

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

Week Ending 7th October 2022

Item Number 1			
Application Reference	LA05/2020/1039/O	Date Valid	08.12.2020
Description of Proposal	Site for a dwelling, garage and associated site works (infill opportunity as per CTY 8 of PP S21)	Location	Land between 5 and 5a Crewe Road Ballinderry Upper Lisburn
Group Recommendation	Approval	Case Officer	Catherine Gray
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
7	1	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Contrary to Policy CTY 8 and does not qualify for an infill	<p>An objection has been raised that the application site does not sit squarely with the provision of policy CTY 8 and no justification has been presented how it meets any of the other exceptional tests for residential development listed in policy CTY 1.</p> <p>It has also been stated that the proposal does not fall within Policy CTY 8 as the established settlement pattern comprises road frontage development of rectangular plots and wrap around gardens and not long linear plots, and that the proposal does not respect the surrounding development grain.</p> <p>The proposal has been assessed against the SPPS and Policy CTY 8 and it is considered that it complies with policy CTY 8 and therefore also complies with policy CTY 1 of PPS 21.</p>		
Contrary to Policy CTY 13 and the SPPS	<p>The view is expressed that the proposal is contrary to policy CTY 13 and that it offends criteria (a), (b), (c), (d) and (f) and that development on the site would be prominent and conspicuous in the open landscape resulting in harm on the countryside.</p> <p>The view is expressed that as new planting is necessary to provide an adequate means of enclosure this would directly affect the amenity of property number 5 and could lead to the possibility of overshadowing and visual obstruction. They also outline the responsibility that the local planning authority plays in safeguarding residential environs and quotes paragraph 4.12 of the SPPS.</p>		

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	<p>The proposal has been assessed against the SPPS and policy CTY 13 and it is considered that the proposal complies with the SPPS and policy CTY 13. The application is for outline permission and therefore detailed drawings have not been submitted with the proposal. That said an indicative layout/concept plan of the site has been provided by the agent that indicates that a scheme could be designed that would not impact on the residential amenity of existing adjacent residents by way of overshadowing or overlooking. Detailed design of all elements of the proposal would be considered at reserved matters stage.</p>
Inaccuracies on the submitted plans	<p>The view is expressed that number 5b Crewe Road has been labelled incorrectly on the plans and that the conservatory of number 5 Crewe Road has not been annotated on the plans.</p> <p>Through the processing of the application amended plans have been submitted to address these issues.</p>
Impact on Natural Heritage	<p>The view is expressed that priority species have been seen at the site, in particular, a priority bird species, Lapwing feeds at the application site and nests nearby.</p> <p>The view is expressed that no consideration has been given within the application to the impact the proposed development will have on protected species and thus conflicts with policies NH2 and NH 5 of PPS 2 and that the biodiversity in the area needs to be protected. Further information must be submitted demonstrating the impact of the proposal. Views have also been expressed about the content of the submitted ecology information.</p> <p>Through the processing of the application a biodiversity checklist and ecological statement has been submitted for consideration. As part of the assessment, the proposal has been assessed against PPS 2 Natural Heritage and it is considered that the proposal complies with PPS 2. NED has considered the impacts of the proposal on designated sites and other natural heritage interest and, on the basis of the information provided, has no concerns.</p>
Property 5a has not been built in accordance with the stamped approved plans and the impact of such / applicants disregard for planning policy	<p>Concern has been raised that the dwelling and curtilage of 5a Crewe Road is not in accordance with approved plans and queried had a CLUD been submitted for this site</p> <p>Concern is also raised about the applicants disregard for planning policy.</p> <p>The view is also expressed that as policy CTY 8 requires that consideration is given to the substantial and continuously built up frontage, what weight can be given to a dwelling and curtilage, in the assessment of the current application against policy CTY 8 if no permission or CLUED exists to acknowledge that it is lawful.</p> <p>It is acknowledged that the dwelling and curtilage of 5a Crewe Road was not built in accordance with the stamped approved plans. Through</p>

