

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

Week Ending 16th December 2022

Item Number 1			
Application Reference	LA05/2021/0571/O	Date Valid	21.05.2021
Description of Proposal	Site for infill dwelling	Location	60m South West of 4a Magees Road, Ballinderry Upper, Lisburn
Group Recommendation	Approval	Case Officer	Cara Breen
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
40	1	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Impact on Road Safety	<p>DfI Roads were re-consulted upon receipt of Drawing No. 01/1 and Drawing No. 02. In their final consultation response of 1st February 2022, they offer no objection to the proposed scheme, subject to the inclusion of 3no. Stipulated conditions with any decision. In their response DfI Roads acknowledge the objection letter received from an objector on 22nd December 2021. They state that they are still satisfied that the splays conditioned are acceptable for the speed of traffic on this section of Magees Road and that there was no 'unconscious bias' in respect of how they determined the speed of traffic. In terms of other visibility splays on Magees Road, DfI Roads note that each application is determined on its own merit.</p>		
Environmental Impact – Wildlife/Natural Heritage	<p>It is acknowledged that the proposal would require the removal of a section of roadside hedgerow and a mature oak tree in order to accommodate required visibility splays to ensure safe access and egress from the application site.</p> <p>A NI Biodiversity Checklist and Preliminary Ecological Assessment completed by a qualified Ecologist was submitted during the processing of the application. This identified that further bat surveys would be required if the tree with 'moderate' bat roost potential was to be felled. DAERA Natural Environment Division were consulted upon receipt of this information. In their consultation response DAERA NED acknowledged receipt of this information and requested further bat surveys.</p> <p>A Bat Emergence/Re-Entry Survey was submitted in June 2022. This concluded that no bats were seen to emerge or re-enter a roost on the</p>		

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

Week Ending 16th December 2022

	<p>mature Oak tree under surveillance. It did note some level of bat activity in the area during the survey session. The survey notes that the felling of the mature oak tree is unlikely to have an impact on roosting or foraging bats due to the abundance of other mature vegetation surrounding the site. DAERA NED were re-consulted upon receipt of this survey. In their subsequent consultation response, dated 12th September 2022, they acknowledge receipt of the Bat Emergence and Re-Entry Survey, the P1 Form, Form P2A and Drawing No. 01/1 and No. 02. DAERA NED note that the BERS confirms the absence of roosting bats in the mature oak tree. Their final consultation response states that NED has considered the potential impacts of the proposal on natural heritage interests and on the basis of the information provided has no concerns. They provide informatives to be included with any approval.</p> <p>Shared Environmental Services were also consulted in relation to the proposal. Their response, dated 12th January 2022, states that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. It states that there is no viable hydrological pathway from the proposed development to any European site and there will be no new/additional disturbance of site features considering the proposals setting and extant anthropogenic activity</p>
Impact on Rural Character	The application has been considered against Policy CTY 14 – Rural Character of Planning Policy Statement 21: Sustainable Development in the Countryside, and as per the assessment in the report there are no concerns
Cannot Satisfy Policy CTY 8 - Each application is dependent on each other to satisfy policy	The exceptions test of Policy CTY 8 permits for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy does not preclude the submission of two individual applications to meet said requirement. As per the assessment, it is considered that the proposal satisfies the exceptions test of Policy CTY 8.
Gap represents a natural break	Taking the gap site into account, in the context of the local average plot width, it is not contended that it constitutes an important visual break. It is considered that it could appropriately accommodate only a maximum of two dwellings in accordance with Policy CTY 8. It is not perceived that it frames a viewpoint, nor provides an important setting for the amenity/character of established dwellings
Would cause ribbon development	Policy CTY 8 is entitled 'Ribbon Development' and whilst its premise is that Planning permission will be refused for a building which creates or adds to a ribbon of development, it does however advise that an exception will be permitted for the development of a small gap site sufficient only to accommodate a maximum of two dwellings within an otherwise substantial and continuously built up frontage and provided

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Week Ending 16th December 2022

