

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

Week Ending 22 September 2023

Item Number 1			
Application Reference	LA05/2022/0096/F	Date Valid	27.01.2022
Description of Proposal	Extension to the curtilage of the existing property to provide stables for horses and storage of equipment	Location	38a Laverysbridge Road Moirra Craigavon
Group Recommendation	Approval	Case Officer	Brenda Ferguson
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		
Extension of curtilage unnecessary and will lead to ribbon development and harm rural character.	The proposal is to extend the curtilage and provide a single storey ancillary building to accommodate horses for personal use. The stables will be conditioned to be ancillary to the domestic use and the curtilage extension has been reduced in area and will not be visible from the road nor will it lead to ribboning.		
Original planning permission required boundaries to be clearly defined with a fence and hedge planted and this has yet to be completed.	This is a matter for enforcement to pursue should the boundaries of the previous permission not be completed as per the approved plans.		
Commercial business running from address which is against planning approvals.	A site inspection was carried out and there was no visible sign of a commercial business operating from the site.		

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Item Number 2			
Application Reference	LA05/2022/1040/F	Date Valid	04.11.2022
Description of Proposal	An application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition No. 6 (re permitted operating hours) of approval LA05/2021/0218/F for extension to existing Materials Recovery Facility (MRF), addition of 29 No. EWC codes, hard surfacing, weighbridge, interceptor, 2.4m close boarded timber fence, parking provision and access. Proposal seeks to extend operating hours on Saturdays from 0800-1300 to 0800-1500 and permit work on Bank Holidays.	Location	Lands at No 5 Sheepwalk Road Lisburn
Group Recommendation	Approval	Case Officer	Malcolm Kinghan
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
2	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
The existing debris, noise and traffic will be exacerbated following an increase in activity.	The proposed extended time applies only to 2 hours on a Saturday and work on Bank Holidays. This is considered a minor increase with no significant impact on amenity. LCCC Environmental Health have no objection.		

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Item Number 3			
Application Reference	LA05/2021/0609/O	Date Valid	18.05.2021
Description of Proposal	2 no infill dwellings and garages	Location	30m North of 6 Cross Lane Lisburn
Group Recommendation	Refusal	Case Officer	Cara Breen
Reasons for Recommendation			
<p>The proposal is contrary to Paragraph 6.73 of the SPPS and Policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that it is not a type of development which in principle is considered to be acceptable in the countryside.</p> <p>The proposal is contrary to bullet point 5 of Paragraph 6.73 of the SPPS and Policy COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the development, if approved, would add to a ribbon of development along Cross Lane. There is no small gap sufficient to accommodate two dwellings whilst respecting the existing pattern of development.</p> <p>The proposal is contrary to the SPPS and Policy COU16 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development does not respect the traditional pattern of settlement exhibited in that area and as such would, if permitted, result in an adverse impact on the rural character of the area.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		

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Item Number 4			
Application Reference	LA05/2021/0321/F	Date Valid	23.03.2021
Description of Proposal	Retention of outdoor activity area and all associated structures for the purpose of paintballing and change of use of agricultural building for reception, office and storage use associated with the paintballing activity (retrospective)	Location	112 Comber Road Ballyhomra Hillsborough
Group Recommendation	Approval	Case Officer	Sinead McCloskey
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
2	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Application is not valid - red line (site area) not accurate, no figure is provided to show an increase in the number of visitors to the site, incorrect fee, plans unclear regarding the building to be used as a store and whether it has planning permission.	Following a review of the details provided with the application, amendments and information were sought from the applicant in relation to the site area, the completion of question 25 on the P1 Form to provide an indication of expected increase in vehicles and persons to the site, clarification to any planning permission obtained in relation to the existing building. A Biodiversity Checklist was also requested. Amendments were made to the site area and a Transport Assessment Form was submitted. No additional fee was considered required.		
The application should be subject to an EIA	An EIA Determination was made on this application and it was considered under Schedule 2 parts 11 (a) and 13 (a). A nil determination was returned. The cumulative impact of the racing and the paintballing was considered through reports dealing with the cumulative noise impacts. The paintballing proposal is a facility in its		

