

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

Week Ending 9 October 2020

Item Number 1			
Application Reference	LA05/2020/0354/F	Date Valid	18.05.2020
Description of Proposal	Change of use to office premises for business management services activity. External modifications to existing building to include new window openings in gable end elevations, replacement front doors & glazed screens and smooth plaster render to front elevation. Perimeter security lighting and CCTV installation to building exterior. Erection of a prefabricated metal shed to act as external store. 2.1m high timber fence to rear and side boundaries and metal open mesh high security fencing and access gates to front boundary.	Location	19A Maghaberry Road, Maghaberry, BT67 0JE
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
4	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Boundary Dispute	<p>Concern is expressed in relation to an ongoing boundary dispute regarding the new 2.1m high timber fencing erected along the full length of their property which denies access to their rear drains and rear gate access to Maghaberry Road. It is also unsightly and uneven</p> <p>The issue regarding land ownership has been raised with the applicant who has confirmed that the fence has been erected within the</p>		

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	boundary limit and all the lands within the red line as shown on the site map are within the ownership of 19A. Any boundary disputes following clarification of this matter are a legal issue.
Fixed external lights that illuminate from approximately 22.00 – 12.00 at night and shine directly into the kitchen and bedrooms of their property	The building perimeter lights have been positioned at the side gables and to the rear of the property. The previous use was retail and also had external wall mounted security lighting. The lighting has not been positioned to shine directly into neighboring properties. The location of the lights have been identified on the floor plan and the Planning Unit are satisfied with the location and positioning of these. Environmental Health have raised no concerns regarding these features and note that there have been no complaints with regards to light nuisance. An informative has been suggested which refers the applicant to the guidance notes for artificial lighting.
Installation of 2 large windows in the gable wall adjacent to their property causing loss of privacy to property	The introduction of 2 additional windows to the side gable of the property at ground floor level will not result in loss of privacy to any of the neighboring properties. The windows are to serve an open office area and there would be no overlooking from these as they are located on the ground floor with the majority of the windows positioned below the fence line.
Continuing to carry out works on site without the benefit of permission	This application was received on 18 th May 2020 with permission being sought for change of use to office premises. The proposal description was amended to include all works being carried out as part of the development. Any unauthorized works being carried out on site prior to determination of the application are at the applicants own risk.
CCTV cameras risk invasion of privacy in a residential area	The CCTV cameras are fixed and are not capable of a pan, tilt or zoom function. The identification of their location on the floor plan/elevations show these cameras are not pointing directly at neighboring properties. A similar CCTV installation was installed on the building when in previous use as retail. The CCTV cameras are for security purposes only.
Content of Shed/Use	<p>Reference is made to the details required regarding the use of the prefabricated metal shed, which is to be used for storage. The view is expressed that this suggests that the contents cannot or should not be stored in the office space. Questions are asked as to whether the contents will be regulated by the control of substances harmful to health? (COSHH) or is the material to be stored flammable and increased the fire risk to the neighbouring residential properties and will it require fire certification or regular inspection.</p> <p>The shed is to be used for the purpose of storing materials and equipment ancillary to the use of the business function. The NI Fire and Rescue Services undertook a fire audit of the buildings and raised no issues. There will be no hazardous substances stored in the shed.</p>



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2 out of the 10 properties neighbor notified now up for sale	This issue is not a planning consideration given weight in this assessment.

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Item Number 2			
Application Reference	LA05/2017/0021/F	Date Valid	10.01.2017
Description of Proposal	Demolition of existing buildings and erection of care home (Class 3(b) of the schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing (additional info)	Location	531 Saintfield Road, Belfast, BT8 8ES
Group Recommendation	Approval	Case Officer	Mark Burns
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
10	1	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Non compatibility with existing Land Use	An objection has been raised with regards the proposed used and conflict with the uses on other sites. It is considered that the use is compatible and that there will be no detrimental impact on the proposed or existing.		
Section 46 of the planning Act (NI) Act. Repeat Application	An objection was raised that the application was similar to a previous refusal on the site (LA05/2015/0726/F) and under section 46 of the Planning Act (NI) 2011 the Council could have declined to accept it as a repeat application. Although the application was similar there were differences including an amended red line, design changes and additional information had been submitted to deal with previous refusal reasons associated with LA05/2015/0726/F.		