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	<p>the processing of this application an application for a Certificate of Lawfulness was submitted for consideration under LA05/2022/0072/LDE and was approved on 18/03/2022.</p> <p>As the dwelling and curtilage of 5a Crewe Road has now been approved it can be considered as part of the substantial and continuously built up frontage, and used as part of the assessment against policy CTY 8.</p>
Impact on residential amenity	<p>The view is expressed that the current proposal will result in demonstrable harm to the overall amenity of property number 5 Crewe Road including but not limited to, overlooking, invasion of privacy, obstruction of their outlook and general disruption. The view is also expressed that a siting and curtilage restriction would need to be attached to mitigate against demonstrable harm being caused to number 5 Crewe Road. Concern has also been raised about the impact on property number 5b Crewe Road.</p> <p>The application is for outline permission and therefore detailed drawings have not been submitted with the proposal. That said an indicative layout/concept plan of the site has been provided by the agent that indicates that a scheme could be designed that would not impact on the residential amenity of existing adjacent residents by way of overshadowing or overlooking. Detailed design of all elements of the proposal would be considered at reserved matters stage.</p>
Character of the area / contrary to policy CTY 14	<p>The view is expressed that another dwelling in this area would change the character of the rural area and is contrary to policy CTY 14.</p> <p>As part of the assessment, the proposal has been assessed against policy CTY 14 and it is considered that the proposal complies with policy CTY 14 Rural Character.</p>
Impact on archaeological sites and monuments	<p>The view is expressed that the surrounding area is a very special area of great historical value and beauty and that there are approximately 8 archaeological sites and historical monuments within a 1 mile radius.</p> <p>The constraints detail that the site is within a buffer zone surrounding an archaeological site and monument – ANT 063:019 (Enclosure). As part of the assessment, the proposal has been assessed against PPS 6 Planning, Archaeology and the Built Heritage and it is considered that the proposal complies with PPS 6.</p> <p>Historic Environment Division have been consulted and advise that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.</p>

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View and open countryside	<p>The area at 5/5a has open countryside vistas and views and the area is good for health and wellbeing.</p> <p>Whilst the right to a view is a material consideration it is not given determining weight in this instance.</p>
Prospective residents would suffer loss of amenity	<p>The view is expressed that the proposal is contrary to the SPPS paragraph 6 as it has not been demonstrated that prospective residents of the proposed dwelling would not suffer loss of amenity due to noise, odour and pests arising from the slurry tank located immediately behind the site and within 80m of the boundary.</p> <p>Environmental Health have been consulted on the proposal and have raised no objection in principle. They recommend an informative advising that 'any prospective owner should be made aware that the proposed development is located in close proximity to a farm which is current under the control of the applicant. This may give rise to offensive conditions and as a result impact upon the amenity enjoyed by the proposed development due to noise, odour and insects', which would be placed on the decision notice if the application is approved.</p>
Third party land / applicants land	<p>The view is expressed that the red line is on third party land cutting a corner off number 5's land at the roadside. Concern has also been raised that the applicant has not fully disclosed what land he owns and marked in blue as the view is expressed that in previous applications the land in blue was different.</p> <p>Land ownership is a legal issue and the onus is on the applicant / developer to ensure that he has ownership / control of all lands necessary to implement a planning permission.</p> <p>The onus is also on the applicant/agent to declare the correct information on the application with regards to the land outlined in blue which would be in his ownership or control.</p>

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Item Number 2			
Application Reference	LA05/2021/1014/O	Date Valid	21.09.2021
Description of Proposal	Proposed infill dwelling and garage	Location	50m NE of 75 Drennan Road, Lisburn
Group Recommendation	Refusal	Case Officer	Grainne Rice
Reasons for Recommendation			
<p>The proposal is contrary to the SPPS and Policy CTY1 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 SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap within an otherwise substantial and continuously built up frontage and does not respect the existing development pattern along the frontage in terms of siting and plot size and would, if permitted, result in the addition to a ribbon of development along Drennan Road.</p> <p>The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted not respect the traditional pattern of settlement exhibited in the area and would result in a suburban style build-up when viewed with existing buildings and add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
7	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
The proposal does not meet the relevant planning policy tests.	This planning application was submitted as a proposed infill dwelling and garage and assessed accordingly. As demonstrated by the refusal reasons and recommendation it is considered the application is contrary to the planning policies SPPS, Policy CTY 1, CTY 8 and CTY 14.		
Nothing has changed since the previously issued planning refusal.	It is acknowledged that planning permission was refused for a similar planning application LA05/2019/0195/F. Since then circumstances have not significantly changed. That said each planning application is considered on its own merits.		
The site has recent flood history, concern	Rivers Agency have been consulted on this planning application and have no objection subject to informatives. A flood risk assessment was submitted with the application and Rivers Agency while not being		

