

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

**Week Ending 28th March 2024**

Item Number 1			
<b>Application Reference</b>	LA05/2019/0655/F	<b>Date Valid</b>	21.06.2019
<b>Description of Proposal</b>	Construction of a light industrial unit plus new access road to serve this unit including formation of sightlines and other necessary works	<b>Location</b>	Land adjacent to 16 Gobrana Road Glenavy
<b>Group Recommendation</b>	Refusal	<b>Case Officer</b>	Catherine Gray
Reasons for Recommendation			
<p>The proposal is contrary to the Lisburn and Castlereagh City Council Plan Strategy, Policy TRA2 "Access to Public Roads" in that it would, if permitted, prejudice the safety and convenience of road users as it has not been demonstrated that large vehicles can safely utilise the existing Gobrana Road and A26 Moira Road junction.</p> <p>The proposal is contrary to the Lisburn and Castlereagh City Council Plan Strategy, Policy ED9 "General Criteria for Economic Development", part (h), in that it has not been demonstrated that the existing road network can safely handle any large vehicles that the proposal will generate or that suitable developer led improvements are proposed to overcome any road problems identified.</p>			
Representations			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
9	N/A	N/A	N/A
Consideration of Objections			
<b>Issue</b>	<b>Consideration of Issue</b>		
Zoning/Planning Policy.	<p>Concerns have been expressed that the proposal is no longer suitable at this location because of a judgement in the Court of Appeal delivered on 18 May 2017 which quashed BMAP. The view is expressed that the Lisburn Plan 2001 is now the statutory development plan for the site.</p> <p>Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications regard must be had to the requirements of the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.</p> <p>The Lisburn and Castlereagh City Plan Strategy was adopted in September 2023. Part 1 of the Plan Strategy states 'Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of</p>		

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	<p>the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage. The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted. BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.'</p> <p>In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations. Within the LAP the application site is within the Countryside. Within dBMAP the application site is within the Settlement Development Limit of Glenavy and also within designation GY 05. Designation GY 05 is 6.28 hectares of land north west of Gobrana Road which is zoned for Employment/Industry. Giving consideration to the content of the Planning Appeals Commission report and the zoning of the land for Employment/Industry that was previously adopted, determining weight is given to the zonings within the dBMAP of the site being within a SDL and zoned for Employment/Industry. Recent appeal decisions by the Planning Appeals Commission support this interpretation of policy.</p>
<p>Planning History.</p>	<p>The view is expressed that the planning history on the site does not carry any significant weight as it has lapsed, that the employment use zoning is no longer applicable, and as there were objections to the previous application.</p> <p>The planning history on the site is a material consideration however in this case the original application S/2006/1351/F has expired and is not given determining weight in the processing of the application and the previous application LA05/2017/0452/F was refused.</p>
<p>Road Safety Concerns.</p>	<p>Concerns have been raised about road safety and the view is expressed that the increase in traffic of this proposal or any proposal on this site cannot be safely accommodated on Gobrana Road. The view is also expressed that approval of this proposal, which would lead to development on the remainder of the site, would exacerbate these road safety concerns including the Gobrana Road/Moira Road junction which is dangerous as is. Also that more traffic is dangerous to children and walkers as there is no footpath on the road.</p> <p>A new access is proposed with visibility splays of 4.5m x 196m to the left hand side and 4.5m x 98m to the right hand side and a footpath is also proposed along the frontage of the site.</p>

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	<p>DfI Roads have been consulted on the proposal and advise that the application is unacceptable as submitted.</p> <p>The proposal is considered to be contrary to the Lisburn and Castlereagh City Council Plan Strategy, Policy TRA2 “Access to Public Roads” in that it would, if permitted, prejudice the safety and convenience of road users as it has not been demonstrated that large vehicles can safely utilise the existing Gobrana Road and A26 Moira Road junction. The proposal is also considered to be contrary to the Lisburn and Castlereagh City Council Plan Strategy, Policy ED9 “General Criteria for Economic Development”, part (h), in that it has not been demonstrated that the existing road network can safely handle any large vehicles that the proposal will generate or that suitable developer led improvements are proposed to overcome any road problems identified.</p>
Residential Amenity / Noise Impact.	<p>Concern is raised about the impact of the proposal on residential amenity. Concern is also expressed about the noise impact and the view is expressed that consideration for 18a and 18b is unclear.</p> <p>The proposal is on lands zoned for employment/industry. Through the processing of the application a noise impact assessment has been submitted for consideration. Environmental Health have been consulted on the proposal and have no objection and advise that there should not be an impact on amenity with respect to noise.</p>
Rural Character.	<p>The view is expressed that the proposal would detrimentally change and erode the existing rural character.</p> <p>The application site is within the designated Settlement Development Limit of Glenavy and would not have a negative impact on rural character.</p>
Environmental Concerns.	<p>Concerns have been raised about environmental impact of the proposal.</p> <p>The proposal involves the removal of a small portion of hedgerow to accommodate the visibility splays and a small area of improved grassland. The plans do not detail the removal of any other vegetation. It is considered that the proposal would not harm any protected species or habitat and complies with the NH policies.</p>
Land ownership.	<p>The owners of the adjacent laneway express the view that from considering the site plan for the development it would appear that the boundary encroaches upon their land by approximately 5m in width along the length of the right hand boundary to the left of their laneway.</p> <p>Through the processing of the application the agent has an amended site location plan removing the encroachment into the adjacent laneway. Land ownership is a legal issue. The onus is on the applicant/developer</p>

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	<p>to ensure that they have ownership/control of all lands necessary to implement a planning approval.</p>
<p>Impact on adjacent property.</p>	<p>Concern is raised about the impact of the proposal on adjacent property during the construction process and the impact of an adjacent industrial unit adjacent to residential property.</p> <p>Construction works are of a temporary nature and would be present until the development is completed. These are considered to be normal impacts in relation to the development of land and the issue raised is given little weight in the assessment of this application. That said it does not remove the obligation of the developers and their contractors to be considerate neighbours and to not cause nuisance for the duration of the works.</p> <p>The application site is on land zoned for employment/industrial use. The proposal is for one light industrial unit which is a use that is considered to be compatible with the adjacent land uses.</p>