	this respects the existing development pattern along the frontage in terms of; size, scale, siting and plot size and meets other planning and environmental requirements. As per the Case Officer report, it is contended that the proposal, in combination with the associated application, fulfils the exceptions test of Policy CTY 8
No detail given to make a full assessment	The application pertains to Outline Planning only. Outline Planning seeks to establish the principle of development on an application site only. Therefore, full design details have not been provided, nor have they been requested by the Council at any stage during the processing of the application. Full details will be provided at Reserved Matters stage should the application be approved. It is contended that sufficient information has been submitted to make an Outline determination
Contrary to Policy CTY 13 (a), (b) and (c).	As per the assessment outlined in the Case Officer report, there are no concerns with regards to the proposal insofar as it relates to Policy CTY 13 of PPS 21. A ridge height restriction condition of no more than 6m above FFL (whereby the under-build would not exceed 0.45m between existing ground level and FFL) would be applied to any approval. The existing boundaries to be retained combined with neighbouring buildings in situ would provide a sufficient degree of enclosure
P2 (land ownership) Challenge – P2A Forms not viewable	A P2 (land ownership) challenge was raised. Confirmation on land ownership was subsequently requested from the Agent. The certificate on the P1 Form was amended from Certificate A to Certificate C and notice was served on the relevant third party. The associated P2A Form is available to view online also. It is acknowledged that Planning permission goes with the land and not the applicant. Planning permission does not confer title
Substantial and continuously built up frontage not visually linked	Visual linkage in terms of a substantial and continuously built up frontage is not part of the policy test of Policy CTY 8
Site prone to flooding	The Flood Maps (NI) have been checked and there are no concerns with regards to the application site and flooding. It is not perceived that the proposal would meet the thresholds for a Drainage Assessment
Refusal of S/2001/0308/O	It is acknowledged that S/2001/0308/O was subject to a different policy context to Planning Policy Statement 21: Sustainable Development in the Countryside. A ridge height restriction condition is to be applied to any approval
Substantial volume of development in the area	Each Planning application is assessed on its own merits
Application site (red line) has been amended	The red line of the application site has been amended modestly from the original submission. It is acknowledged that a red line can be amended during the processing of an application whereby it is required in relation to access purposes. Neighbours have been re-notified and the application has been subject to re-advertisement following this amendment

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

Week Ending 16th December 2022

Request for TPO's	A request for a TPO on the application site was requested when the application was submitted. A provisional TPO was placed on the application site in September 2022 following concerns regarding vandalism. It is noted that TPO's fall under separate legislation
Need for EIA	It is not contended that the application meets the thresholds for an EIA
Impact on housing density in the area	Each Planning application is assessed on its own merit. It is considered that the proposal satisfies the exceptions test of Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside and all other policy and is considered to be acceptable
Contributing to piecemeal development	The application falls within the context of the open countryside. It is acknowledged that there is a presumption against development in the countryside, however Planning Policy Statement 21: Sustainable Development in the Countryside does permit certain types of development, such as infill development under Policy CTY 8
Contrary to Policies CTY 2, 2a, 10, 11, 12, 14 and 15	As per the proposal description, the application pertains to an infill dwelling and therefore falls for assessment under Policy CTY 8 of PPS 21. Policies CTY 2, 2a, 10, 11 and 12 are therefore not applicable. The application has been assessed against Policy CTY 14 to which there are no concerns, as per the assessment in the Case Officer report. The application site falls wholly within the open countryside and is not in close proximity to a defined settlement limit. Therefore, there are no concerns with regards to the proposal marring the distinction between a settlement and the open countryside.
Loss of light	The application pertains to Outline Planning only and therefore full design details have not been provided, nor have they been requested by the Council at any stage during the processing of the application. However, it is considered that a modest, centrally positioned dwelling (with a ridge height restriction of no more than 6m above FFL) would not cause overshadowing to any neighbouring property to an unreasonable degree. Design details would be considered in full at Reserved Matters stage
Could cause financial harm	This is not a material consideration of determining weight
Could cause groundwater pollution	LCCC Environmental Health, DAERA Water Management Unit, SES and NI Water have been consulted as part of the processing of the application and have subsequently responded with no concerns
Could cause difficulties for community care requirements of any future occupiers	This is not a material consideration of determining weight
Bat survey undertaken before	The Bat Emergence/Re-Entry Survey was conducted between May – June (2022). This is within the stipulated survey season (May – September). DAERA Natural Environment Division were consulted upon receipt of the survey and offer no objection

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

Week Ending 16th December 2022

seasonal roost was occupied	
Removal of ivy from tree and facing of hedgerow not in the ownership of the applicant	This is considered to be a civil matter and is outside the remit of Planning
Increased traffic would lead to increased noise and air pollution	The application pertains to a single residential dwelling. DfI Roads and LCCC Environmental Health were consulted as part of the processing of the application and subsequently responded with no concerns, subject to stipulated conditions
Remaining land to NE of Site 2	A strip of remnant land, akin in width to this, is often left to allow access to agricultural land to the rear. This is not uncommon
Removal of ivy from trees between PEA and bat re-entry and emergence surveys	DAERA Natural Environment Division have been consulted a number of times in respect of the proposal. In their final consultation response they offer no objection to the proposed scheme
Inaccuracies of P1 Form (Q4, Q7, Q11, Q20 and Q27)	It is considered that the information provided on the P1 Form is sufficient to determine the application.
Adjoining land ownership has not been accurately identified in the public domain throughout the process	A P2 (land ownership) challenge was raised. Certificate A on the P1 Form was amended to Certificate C following this. Notice has been served on the relevant third party. It is noted that Planning permission goes with the land and not the applicant and that Planning permission does not confer title
Objector queries legality of applying for multiple dwellings to infill long distances between existing properties	Policy CTY 8 provides for the development of a small gap site sufficient only to accommodate up to a maximum of two (my emphasis) houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements

