

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

**Week Ending 6th January 2023**

<b>Item Number 1</b>			
<b>Application Reference</b>	LA05/2020/0756/F	<b>Date Valid</b>	24.09.2020
<b>Description of Proposal</b>	1 Dwelling and detached garage	<b>Location</b>	20m NE of 3 The Oaks Lisburn
<b>Group Recommendation</b>	Approval	<b>Case Officer</b>	Richard McMullan
<b>Reasons for Recommendation</b>			
All relevant planning material considerations have been satisfied.			
<b>Representations</b>			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
2	N/A	N/A	N/A
<b>Consideration of Objections</b>			
<b>Issue</b>	<b>Consideration of Issue</b>		
Plans show an access from the main Pond Park Road. Wish to have written confirmation that there will be no additional traffic within The Oaks cul-de-sac causing a concern for existing home owners.	The application as submitted seeks to provide access to the site from the Pond Park Road only, as illustrated upon detailed drawings provided. This application does not seek to gain access from The Oaks housing development. In the event of access being provided from The Oaks housing development, this would be a matter for the enforcement section of the planning unit to investigate.		
Can assurance be provided that the buildings will have suitable drainage systems in place and no impacts shall arise as a result of heavy rain etc.	The application site has been assessed and does not to fall within any zones in relation to flooding/surface water etc. DAERA WMU have been consulted and offer no objections, offering standing advice and an informative in respect of utilising SUD's. In the event of any issues of concern arising, this would be seen to be a civil matter.		
Concerns in respect of overlooking from the development to existing dwellings.	The details provided illustrates that the proposed development will be at a slightly higher level than existing dwellings as a result of the rising site topography. However, the siting and design of the development, in conjunction with separation distances renders any concerns in respect of overlooking to be minimal.		
Advised that planning had been passed for a bungalow, please	A search of Council planning records indicates that no previous planning approvals exist for the current application site. This current application was initially submitted seeking approval for '2 no. semi-detached dwellings'. An initial assessment of the merits of the		

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

**Week Ending 6th January 2023**

<p>advise why this has changed to 2 no. semi's.</p>	<p>application deemed this to be unacceptable. In turn the application was amended so as to seek approval for one detached dwelling and garage only.</p>
<p>Plans illustrate access from the Pond Park Road directly to the rear of in situ two car garage and wish to be assured that this is the case and no damage will arise to existing property.</p>	<p>Initially the access arrangements were seen to be as described. Following amendment the proposed access has been changed, with the subsequent driveway being moved away from neighbouring properties. Any damage caused would also be a civil matter outside of the remit of planning control.</p>
<p>Parking of vehicles along the Nettlehill Road will cause an obstruction.</p>	<p>Such parking outside of the application site would not fall within the remit of this planning application. Such issues of concern would be a civil matter potentially for the PSNI to assess.</p>
<p>Potential adverse impacts upon traffic flow within the local area.</p>	<p>DfI Roads have been consulted and are seen to offer no objection to the development. Taking this into account, the Council is content that the development is acceptable in respect of potential impacts upon traffic within the local area.</p>

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

**Week Ending 6th January 2023**

<b>Item Number 2</b>			
<b>Application Reference</b>	LA05/2021/0099/F	<b>Date Valid</b>	26.01.2021
<b>Description of Proposal</b>	Replacement dwelling and detached garage and retention of existing structure as a store	<b>Location</b>	30m north west of 730 Saintfield Road, Carryduff, BT8 8BY
<b>Group Recommendation</b>	Approval	<b>Case Officer</b>	Rachel Taylor
<b>Reasons for Recommendation</b>			
All relevant planning material considerations have been satisfied.			
<b>Representations</b>			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
1	N/A	N/A	N/A
<b>Consideration of Objections</b>			
<b>Issue</b>	<b>Consideration of Issue</b>		
Illegality	It is alleged that the Council erred in law in its interpretation of policies CTY1, CTY3, CTY8, CTY13, CTY14 and SPPS and thereby failed to apply them property or at all. In relation to this ground and as detailed in the case officer's report, it is contended that the proposal is in accordance with all relevant policy tests.		
Irrationality	It is alleged that the Council view that policy is complied with is irrational in the Wednesbury sense in that it wrongly concluded that the design meets the standards of Building on Tradition, that all planning considerations including consultation responses have been assessed and that the proposal would not have a detrimental impact on the character of the area and would not cause demonstrable harm to interests of acknowledged importance. In relation to this ground, it is contended that the conclusions and recommendations which have been reached are not Wednesbury irrational and the full detail of the assessment is contained within the case officer's report.		
That the original dwelling is a vernacular building which ought not to be replaced without a suitable structural engineers report indicating that the structure is unsound.	The matters pertaining to vernacular assessments have been fully considered and set out in the report. CTY 3 allows for replacement of a vernacular building which does not make an important contribution to the heritage, appearance or character of the locality whilst encouraging its retention as an ancillary building.		