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	own right and is not linked to the karting facility. The proposal was not considered to require an Environmental Statement.
The proposed development should be screened to determine whether an appropriate assessment is required (in relation to the Habitats Regulation Assessment).	A Biodiversity Checklist was requested and subsequently submitted along with a Preliminary Ecological Assessment and a Badger Report. Upon consultation with Natural Environment Division, they stated that they had considered the impacts of the proposal on designated sites and other natural heritage interests, and on the basis of the information provided had no concerns subject to conditions. An informal consultation with Shared Environmental Services confirmed the potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any conceivable effect on the features of any European Site.
Policy OS3 - The existing development is already having an unacceptable impact on the amenities of people living nearby, and without mitigation measures in place for the existing facility, the addition of a paintballing facility will only add to the level of interference with amenity.	The existing karting facility has been approved under a Certificate of Lawful Development. No further consideration of this development is proposed in this assessment, however the cumulative impact of this facility and the proposed was considered by Environmental Health. For reasons outlined in the report, the proposal is considered policy compliant and there will be no unacceptable impact on the amenities of people living nearby. The nearest dwelling is 255m away from the site, and after extensive consultation with Environmental Health with several Noise Impact Assessments having been submitted, they have no concerns in this regard.
Policy OS5 – The nature of paintballing activities is that there are sporadic loud noises, which can startle wildlife and interfere with livestock. Surrounding land is used for equestrian activities and the grazing of sheep and cattle – noise impact on animals, particularly horses and wildlife.	Following the submission of several Noise Impact Assessments and consultation with Environment Health, no concerns were raised in terms of noise disturbance. Following consultation with NIEA NED they responded stating that they had no concerns regarding the impact of the proposal on... natural heritage interest, only drawing attention to the Badger Sett beyond the site boundary. The area around the site is within the ownership of the applicant, and as such there will be no unacceptable disturbance to neighbouring farm livestock. The application is therefore found to be compliant with policy OS3 (the draft Plan Strategy policy equivalent to Policy OS5).
Cartridges uses can be dangerous to wildlife.	Consultation has been carried out with NIEA NED with regards to natural heritage interests and they have confirmed that they are content. Paintballs are spherical gelatine capsules containing primarily polyethylene glycol, other non-toxic and water-soluble

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	substances, and dye. Paintballs are made of materials found in food items and control over the ingestion of animals of any substance outside of the remit of planning.
Protected species use the site – a full ecological survey should be carried out.	As above, a Biodiversity Checklist was submitted along with a Preliminary Ecological Assessment and a Badger Report. Upon consultation with Natural Environment Division, they stated that they had considered the impacts of the proposal on designated sites and other natural heritage interests, and on the basis of the information provided had no concerns subject to conditions.
If planning permission is granted, the applicant should be required to enter into a Section 76 Agreement to provide noise attenuation measures at the existing race track and at the proposed paintball facility. Operating hours should be restricted to 9-5pm Monday – Saturday. The paintballing facility should not be permitted to operate during bird breeding season.	The Natural Environment Division did not offer any conditions in terms of the operation of the activity. Environmental Health did provide conditions relating to the operating hours, suggesting 0900-2000 hours to safeguard the living conditions of nearby residents particularly with regard to the effects of noise. No other conditions relating to noise attenuation measures have been suggested by Environmental Health, with the only other suggested condition relating to the noise levels and what level should not be exceeded. No noise attenuation measures can be applied to the existing race track as this development is not included within the current development proposals and it has been approved under a separate application. The Council therefore will not request the applicant to enter into a Section 76 Agreement.
Impact the development will have on the neighbouring property – the neighbours have been engaged in an ongoing dispute about the noise of the karting business since 2014.	Any ongoing dispute with the karting business cannot be considered in the assessment of this application. The application has been assessed against the relevant policy and detailed consultation has been undertaken with the relevant statutory consultees and the proposal is found to be policy compliant and will not have a detrimental impact on any neighbouring properties.
Part 2 and 4 of Policy OS3 of PPS8 should be considered.	Following the release of the Draft Plan Strategy, the relevant policy context is no longer PPS8, but instead Part 8 – Open Space, Sport and Outdoor Recreation of the new plan. The application has been assessed against policy OS6 – Outdoor Recreation in the Countryside, which is the equivalent of the now superseded policy, Policy OS3. The proposal has been found compliant with all parts of the new policy for the reasons outlined in the report.

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<p>The proposal is contrary to Item 2 of Policy OS5 as the residents in the adjacent property have horses in the land bordering the Karting facility.</p>	<p>The application is found to be compliant with Policy OS3 in the draft Plan Strategy (the Policy equivalent of Policy OS5 in PPS8). The proposal is located within an existing densely wooded area, which will contain and minimise the impact of the noise. The land around the site is within the ownership of the applicant. The closest field to the site outside of applicant's control is approximately 80m to the south east, with most land separated from the site well in excess of this 80m distance.</p>
<p>If planning permission was granted proper sound mitigation measures are required.</p>	<p>As above, extensive consultation was sought from Environmental Health in relation to potential noise impacts and conditions provided to mitigate against any potential adverse effects on residential amenity. No conditions were provided relating to mitigating measures of the proposal.</p>