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Week Ending 16th December 2022

Item Number 2			
Application Reference	LA05/2021/0572/O	Date Valid	21.05.2021
Description of Proposal	Site for infill dwelling	Location	100m NE of 6 Magees Road Ballinderry Upper, Lisburn
Group Recommendation	Approval	Case Officer	Cara Breen
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
39	1	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Impact on Road Safety	<p>Dfl Roads were re-consulted upon receipt of Drawing No. 01/1 and Drawing No. 02. In their final consultation response of 1st February 2022, they offer no objection to the proposed scheme, subject to the inclusion of 3no. Stipulated conditions with any decision. In their response Dfl Roads acknowledge the objection letter received from an objector on 22nd December 2021. They state that they are still satisfied that the splays conditioned are acceptable for the speed of traffic on this section of Magees Road and that there was no 'unconscious bias' in respect of how they determined the speed of traffic. In terms of other visibility splays on Magees Road, Dfl Roads note that each application is determined on its own merit</p>		
Environmental Impact – Wildlife/Natural Heritage	<p>It is acknowledged that the proposal would require the removal of a section of roadside hedgerow and a mature Oak tree in order to accommodate required visibility splays to ensure safe access and egress from the application site.</p> <p>A NI Biodiversity Checklist and Preliminary Ecological Assessment completed by a qualified Ecologist was submitted during the processing of the application. This identified that further bat surveys would be required if the tree with 'moderate' bat roost potential was to be felled. DAERA Natural Environment Division were consulted upon receipt of this information. In their consultation response DAERA NED acknowledged receipt of this information and requested further bat surveys.</p> <p>A Bat Emergence/Re-Entry Survey was submitted in June 2022. This concluded that no bats were seen to emerge or re-enter a roost on the mature Oak tree under surveillance. It did note some level of bat</p>		

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

Week Ending 16th December 2022

	<p>activity in the area during the survey session. The survey notes that the felling of the mature Oak tree is unlikely to have an impact on roosting or foraging bats due to the abundance of other mature vegetation surrounding the site. DAERA NED were re-consulted upon receipt of this survey. In their subsequent consultation response, dated 12th September 2022, they acknowledge receipt of the Bat Emergence and Re-Entry Survey, the P1 Form, Form P2A and Drawing No. 01/1 and No. 02. DAERA NED note that the BERS confirms the absence of roosting bats in the mature Oak tree. Their final consultation response states that NED has considered the potential impacts of the proposal on natural heritage interests and on the basis of the information provided has no concerns. They provide informatives to be included with any approval.</p> <p>Shared Environmental Services were also consulted in relation to the proposal. Their response, dated 12th January 2022, states that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. It states that there is no viable hydrological pathway from the proposed development to any European site and there will be no new/additional disturbance of site features considering the proposals setting and extant anthropogenic activity</p>
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Gap represents a natural break	Taking the gap site into account, in the context of the local average plot width, it is not contended that it constitutes an important visual break. It is considered that it could appropriately accommodate only a maximum of two dwellings in accordance with Policy CTY 8. It is not perceived that it frames a viewpoint, nor provides an important setting for the amenity/character of established dwellings
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List of delegated planning applications with objections received / recommendation to refuse

Week Ending 16th December 2022

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Substantial and continuously built up frontage not visually linked	Visual linkage in terms of a substantial and continuously built up frontage is not part of the policy test of Policy CTY 8
Site prone to flooding	The Flood Maps (NI) have been checked and there are no concerns with regards to the application site and flooding. It is not perceived that the proposal would meet the thresholds for a Drainage Assessment
Refusal of S/2001/0308/O	It is acknowledged that S/2001/0308/O was subject to a different policy context to Planning Policy Statement 21: Sustainable Development in the Countryside. A ridge height restriction condition is to be applied to any approval
Substantial volume of development in the area	Each Planning application is assessed on its own merits
Application site (red line) has been amended	The red line of the application site has been amended modestly from the original submission. It is acknowledged that a red line can be amended during the processing of an application whereby it is required in relation to access purposes. Neighbours have been re-notified and the application has been subject to re-advertisement following this amendment