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<p>Traffic</p>	<p>An objection has been raised in relation to traffic issues both currently and how this will be intensified should the proposal be approved. A transport assessment form accompanied the application that demonstrated that the proposed use would generate 66% less vehicle trips compared to the existing retail use. DfI Roads were consulted with the proposal and had no objection subject to conditions.</p>
<p>Noise /Nuisance /Disturbance.</p>	<p>Objections were raised that the use of adjacent lands would cause noise nuisance and disturbance to the residents of the proposed nursing home should it be approved. A noise impact assessment was submitted which demonstrated that there would be no detrimental impact to residents of the proposed development in terms of the loss of residential amenity by way of noise nuisance or disturbance. Triple glazing, acoustic ventilation and an acoustic barrier have been incorporated into the proposal to mitigate any potential impact from adjacent land uses. Environmental Health were consulted with the proposal and had no objection subject to conditions</p>
<p>Design and Integration of the proposal on edge of settlement.</p>	<p>Objections were raised that the proposal would fail to integrate into the surroundings at this location at the edge of the settlement. The building is to be three stories in height with a barrel shaped roof design. It is considered that this design along with the existing and proposed landscaping will allow the proposal to integrate into the surrounding and will not be detrimental to the character of the area.</p>
<p>Natural Heritage issues.</p>	<p>Objections were raised that the proposal would have an impact on natural heritage in the area. NIEA Natural Heritage Division (NED) were content with amended drawings that were submitted and commented that an adequate buffer had been provided to the watercourse adjacent to the site. Furthermore they advised that should the application be approved a condition should be attached to any decision notice to ensure that there is no lighting directed toward the watercourse.</p>

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Item Number 3			
Application Reference	LA05/2019/0211/F	Date Valid	05.03.2019
Description of Proposal	New apartment block comprising 4nr two bedroom apartments and 1nr 3 bedroom apartment with associated parking, site works and landscaping	Location	16 Dromore Road, Hillsborough, BT26 6HS
Group Recommendation	Refusal	Case Officer	Rachel Taylor
Reasons for Recommendation			
<p>The proposed development is contrary to the SPPS and Policy QD 1 (a), Planning Policy Statement 7: Quality Residential Environments, in that the development does not respect the surrounding context, and will result in unacceptable damage to the local character in terms of its, layout, scale, height, form, proportions, massing, and appearance.</p> <p>The proposal is contrary to the SPPS and policy QD1 (h) of the Department's Planning Policy Statement 7, Quality Residential Environments in that the development would not create a quality residential environment, and would, if permitted result in unacceptable overlooking into adjacent properties, and consequent loss of privacy.</p> <p>The proposal is contrary to the SPPS and policy QD1 (g) of the Department's Planning Policy Statement 7, Quality Residential Environments in that the design of the development would not draw upon the best local traditions of form, materials and detailing.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
6	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Density too much for approach to conservation area and gateway to Hillsborough and would set precedent	There are apartments approved adjacent to the site at the bottom of Pantridge Lane which are not similar in size, scale and massing but not dissimilar in density to the proposal.		
Out of character for the area and its architecture, including flat roof	In relation to the style, it is agreed that the proposal is out of keeping with the character of the area and this is reflected in the refusal reason		

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design within the setting of a Georgian village.	
Project splitting from earlier historical application that was not appropriate.	Whilst it is acknowledged that the apartment element was removed from an earlier application as it was causing issues, this application has been submitted separately and must be considered on its own merits
Increased traffic, congestion and accidents	The proposed access is taken through an existing approved access to tree dwellings. DFI Roads have been fully consulted on the application and are content with regards road safety issues.
Lack of usable private amenity space	There is more than adequate communal private amenity provision for each of the apartments. It exceeds the levels required by Creating Places.
Contrary to LC1 density and design out of keeping with the character of the area	Policy LC1 is not applicable to development proposed along key and link transport corridors (including designated arterial routes) within cities and large towns
No photomontages submitted	There is no requirement for the submission of photomontages
Developer says its connecting into the mains but with the gradient has not indicated the location of the pumping station that will be needed	This point was queried with the agent who has confirmed that the sewage disposal system exits the building at the ground floor level, which is at a level that connects, via gravity, to the existing sewer laid within the site. There is no waste water source at basement level. Therefore pumping of waste water is not required for this development
No mention of contaminated lands as per the adjoining development who has to produce contamination	A Generic Quantitative Risk Assessment (GQRA) report has been provided in support of the application. These have been agreed by NIEA Land, Soil and Air and Environmental Health.
No pre application community consultation	This is a local planning application therefore there is no legislative requirement for a pre application community consultation.

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Pre application advice sought and a recommendation for refusal on earlier application yet the developer had barely changed anything	The planning history inclusive of any PAD advice is a material planning consideration.
Three detached dwellings approved to the front of the site are already out of character and totally over dominating	This application can only assess development at the rear of the site. The three dwelling to the front have been approved under a separate planning application. Their presence, and inter-relationship, is however a material planning consideration.
Contrary to virtually all elements of PPS7.	A full assessment has been made on all aspects of PPS7 and those criteria which the application are deemed to be contrary to are detailed in the refusal reasons.
Access is too narrow	Access for apartments is from a shared surface which has been assessed and agreed to meet policy standards with DFI Roads.
Fails parking standards	Each unit has 2 parking spaces, some within the basement and some unassigned outside, however these meet the provisions required by Parking Standards.