

Report on	The lodgement of a Non-determination Planning Appeal on application LA09/2020/0951/F
Date of Meeting	2 nd February 2021
Reporting Officer	Malachy McCrystal
Contact Officer	Chris Boomer

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 inform the Planning Committee that an appeal has been lodged for the non-determination of planning application LA09/2020/0951/F.
2.0	Background
2.1	Planning application LA09/2020/0951/F is an application under section 54 of the Planning Act (NI) 2011 in respect of Planning Approval LA09/2018/1510/F comprising of 33 dwellings. Application seeks to vary Condition No. 09 to replace stamped approved drawing No. 22/1 which required the provision of a right hand turning lane on Coolshinney Road to drawing no. 120-068-P-100 which shows the creation of T-junction in lieu of the right hand turning lane.
3.0	Main Report
3.1	<p>The Planning Appeals Commission (PAC) wrote to Mid Ulster District Council for its view on whether the application should be approved with conditions or refused with draft refusal reasons.</p> <p>The Planning Department are recommending the application be refused for the following reason:-</p> <p>1. The proposed development is contrary to the Magherafelt Area Plan 2015 Zoning MT 08 Key Site Requirement to provide a right turn lane on Coolshinney Road which must not compromise a right turn lane into site MT 15.</p> <p>Dfi Roads also objected to the proposed development and advised Mid Ulster District Council that the application should be refused for the following reasons:-</p> <p>2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to an unacceptable level of conflict by</p>

	<p>reason of the increased number of vehicles entering and leaving the proposed access.</p> <p>3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would cause an unacceptable increase in traffic movements on Moneymore Road.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: None
	Risk Management: None
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	It is the recommended that the Planning Committee endorse the actions of the Planning Manager by sending a letter contained in the appendix to the Planning Appeals Commission.
6.0	Documents Attached & References
	Appendix 1 – copy of letter

Date: 21st January 2021
Your Ref: 2020/A0123
Our Ref: LA09/2020/0951/F
(Please quote at all times)



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Planning Appeals Commission
Park House
87/91 Great Victoria Street
Belfast
BT2 7AG

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

Please contact: Mr M McCrystal
Telephone: 03000 132 132

Dear Sir/Madam

Planning Act (Northern Ireland)

APPEAL: Valor Homes Ltd.

Application under section 54 of the Planning Act (NI) 2011 in respect of Planning Approval LA09/2018/1510/F comprising of 33 dwellings.
Application seeks to vary Condition No. 09 to replace stamped approved drawing No. 22/1 which required the provision of a right hand turning lane on Coolshinney Road to drawing no. 120-068-P-100 which shows the creation of T-junction in lieu of the right hand turning lane.

Development lands at 14 Moneymore Road situated adjacent and South West of Oakvale Manor adjacent and North East of Thornhill Avenue between Coolshinney Road and Moneymore Road Magherafelt.

I refer to the above planning appeal and advise that in considering this application, it is Mid Ulster District Council's view that if it were to determine this application it would issue a decision to refuse planning permission.

Draft refusal reasons are as follows:-

1. The proposed development is contrary to the Magherafelt Area Plan 2015 Zoning MT 08 Key Site Requirement to provide a right turn lane on

Coolshinney Road which must not compromise a right turn lane into site MT 15.

2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the proposed access.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would cause an unacceptable increase in traffic movements on Moneymore Road.

I can also advise that Dr Boomer – Planning Manager, will be discussing the planning appeal with Mid Ulster District Council's Planning Committee, on Tuesday 2nd February 2021, to ensure the Committee are in agreement with the recommendation to refuse.

All additional information requested by the Planning Appeals Commission will follow separately.

Yours faithfully



Planning Manager

Cc. Turley, Hamilton House, Joy Street, Belfast, BT2 8LB