

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

Week Ending 25th September 2020

Item Number 1			
Application Reference	LA05/2019/0098/F	Date Valid	05.02.2019
Description of Proposal	Demolition of existing building to be replaced with 1no. Ground Floor commercial retail unit to be used as part of the existing Builders Merchants with 1no. dwelling apartment to the first floor and all associated site works.	Location	2a Ballinderry Road Ballinderry Lower Aghalee Craigavon
Group Recommendation	Approval	Case Officer	Richard McMullan
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
2	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Overshadowing.	It is considered that the development as proposed will not result in any significantly increased levels of overshadowing when the proposal is compared to the original building that is being replaced.		
Overlooking.	Concern raised with regard to potential overlooking have been addressed by the removal of rear looking windows from the scheme.		
Access.	New access cause road safety issues/nuisance to road users & neighbours on busy road. Transportni have been consulted within the processing of the application and provide no objections. It is therefore considered that no issues shall arise.		
Wall.	Removal of north facing wall, assurance required that this is to be reinforced/supported to prevent structural damage to neighbouring property. Amended drawings indicated that this wall is to be retained. A new concrete in situ wall is to be provided behind the existing wall to provide additional support.		

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Item Number 2			
Application Reference	LA05/2019/1206/F	Date Valid	27.11.2019
Description of Proposal	Proposed erection of 38 no dwellings (semi-detached, detached & townhouses) including vehicular access, landscaping and all other associated site works (area previously approved under S/2014/0623/RM)	Location	Land situated adjacent to and immediately west of no's 6-14 Ayrshire Park (evens) and 15-17 Ayrshire Meadows (odds) Lisburn and immediately to the north of 65 Woodbrook Avenue Lisburn
Group Recommendation	Approval	Case Officer	Sinead McCloskey
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		
The houses are for social housing – do not want their homes to fall in value because of this. They were told verbally this would not happen.	There has been no indication from the applicant that the proposal is for social housing. Whilst the value of homes is a material consideration, it is not given determining weight. Any verbal agreement between parties was done outside of the planning process and cannot be considered in this assessment.		

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Item Number 3			
Application Reference	LA05/2019/0424/F	Date Valid	16.04.2019
Description of Proposal	Application under Section 54 of the 2011 Planning Act to vary Conditions 5 (landscaping) on planning permission S/2013/0455/F	Location	Land to rear of 4-14 Lisburn Street Hillsborough
Group Recommendation	Refusal	Case Officer	Sinead McCloskey
Reasons for Recommendation			
<p>The proposal is contrary to the SPPS and PPS7 in that the area to be removed was identified as part of the overall public amenity provision associated with application reference S/2013/0455/F, and as such, was conditioned to be landscaped in accordance with the approved Landscape Plan, Drawing No. 12 bearing the date stamp 24th June 2014, and no justification has been provided to warrant the Council to permit the non-compliance of this condition’.</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 4			
Application Reference	LA05/2020/0197/F	Date Valid	26.02.2020
Description of Proposal	Retention of outbuildings and enclosures used for established dog sitting/care business	Location	250 Ballygowan Road Crossnacreevy Belfast
Group Recommendation	Approval	Case Officer	Richard McMullan
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		
Noise (from dogs and traffic)	The use of the site has been established via LA05/2019/0496/LDE. This application seeks to retain outbuildings and enclosures used for the established dog sitting/care business which operates from the site. Issues relating to undue noise therefore fall outside of the remit of this planning application. Any issues with respect to undue noise would be a matter for LCCC Env. Health unit to investigate if required.		
The use of the site is incompatible with surrounding residential land use.	The use of the site has been established/is lawful as a result of the granting of approval of LA05/2019/0496/LDE. Therefore, the use of the site is does not fall within the remit of this planning application which seeks to retain outbuildings and enclosures only (for the established business within the site).		
Dog hairs a nuisance when grooming takes place.	It is noted that within the submitted details within this application a 'grooming room' is provided within the development. Its use for the grooming of dogs shall in turn reduce the issue of dog hairs harming neighbouring amenity levels.		
Road safety concerns/traffic attracted to the site.	The use of the site as a dog sitting/care business has been established via LA05/2019/0496/LDE. This application seeks the retention of outbuildings and enclosures in relation to this established use. Traffic generation would fall outside of the remit of this application. It is noted however, that Transportni offer no objections to the application.		

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Footpath being blocked by cars using the site.	This would not be within the control of this application which seeks structures with an already approved use.
Devaluing properties in the area.	The impact of a proposal on the value of surrounding properties is a material consideration however in this instance it is not given determining weight.
Alleged illegal buildings onsite.	This application is a retrospective application which is seeking to regularise the buildings within the site which have been erected.
Burning of materials within the site.	The alleged burning of materials within the site would not be a planning matter. Potentially, this would be a matter for Env. Health to investigate.
The site is paying only domestic rates not business rates.	This would not be a matter that would fall within the remit of planning control.
Use within the site has not been established.	A certificate of lawfulness was granted approval 14 th Feb. 2020 for 'Change of use from residential (Class C1) to a dog-sitting/care business (sui generis). As a consequence the use within the site is lawful and established.
Removal of dog excrement/urine/hair.	This application is only for the structures applied for which have been erected within the site. As the use of the site has been established the removal of waste from the site cannot be examined within the remit of this application.
Floor space calculations provided incorrect.	As the application is for the retention of development as built it is considered that the floor space calculations provided are correct i.e. the application seeks to retain the in situ development not add to it.
No information provided in respect vehicle/persons attending the site.	This information would not be required as this would relate to the use of the site which has is established via the granting of a Cert. of Lawfulness ref: LA05/2019/0496/LDE.
Site ownership.	Certificate C of the P1 application form has been filled out indicating that the application has served notice upon a 3 rd party whom it is outlined is the owner of the site
Precedent for similar development.	Each application is assessed upon its own merits taking into account all material planning considerations, including the planning history of the site. In this instance a lawful use as a dog sitting/care business has been established within the site. This is given determining weight in this instance.

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Item Number 5			
Application Reference	LA05/2020/0223/F	Date Valid	06.03.2020
Description of Proposal	Proposed change of house type from approval Y/2009/0406/F (Retrospective)	Location	44 Lisdoonan Road Saintfield
Group Recommendation	Approval	Case Officer	Grainne Rice
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		
Enforcement action previously on site.	It is acknowledged there was an enforcement case on the site which is now closed. A certificate of lawful development was determined for the site under application LA05/2019/1094/LDE. The existing domestic dwelling was judged to have commenced lawfully on 29.11.2019.		
The levels noted do not relate back to OS datum.	The existing and proposed levels match those previously submitted under planning application Y/2009/0406/F. It is contended there is sufficient information provided with the planning application to make an informed assessment and the information submitted meets policy requirements.		
The proposed design, dominance, scale, massing and proportions do not meet current planning policies.	The proposal is set back some 240m from the road with mature vegetation along the boundaries. The height of the proposal is 8m, 0.5m higher than approved. The extent of the front elevation would be 7m longer, 6.2m of this is a single storey conservatory. The designs meets the requirements of Building on Tradition and complies with the relevant planning policies		
There is an existing covenant on the land stating there is only to be one house on the lands.	Title to land is a legal issue and necessary informatives will be added to any potential decision notice. Any planning permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.		