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

**Week Ending 6th January 2023**

<p>The Planning Advice Note issued by the Department of Infrastructure on the 2<sup>nd</sup> August 2021 is a material consideration.</p>	<p>The PAN has been rescinded by the DfI and is no longer a material consideration.</p>
<p>The Council didn't investigate if the former dwelling to be replaced had been replaced before and a former dwelling that has been replaced cannot be replaced again.</p>	<p>The evidence available to the Council would suggest that the dwelling identified to be replaced has not been replaced before. Firstly, the planning history of the site which contains no historical records that this dwelling has been replaced before and no robust evidence is presented to the contrary.</p>
<p>The approved dwelling has moved forward into a more prominent location and is at least 4 times bigger than the original dwelling. It breaches the policy requirement 'the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building'.</p>	<p>In terms of visual impact it is considered that the proposed new dwelling will integrate with the existing group of rural buildings being some 33 metres from the dwelling to the former dwelling to be replaced. As detailed within the report all existing hedges and trees are to be retained with the exception of a small widening of the existing field gate access. It is therefore considered that the new dwelling will integrate adequately with the surroundings. The two adjacent dwellings and outbuildings are not considered to be disproportionate in size and scale to the proposed dwelling. In addition the extant approval LA05/2019/1156/O and previous lapsed planning histories are also material considerations afforded significant weight that the principle of a dwelling at this location was accepted and unchallenged. The assessment acknowledges that policy also makes provision for modern living standards to be met. It is also considered that the 56 metre squared dwelling is significantly smaller than the minimum size required for modern day living standards. The proposed footprint is 162 metres squared. It provides for living accommodation and one bedroom at ground floor with a three additional bedrooms provided of at first floor. The footprint whilst larger than the existing building, is not considered to be of a scale or mass, that would result in a significantly greater visual impact for the reasons outlined within the report.</p>
<p>BOT cannot have been properly taken into account as the proposed development departs from BOT in relation to replacement dwellings in</p>	<p>In relation to the points raised, the assessment within the case officers report sets how the guidance in Building on Tradition has been taken into account. Within the context of paragraph 5.3.0 of Building on Tradition, it could not be perceived that the proposed dwelling would be out of character as it is being added to the group of an existing large dwelling at 730 - its sizable outbuildings and barns and indeed the newly built farm dwelling which all share the same access lane. The two adjacent dwellings and outbuildings are not considered to be disproportionate in size and scale to the proposed dwelling. Building on Tradition actually</p>

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

**Week Ending 6th January 2023**

<p>relation to size, design, and siting of the new dwelling and integration with the existing group of buildings and into rural setting.</p>	<p>goes on to deal with offsite replacements and states that circumstances may arise where there are good planning reasons for a replacement dwelling to depart from the site of the original dwelling. Consideration was given to the existing curtilage being so restricted that it could not reasonably accommodate a modest sized dwelling without detriment caused to the existing amenity provision of number 730 by virtue of the new dwelling being built so close to an existing one.</p>
<p>The proposed dwelling, if built will represent a large modern house which will transform half an existing agricultural field into a modern dwelling with large gardens. It present a loss of farmland, intrusion into open countryside, suburban build-up and erosion of rural character which are all prohibited by policy.</p>	<p>In terms of design of the proposed dwelling is of a relatively simple rural form with a long narrow main section and few add ons. It is also without architecturally fussy fenestration. The gables are considered to have vertical emphasis and the plan is narrow consistent with design principles set out in Building on Tradition.</p>
<p>This house will add to the existing ribbon of development as due to its location, size and alignment with existing houses will share a frontage and become visually linked to all the adjacent houses and thus extend/add to an existing ribbon of development.</p>	<p>In relation to this point ribbon development applies to road frontage sites. This development is not occupying a road frontage plot and as such, it cannot not be perceived as ribbon development. The development is along a private laneway as it is grouped with an existing group of farm buildings which terminate the laneway.</p>

