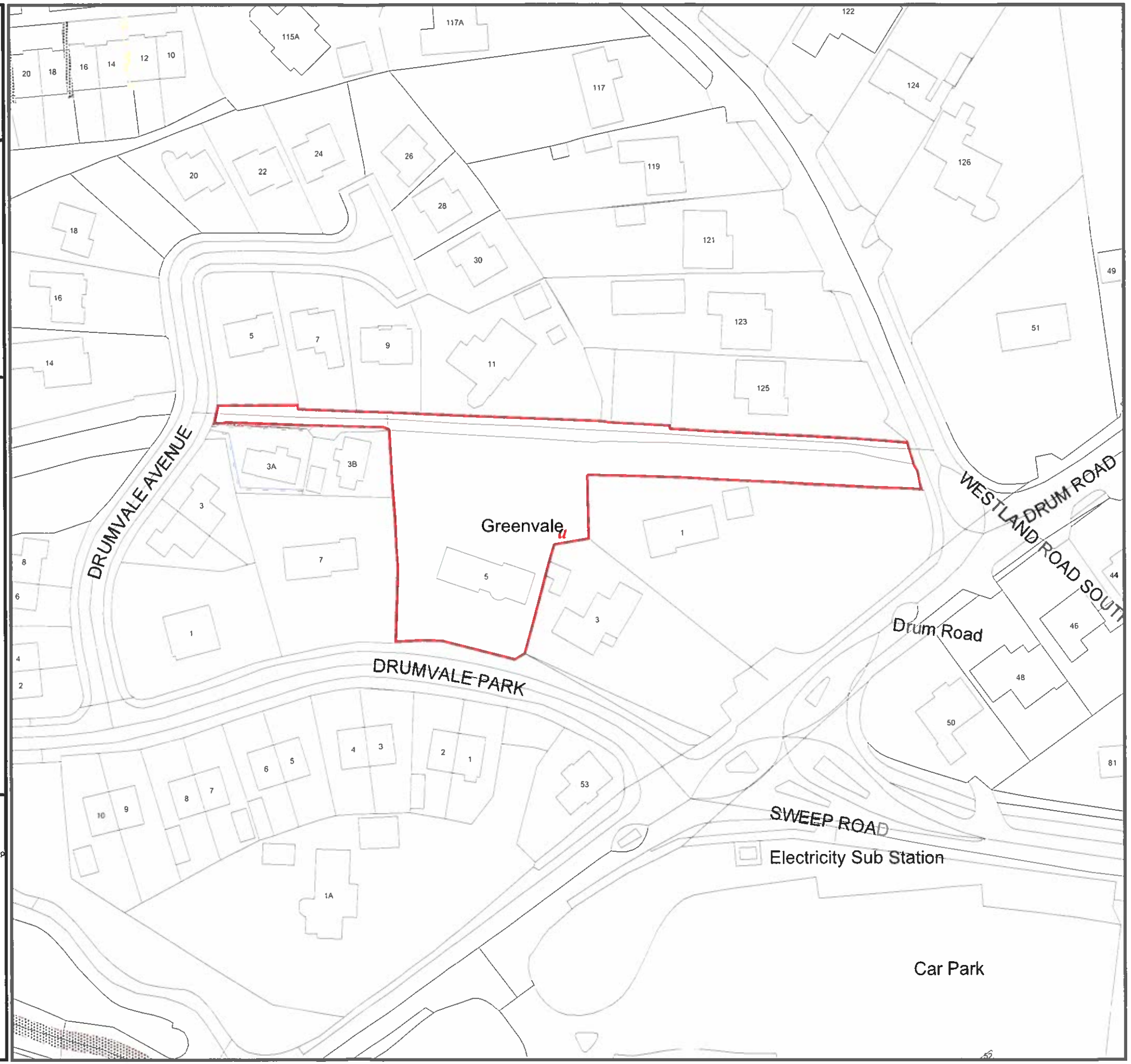
Land & Property Services
Seirbhísí Talún & Maoine
THE LAND REGISTRY | CLÁRLANN NA TALÚN

Date: 06 Jan 2023
County: Tyrone
Folio: TY117644
Scale: 1:1250
Our Ref: 2023/12576
Your Ref: MCMURRAY
Map Ref(s): 12407SE3

Sheet 1 of 1

Key to folio labels:

a - TY117644



This map is for location purposes only (Rule 141(1) of the Land Registration Rule (Northern Ireland) 1994 as amended by paragraph 19 of the Schedule to the Amendment Rules 2000)). Folio boundaries are not guaranteed, (Section 64 of the Land Registration Act(Northern Ireland) 1970). The co-incidence of Land Registry markings and OSNI features may have been affected by revisions of the OSNI map subsequent to registration.

This map has been prepared using the largest scale Land Registry map available for the area. Any future Deed map should be based on the largest scale OS Irish Grid Plan available for the area.
N.B. Folio boundaries are not conclusive (unless so described on the folio). See S64 of the Land Registration Act (NI) 1970. Where there is any doubt concerning boundaries, the original Instrument or Document should be inspected.

