

# List of delegated planning applications with objections received / recommendation to refuse

**Week Ending 11th November 2022**

<b>Item Number 1</b>			
<b>Application Reference</b>	LA05/2021/1248/F	<b>Date Valid</b>	17.11.2021
<b>Description of Proposal</b>	Proposed new infill dwelling and detached garage	<b>Location</b>	Lands 30m north east of 3 Lurgill Lane Upper Ballinderry
<b>Group Recommendation</b>	Refusal	<b>Case Officer</b>	Sinead McCloskey
<b>Reasons for Recommendation</b>			
<p>The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 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.</p> <p>The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is not located within a small gap within an otherwise substantial and continuously built up frontage which if permitted would add to a ribbon of development along Lurgill Lane.</p> <p>The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:</p> <ul style="list-style-type: none"> <li>- the proposed building is a prominent feature in the landscape;</li> <li>- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and</li> <li>- the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.</li> </ul> <p>The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Lurgill Lane.</p>			
<b>Representations</b>			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
7	N/A	N/A	N/A
<b>Consideration of Objections</b>			
<b>Issue</b>	<b>Consideration of Issue</b>		
The applicant is building more houses in a protected area.	The site is located in the Countryside where there is a presumption against development unless the application meets one of the listed categories of development permitted. This application was made for an infill dwelling under the exception to policy CTY 8 Ribbon Development however is considered not to meet the exception which is reflected in		

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	<p>the reasons for refusal. It has not been afforded any protective designation that this.</p>
Procedural issues	<p>A number of procedural issues were raised that include neighbour had not been notified, the planning application was stated to be incomplete, and in correspondence with the Council it was stated that the appropriate point of contact was not</p> <p>By way of response neighbours were notified on the 2/12/2021 when the application was validated upon receipt. Neighbour Notification was checked on the site visit, with any additional neighbours notified thereafter. The Planning Unit are content all relevant neighbours have been notified.</p> <p>The application has been checked and is considered to be valid. All correspondence received in respect of any application will be forwarded to the case officer. Occasionally administrative staff may deal with queries in the first instance.</p>
Access and road safety issues.	<p>A number of access issues were raised which include : only one passing lane; two unauthorised entrances on the Crumlin Road previously used during construction, laneway should be upgraded to adoptable standards, inadequate sightlines, no provision for manoeuvring in a forward gear if gates were closed, roadside hedge incorrectly drawn therefore 2.4m x 80m sightline cannot be provided, would require the removal of up to 30m of hedgerow, doesn't meet DFI Y standard dimensions, X dimension should be increased, road safety issues, increased traffic flow onto Lough Road will breach the 5% threshold for intensification of an existing access and the agent should provide a speed survey for the Lough Road.</p> <p>In response DfI Roads were consulted as part of the processing of the Planning application. In their consultation response, dated 21<sup>st</sup> December 2022, they offered no objection to the proposal, subject to the inclusion of 4 conditions. They have stated in their checklist that the site was visited by a DFI Roads Officer and that there was no relaxation/departure from standard. Any use of an unauthorised access for any purposes is done so at the developers risk, and if reported is investigated by the Planning Authority Enforcement team.</p>
Environmental Concerns	<p>A number of environmental concerns have been cited including disturbing the hedge rustic moths which are an endangered species. No Biodiversity Checklist has been submitted, the Rooghan River would need checked for newts as the proposed septic tank has potential for pollution, pollution from sediment. The objector commented in the event of an approval appropriate conditions should be attached for pollution prevention, a buffer and the storage of construction equipment.</p>

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	<p>In response to the issued the proposal does not involve the removal of any vegetation to facilitate the development. There is a hedgerow along the southern boundary of the site. This is shown to be retained.</p> <p>A Biodiversity Checklist was submitted and sent for consultation with Natural Environment Division. They responded stating that on the basis of the information provided, they had no concerns subject to recommendations and that they are in agreement with the Ecologist that a buffer of at least 10m should be established between the watercourse along the northern boundary and any works, NED advises that a condition is attached to the decision notice. The application is recommended for refusal, so conditions are not attached.</p>
<p>Historic environmental concerns</p>	<p>The objectors raised issues that consultation with Historic Environment Division (HED) is necessary and that the River Rooghan has been identified as having a Historic Industrial Heritage site and HED have identified an industrial dam within 100m of the site.</p> <p>In response to this issue no hazards or restraints have been identified on the site in regard to any Historical Environmental Designations, therefore consultation with this Department was not necessary.</p>
<p>Policy Concerns</p>	<p>The objector raised the following policy concerns: the application is contrary to CTY8, it is not demonstrated why the dwelling is required in the countryside rather than within a settlement limit, the application does not constitute a continuously built up frontage, it is not sufficient to simply show how a houses can be inserted but to consider how a dwelling can knit seamlessly with the landform - in the proposed situation it is apparent that there is a significant rural character, as evidenced by the fact that there are simply two disconnected and visually unrelated planning units.</p> <p>In consideration of the above the assessment of this application demonstrates that the proposed scheme is contrary to Policy CTY 8 and the SPPS in that it is contended that the proposed scheme does not fulfil the exceptions test for infill development as outlined in Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside and that any dwelling on the application site would result in the addition to ribbon development along the southern side of the Lurgill Lane. Whilst there are two buildings which present a frontage to the south western side of the application site, the dwelling and associated buildings at No. 1 Lurgill Lane do not present a frontage to the lane. It is therefore considered that the application site does not fall within a substantial and continuously built up frontage. The proposal would result in a suburban style build-up of development when viewed with existing buildings and it would not respect the traditional pattern of settlement exhibited in the area and would harm the rural character of the area.</p>