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

**Week Ending 6th January 2023**

<b>Item Number 3</b>			
<b>Application Reference</b>	LA05/2021/0721/RM	<b>Date Valid</b>	18.06.2021
<b>Description of Proposal</b>	Erection of a new storey and a half dwelling with detached garage	<b>Location</b>	Site between 254 and 260 Hillhall Road Lisburn
<b>Group Recommendation</b>	Approval	<b>Case Officer</b>	Mark Burns
<b>Reasons for Recommendation</b>			
All relevant planning material considerations have been satisfied.			
<b>Representations</b>			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
0	N/A	N/A	N/A
<b>Consideration of Objections</b>			
<b>Issue</b>	<b>Consideration of Issue</b>		
Illegality	It is alleged that the Council erred in law in its interpretation of policies CTY8, CTY13, CTY14 and SPPS and thereby failed to apply them properly or at all. In relation to this ground and as detailed in the case officer's report, it is contended that the proposal is in accordance with all relevant policy tests.		
Irrationality	<p>It is alleged that the Council view that policy was complied with is irrational in the Wednesbury sense in that they wrongly relied on a non-existent building at 254 Hillhall Road and considered that as the principle of a dwelling and garage has already been agreed issues of build-up and ribbon development are not relevant in the determination of this application for reserved matters.</p> <p>The assessment of the application demonstrates how the detail associated with the siting, design, external appearances and landscaping have been considered and planning judgement is applied in concluding that the development meets the standards of Building on Tradition and can be visually integrated into the surrounding landscape and that the building is of an appropriate design for this countryside location.</p> <p>In relation to this ground, it is contended as detailed above that the conclusions and recommendations which have been reached are not Wednesbury irrational and the full detail of the assessment is contained within the case officer's report.</p>		
Consideration of Policy	An objection has been raised in relation to the policy in which the application was assessed against.		

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

**Week Ending 6th January 2023**

	<p>This is a Reserved Matters application and the outline permission associated with this application for approval of reserved matters confirmed the principle for a dwelling in the countryside.</p> <p>The assessment is confined to a consideration of the detail of the matters reserved including whether the proposed design is in accordance with the relevant policies and guidance.</p>
Different site/Red Line	<p>An objection has been raised stating that the red line associated with access arrangements is reduced when compared to that of the outline application.</p> <p>In this instance the red line reduction was for the purposes of achieving sight splays and this considered to be acceptable.</p>
Structure at 254 Hillhall Road.	<p>It has been stated that the structure at 254 Hillhall Road is too small to be considered as a building in relation to CTY 8. However this is a Reserved Matters application and the principle of development including weather a gap site exists was considered in the processing of the outline application.</p>
The dwelling will further erode the rural character and will register as a suburban build up.	<p>In terms of the siting, the dwelling is set back from the road by approximately 23 metres. It is orientated within the site to face the road in keeping with the dwelling at other dwellings along the Hillhall Road. The garage is likewise is set back from the road by approximately 50 metres consistent with the established built form along this stretch of the Hillhall Road. The proposed dwelling is designed as a two storey building with a front elevation, 7.0 metres to the ridge with the detached single storey garage 5.1 metres to the ridge.</p> <p>The dwelling house and garage are designed to respect the existing topography of the site. The changes in levels as outlined above are consistent with tests set out in policies CTY 13 and 14 and the guidance in Building on Tradition. It is therefore considered that the proposal will not further erode the rural character of the area or result in suburban style build-up of development at this location.</p>
Building on Tradition was not taken into account.	<p>Paragraph 4.4.1 of Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside outlines that policy CTY 8 Ribbon development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses, within an otherwise substantial and continuous built up frontage.</p> <p>Building on Tradition was a material consideration in the processing of the outline application and it was concluded that there was a gap site to accommodate the proposed dwelling.</p>



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

**Week Ending 6th January 2023**

	<p>In relation to design criteria it is considered that the assessment of the application demonstrates how the siting, design and external appearances of the dwelling are in keeping with guidance set out in Building on Tradition.</p>
--	---