This copy map shows the location of the lands comprised in the folio listed above.

N
W E
S

C

C

Dated this 15th day of August 1994

BETWEEN

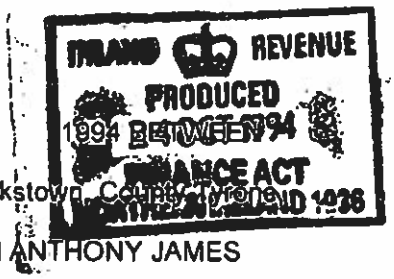
SAMUEL ROBERT LYLE

and

ANTHONY JAMES DARDIS
and
MARGARET MATILDA DARDIS

C O N V E Y A N C E

McConnell and Fyffe,
Solicitors,
1 John Street,
Omagh,
Co Tyrone



THIS INDENTURE is made the 15th day of August 1994 BETWEEN SAMUEL ROBERT LYLE of 5 Greenvale, Drum Road, Cookstown, County Tyrone Builder (hereinafter called "the Vendor") of the one part and ANTHONY JAMES DARDIS College Principal and MARGARET MATILDA DARDIS his wife both of 9 Thornville Park, Omagh, County Tyrone (hereinafter called "the Purchasers") of the other part

WHEREAS

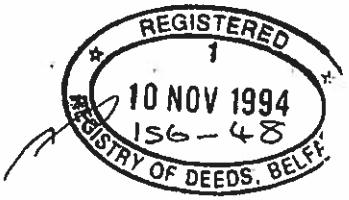
1. Under and by virtue of the deeds and documents set forth in parts I, II and III of Schedule One hereto the Vendor is seised of lands situate in the Townland of Gortalowry more particularly described in Parts I, II and III of Schedule Two hereto (hereinafter called "the Scheduled Lands") and intended to be hereby assured in fee simple in possession free from incumbrances.

2. The Vendor has agreed with the Purchasers for the sale to the Purchasers of the Scheduled Lands at the price of £1000.00.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the sum of one thousand pounds now paid by the Purchasers to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as beneficial owner hereby grants and conveys unto the Purchasers ALL THAT AND THOSE the Scheduled Lands TO HOLD the Scheduled Lands with all appurtenances rights and easements thereunto belonging unto and to the use of the Purchasers as joint tenants in fee simple reserving as hereinafter provided.

AND IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds sixty thousand pounds.

IN WITNESS whereof the parties hereto have hereunto set their hands and affixed their seals the day and year first herein written.



156 48

SCHEDULE ONE

PART I

No.	Date	Parties	Nature of Document
1.	7/8/1852	John Richards and Mountiford Longfield to Thomas Adair	Deed Poll
2.	18/6/1868	Thomas Adair	Grant of Probate
3.	25/5/1916	Hugh Adair	Grant of Probate
4.	27/6/1949	Thomas Louis Napoleon Adair	Grant of Probate
5.	23/11/1972	Laurence William Nicholson Homan and Richard Stewart Twigg to Mary Graves Homan	Assent
6.	18/7/1985	Mary Graves Dingwall (formerly Homan) to Samuel Robert Lyle	Conveyance
7.	8/4/1992	Samuel Robert Lyle to Reagalmac Limited	Lease

SCHEDULE ONE

PART II

No.	Date	Parties	Nature of Document
1.	23/11/1972	Lawrence William Nicholson Homan and Richard Stewart Twigg to Mary Graves Homan	Deed of Assent

2.	14/12/1972	Mary Graves Homan to Shiela Anne Frances Jolley	Conveyance
3.	24/4/1990	Shiela Anne Jolley to Samuel Robert Lyle	Conveyance

SCHEDULE ONE

PART III

No.	Date	Parties	Nature of Document
1.	7/8/1852	The Commissioners for Sale of Incumbered Estates in Ireland one part, Thomas Adair, other part	Conveyance
2.	7/8/1878	Hugh Adair 1st part, Thomas Adair 2nd part, Matilda Adair 3rd part, Mary W. Adair 4th part, Margaret Adair 5th part, Rev. Hamilton B. Wilson 6th part	Conveyance
3.		Death of Thomas Adair	
4.		Death of Matilda Adair	
5.		Death of Hugh Adair	
6.	25/5/1916	Hugh Adair, Deceased Death of Thomas Louis Napoleon Adair	Grant of Probate
7.	27/6/1949	Thomas Louis Napoleon Adair Deceased Death of Constance Alice Adair	Grant of Probate
8.	23/11/1972	Laurence William Nicholson Homan and Richard Stewart	Assent

		Twigg, one part, Mary Graves Homan, other part	
9.	14/12/1972	Mary Graves Homan, one part, Shiela Anne Frances Jolley, other part	Conveyance
10.	3/8/1979	Shiela Anne Frances Jolley, one part, Norman Stanley Jolley, other part	Conveyance
11.	4/8/1979	Norman Stanley Jolley to Samuel Robert Lyle	Conveyance

SCHEDULE TWO

PART I

ALL THAT part of the laneway situate in the Townland of Gortalowry, Parish of Derryloran, Barony of Dungannon Upper and County of Tyrone coloured green on the Map attached hereto subject to all rights of way over and along the said laneway and subject also to the lease listed at No. 7 in Part I of Schedule One. Reserving to the Vendor his heirs and assigns the right to connect into and maintain all pipes and services laid in or under the said laneway.