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

Week Ending 16th December 2022

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Contributing to piecemeal development	The application falls within the context of the open countryside. It is acknowledged that there is a presumption against development in the countryside, however Planning Policy Statement 21: Sustainable Development in the Countryside does permit certain types of development, such as infill development under Policy CTY 8
Contrary to Policies CTY 2, 2a, 10, 11, 12, 14 and 15	As per the proposal description, the application pertains to an infill dwelling and therefore falls for assessment under Policy CTY 8 of PPS 21. Policies CTY 2, 2a, 10, 11 and 12 are therefore not applicable. The application has been assessed against Policy CTY 14 to which there are no concerns, as per the assessment in the Case Officer report. The application site falls wholly within the open countryside and is not in close proximity to a defined settlement limit. Therefore, there are no concerns with regards to the proposal marring the distinction between a settlement and the open countryside.
Loss of light	The application pertains to Outline Planning only and therefore full design details have not been provided, nor have they been requested by the Council at any stage during the processing of the application. However, it is considered that a modest, centrally positioned dwelling (with a ridge height restriction of no more than 6m above FFL) would not cause overshadowing to any neighbouring property to an unreasonable degree. Design details would be considered in full at Reserved Matters stage
Could cause financial harm	This is not a material consideration of determining weight
Could cause groundwater pollution	LCCC Environmental Health, DAERA Water Management Unit, SES and NI Water have been consulted as part of the processing of the application and have subsequently responded with no concerns
Could cause difficulties for community care requirements of any future occupiers	This is not a material consideration of determining weight
Bat survey undertaken before	The Bat Emergence/Re-Entry Survey was conducted between May – June (2022). This is within the stipulated survey season (May – September). DAERA Natural Environment Division were consulted upon receipt of the survey and offer no objection

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

Week Ending 16th December 2022

seasonal roost was occupied	
Removal of ivy from tree and facing of hedgerow not in the ownership of the applicant	This is considered to be a civil matter and is outside the remit of Planning
Increased traffic would lead to increased noise and air pollution	The application pertains to a single residential dwelling. DfI Roads and LCCC Environmental Health were consulted as part of the processing of the application and subsequently responded with no concerns, subject to stipulated conditions
Remaining land to NE of Site 2	A strip of remnant land, akin in width to this, is often left to allow access to agricultural land to the rear. This is not uncommon
Removal of ivy from trees between PEA and bat re-entry and emergence surveys	DAERA Natural Environment Division have been consulted a number of times in respect of the proposal. In their final consultation response they offer no objection to the proposed scheme
Inaccuracies of P1 Form (Q4, Q7, Q11, Q20 and Q27)	It is considered that the information provided on the P1 Form is sufficient to determine the application.
Adjoining land ownership has not been accurately identified in the public domain throughout the process	A P2 (land ownership) challenge was raised. Certificate A on the P1 Form was amended to Certificate C following this. Notice has been served on the relevant third party. It is noted that Planning permission goes with the land and not the applicant and that Planning permission does not confer title
Objector queries legality of applying for multiple dwellings to infill long distances between existing properties	Policy CTY 8 provides for the development of a small gap site sufficient only to accommodate up to a maximum of two (my emphasis) houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements

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

Week Ending 16th December 2022

Item Number 3			
Application Reference	LA05/2019/1200/F	Date Valid	25.11.2019
Description of Proposal	A proposed development of 19 no. apartments, including car parking, landscaping and all other associated site works. A change from previous approval S/2014/0623/RM	Location	Lands at Woodbrook Mews directly adjacent to No 17 Woodbrook Avenue, Lisburn
Group Recommendation	Refusal	Case Officer	Sinead McCloskey
Reasons for Recommendation			
The proposal is contrary to the SPPS and Policy QD1 (a) and (h) of Planning Policy Statement 7: Quality Residential Environments in that it would, if permitted, result in over development of the site, and would be detrimental to the character and appearance of the local area by virtue of its scale, form, massing and design, and would be harmful to the living conditions of existing residents through dominance and overlooking, resulting in a loss of residential amenity.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		

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

Week Ending 16th December 2022

Item Number 4			
Application Reference	LA05/2022/0394/RM	Date Valid	25.04.2022
Description of Proposal	Reserved Matters application for proposed new dwelling and garage in accordance with outline approval LA05/2019/0077/O	Location	Lands 20m West of 7 Lower Ballinderry Road, Upper Ballinderry, Lisburn
Group Recommendation	Approval	Case Officer	Laura McCausland
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
1	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Design not suitable	Concern that the initial design of the proposed dwelling's appearance to be out of character with properties in this locality and subsequently would have a detrimental impact on the rural area. The initial proposal design was considered to be inappropriate in terms of proposed design, layout and materials at this rural location. This feedback was provided to the agent who addressed points raised and submitted a revised scheme. Neighbours were re notified regarding these changes and no further comments have been received. On assessment revisions are considered to address initial design concerns and the proposed development is deemed acceptable.		