

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

Week Ending 19 June 2020

Item Number 1			
Application Reference	LA05/2019/0371/O	Date Valid	05.04.2019
Description of Proposal	Storey and a half dwelling with garage	Location	Site between No. 111 & 115 Mealough Road Carryduff Belfast
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 in a substantial and built up frontage and would, if permitted, result in the creation of a ribbon of development.</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 result in a build-up of development and the creation of a ribbon of development detrimental to the rural character of the area.</p> <p>The proposal is contrary to the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 85.5 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15.</p> <p>The proposal is contrary to the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 85.5 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
6	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Part of land in application not in	During the processing of the application the red line of the application site and the ownership certificate were amended to Certificate A stating		

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ownership and no permission given to use said lands.	the applicant is in actual possession of the land to which the application relates. Any encroachment issues are a civil matter that are dealt with outside of the planning process. Planning permission does not confer title and it is the responsibility of the developer to ensure that they control all the lands necessary to carry out the proposed development.
Loss of amenity to neighbouring property and loss of view.	It is contended that there is an adequate separation distance between the proposal and all neighbouring properties. This is an outline application to establish the principle of development. Any issues in relation to the design of the proposed dwelling could be appropriately dealt with at Reserved Matters stage.
Access to Well and Impact on water quality	<p>Concern is expressed that the development threatens the use of a well that lies on the boundary. Location of soak away from septic tank will threaten the water quality and changes in drainage patterns of the land would affect surface water absorption. Potential contamination. Reference is made to a court ruling required that the defined boundary be maintained.</p> <p>NIEA Water Management Unit has considered the impacts of the proposal on the water environment and have no objections. NED note the intention for installation of a septic tank and use of curtilage soak away and are content that a suitable buffer of at least 10m has been maintained between the septic tank/soak away and nearest field drain. It is considered that the proposal would not adversely affect the surface water environment. Boundary disputes are a legal matter dealt with outside of the planning process.</p>
A previous application for a similar proposal was rejected.	Previous planning decisions are a material planning consideration. The planning history for the site indicates no previous planning applications on the site. All material planning considerations will be assessed during the application process.
Road safety issues.	<p>The view is expressed that the proposed site has a narrow access with inappropriate sightlines. Field gates are not considered an existing access. Reference is made to the fact that the proposal is seeking a new access which is not achievable as the required splays are not available without acquiring third party lands.</p> <p>DFI Roads Service have been consulted on the application and as the neighbours have confirmed with the applicant that they are unwilling to permit the inclusion of their land in this application, the applicant would not be able to achieve the required visibility splays. DfI – Roads offered up refusal reasons. The proposal is contrary to Planning Policy Statement 3 Access Movement and Parking AMP 2 in that it would if permitted prejudice the safety and convenience of road users since it would not be possible to provide adequate visibility splays or forward sight distance on the public road.</p>
Protected wildlife around or on the	Natural Environment Division were consulted on the application and acknowledge receipt of the Northern Ireland Biodiversity Checklist and

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<p>land adjacent to the proposed site.</p>	<p>Preliminary Ecological Assessment (PEA). Natural Environment Division has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.</p>
<p>The proposal does not constitute a small gap in an otherwise substantial and continuously built up frontage.</p>	<p>At the proposed site there is no line of three or more buildings along a common frontage. It is considered that the proposal does not constitute a small gap in a substantial and built up frontage and does not meet the policy tests of Policy CTY 8 of PPS 21.</p>

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Item Number 2			
Application Reference	LA05/2018/1059/O	Date Valid	18.10.2018
Description of Proposal	Proposed replacement 1.5 storey dwelling	Location	Lands at 75m north of 27 Lougherne Road with access onto Ballycreen Road Ballynahinch
Group Recommendation	Refusal	Case Officer	Catherine Gray
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 Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced does not exhibit the essential characteristics of a dwelling; the building has been designed and used for agricultural purposes; the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits and the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.</p> <p>The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration.</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, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.</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 3			
Application Reference	LA05/2018/0511/O	Date Valid	25.05.2018
Description of Proposal	Replacement dwelling and garage.	Location	28 Forthill Road Dromore Co. Down
Group Recommendation	Refusal	Case Officer	Joseph Billham
Reasons for Recommendation			
The proposal is contrary to the SPPS and Policy NH 5 of Planning Policy Statement 2, Natural Heritage in that it has not been demonstrated that the proposal will not result in the unacceptable adverse impact on, or damage to bats.			
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	LA05/2019/0904/F	Date Valid	05.09.2019
Description of Proposal	Farm shed	Location	130m west of 1 Rusheyhill Road, Stoneyford Lisburn
Group Recommendation	Refusal	Case Officer	Cara Breen
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 at this location.</p> <p>The proposal is contrary to the SPPS and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it has not been demonstrated that; there are no suitable existing buildings on the holding or enterprise that can be used, there are no other sites available at an existing group of buildings on the holding; the proposal is essential for the efficient functioning of the business or there are demonstrable health and safety reasons, and the development, if permitted, would not visually integrate into the local landscape.</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 would, if permitted, result in the creation of ribbon development along a private laneway.</p> <p>The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that 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.</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 building 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, if permitted, would create a ribbon of development along a private laneway, which would therefore result in a detrimental change to (further erode) the rural character of the countryside.</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 5			
Application Reference	LA05/2019/0935/0	Date Valid	16.09.2019
Description of Proposal	Dwelling and access	Location	Adjacent and NW of 12 Temple Road Upper Ballinderry
Group Recommendation	Refusal	Case Officer	Brenda Ferguson
Reasons for Recommendation			
<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 respect the existing development pattern found along the frontage in terms of size, scale and plot size.</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 development would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and it would not, if permitted not respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		