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for neighbouring properties. Fear the proposed development will impede on the flood plain capacity and increase the likelihood of flooding.	responsible for the preparation of the Flood Risk Assessment accept its logic and has no reason to disagree with its conclusions subject to appropriate informatives on any potential decision notice. As such it is contended the proposal meets the policy requirements of PPS 15 Planning and Flood Risk.
Comments made regarding objectors are unprofessional and have no bearing on an application which does not satisfy PPS 21.	All comments made in assessing a planning application are processed in line with the General Data Protection Regulations (GDPR) requirements. All parties are informed that any details provided during the application process will be published on the internet on public access and will be made available for public viewing. The Council processes all information in an open and transparent manner and were necessary anything of a derogatory or offensive nature will be redacted.
Concern regarding safety of proposed vehicular access.	Dfi Roads have been consulted on the application and offers no objection to this development proposal in principle subject to necessary conditions for inclusion on any decision notice. It is considered the proposal complies with PPS 3 Access Movement and Parking.
Loss of privacy.	The proposed site is located in the open countryside and given the separation distances and intervening boundary treatment it is considered that the proposal will not significantly conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties in terms of loss of privacy or amenity.
Impact proposal will have on local wildlife.	On the basis of the information submitted the proposal is unlikely to impact protected or priority species habitats. In this case no significant vegetation is being removed. It is contended that the proposal complies with PPS 2 Natural Heritage.
The same concerns apply to a separate application located in the same field.	It is acknowledged another planning application for a second dwelling LA05/2021/1013/O was submitted in conjunction with this planning application. The second planning application was withdrawn by the planning agent/applicant on 04 th April 2022.
Proposal would result in ribbon development.	It is considered the site would read with the existing development located at No.75 Drennan Road and No. 83 Drennan Road and would result in the addition of ribbon development along Drennan Road.

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Item Number 3			
Application Reference	LA05/2020/0322/F	Date Valid	06.05.2020
Description of Proposal	To erect a new 13 span 11,000 volt overhead line on wood pole structures ranging from 11m to 14m in height from approximately 300m East of 47 Glenside Road, Dunmurry to approximately 20m east of 32 Glenside Road, Dunmurry to provide an electrical system upgrade connecting existing NIE Networks equipment with a total length of approximately 1,200m	Location	Proposed new 13 span 11,000 volt wood pole overhead line from approximately 300m East of 47 Glenside Road Dunmurry to approximately 20m East of 32 Glenside Road Dunmurry
Group Recommendation	Approval	Case Officer	Calum McCormick
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		
Potential negative visual impact of the proposal.	<p>The application site is located in the Belfast Hills and in the Belfast Basalt Escarpment Area of High Scenic Value, outside any defined settlement limit. The site has expansive views of Belfast Lough to the east. As such, the environmental impact of the proposal is a material consideration in this instance.</p> <p>There are already existing overhead lines in the vicinity of the site in addition to sporadic residential and agricultural development (of varying aesthetic quality) which has arguably compromised the existing visual amenity. Given there is a precedent for similar development in the area, a refusal cannot be sustained on the basis of visual impact. It is therefore contended that the proposal would likely integrate in the landscape as it</p>		

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	currently sits and would not have a detrimental impact on the area's visuals assets.
Impact on ecological habitat located underneath proposal.	The site intersects the ML 11/02 Site of Local Nature Conservation which is an ecological habitat for protected species, including lizards. NIEA and Environmental Health were consulted and offered no objections, subject to conditions. Accordingly, a refusal cannot be sustained on the basis of ecological impact.

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Item Number 4			
Application Reference	LA05/2021/0017/F	Date Valid	14.01.2021
Description of Proposal	Proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing, new access and all associated site works	Location	Approximately 40m from No 33 Glen Road Hillsborough
Group Recommendation	Refusal	Case Officer	Grainne Rice
Reasons for Recommendation			
<p>The proposal is contrary to the SPPS and Policies CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in that there are no overriding reasons why this development is essential in this rural location and the proposal would, if permitted, result in the extension of a ribbon of development along the Glen Road, Hillsborough.</p> <p>The proposal is contrary to the 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 build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside.</p> <p>The proposal is contrary to the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.</p> <p>The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be unduly prominent in the landscape and would result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside.</p> <p>The proposal is contrary to the SPPS and Policy OS 3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation in that it would have an adverse impact on the visual amenity/character of the local landscape as it would not be readily absorbed into the local landscape.</p>			
Representations			



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Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		