PART II

ALL THAT the two strips of ground in the Townland of Gortalowry Parish of Derryloran, Barony of Dungannon Upper and County of Tyrone being the lands conveyed by Deed of Conveyance listed at No. 3 in part II of Schedule One and edged red and coloured blue on the plan thereof attached to said Deed of Conveyance.

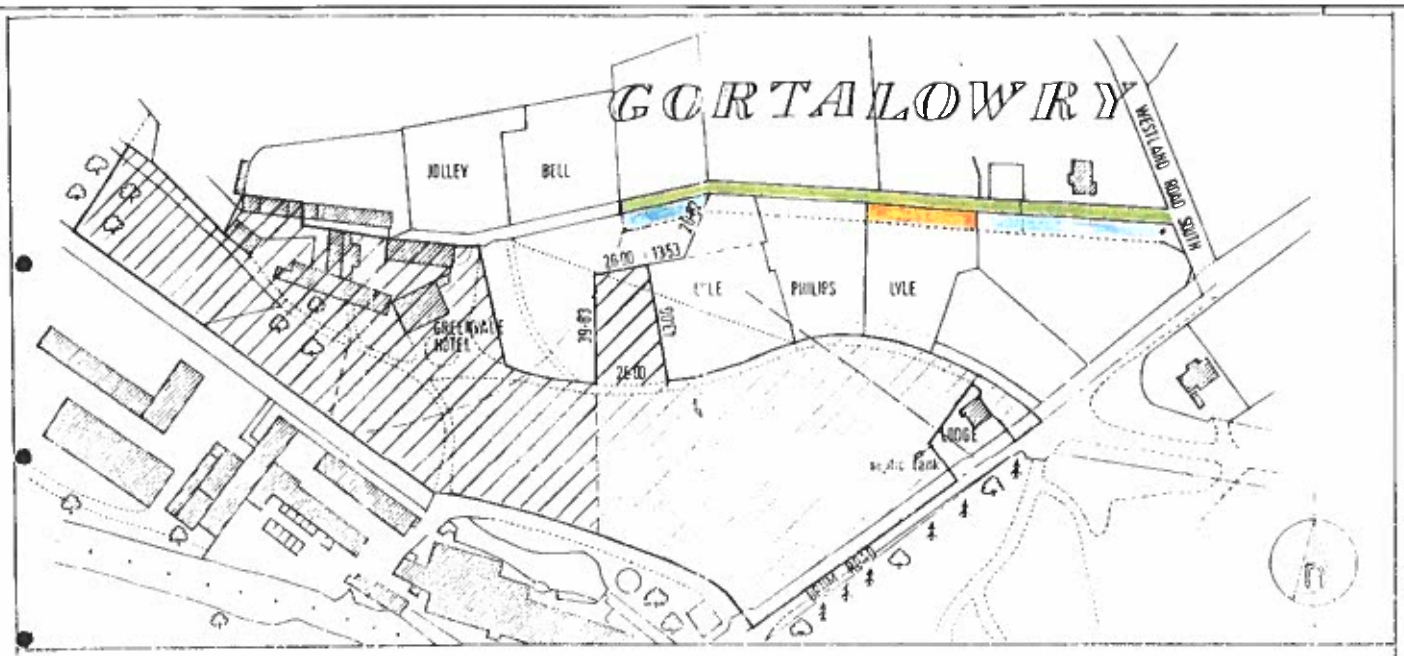
PART III

ALL THAT the strip of ground in the Townland of Gortalowry parish of Derryloran, Barony of Dungannon Upper and County of Tyrone more particularly delineated on the Map attached hereto and thereon coloured orange.

SIGNED SEALED and DELIVERED by the VENDOR in the presence of:

Solicitor

Cookstown



Land transfer map

SCALE 1.1250

TOTAL AREA OF SITE 6 ACRES 1 ROOD 341 52 YDS

BOUNDARY OF SITE IS OUTLINED IN RED

INDICATES HOTEL LOT 1

INDICATES GROUNDS LOT 2

INDICATES GROUNDS LOT 3

JOLLEY & BELL

BELL

WATER MAINS approx position

ELECTRICAL UNDERGROUND MAINS approx position

Policy CTY 2a – New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- **the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;**
- **the cluster appears as a visual entity in the local landscape;**
- **the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,**
- **the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;**
- **development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and**
- **development would not adversely impact on residential amenity.**