

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

Week Ending 4 December 2020

Item Number 1			
Application Reference	LA05/2020/0527/O	Date Valid	09.07.2020
Description of Proposal	Site for dwelling in side garden of existing dwelling	Location	8 Kennedy Drive Magheralave Lisburn
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		
Projecting beyond established building line.	It is acknowledged that the development projects a portion beyond the building line of no's 2-8 Beechpark to the west. However, it is considered that it would be of a scale that would be acceptable.		
Overlooking front and side of property (2 Beechpark).	The development shall overlook the front and side of the 2 Beechpark however, the side and front of this dwelling are already open to public views from Beechpark. The proposed dwelling will not significantly add to existing overlooking of the rear amenity space of no. 2 Beechpark.		
Reduction in light to gable windows.	It is considered that the proposal will not result in undue light loss to the neighbouring property (gable end windows) as a result of the relationship between the two, taking into account the nature of the suns path also. A separation distance of approx. 10m is also noted which shall negate any potential light loss to an acceptable level.		
Overlooking into living room.	It is considered that any potential overlooking shall be negated to an acceptable level by virtue of the separation distance between the rear of the proposed dwelling and the neighbouring property which is seen to measure 10m. Intervening garages between the proposal and neighbouring property are also noted. To further negate any potential overlooking a condition of approval shall be that any upper floor windows (rear elevation) shall be fitted with obscure glazing.		
Inadequate car parking-add to current problems.	The proposal shall provide adequate in curtilage car parking spaces. DfI Roads have been consulted and have offered no objections.		

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Out of character with the area.	It is considered, following a full assessment against prevailing planning policy and relevant PAC appeal decisions that the proposal would be visually acceptable. It considered that the character of the area will not be adversely impacted upon.
Materials will not match existing properties.	This application seeks outline approval only. No plans or elevations have been provided outlining proposed materials to be utilised etc. This shall be assessed via a reserved matters or full application in due course.
Impact on views from existing dwelling.	The impact upon private views would not be considered to be a consideration which would be offered determining weight in this instance.
Reduced re-sale value of property.	Whilst this is a material consideration in this instance it would not be considered to be off determining weight.
Impact on/how will proposed be powered via NIE.	The provision of electricity to the development and the impact of same i.e. moving of existing infrastructure would be a civil matter outside of the remit of planning control.
Impact upon existing BT lines within the area.	The alteration of existing BT lines within the area would not be a planning issue. This would be a civil matter.
Similar application at no. 10 Kennedy Drive which was refused permission setting a precedent.	Each application is assessed upon its own individual merits against prevailing planning policy taking into account consultation responses etc. In this case the development as proposed is considered to be acceptable. It is also noted that planning approval ref: S/2007/0447/F 'Proposed dwelling adjacent to 10 Kennedy Drive' was approved 3 rd June 2008.
Construction phase of development shall be disruptive to neighbouring properties re: noise/parking of vehicles.	LCCC Environmental Health unit have been consulted and offer no objections to the development. Any issues with respect to undue noise during the construction of the development would be a matter for LCCC Environmental Health unit to investigate. Any issues with respect to unauthorised parking of vehicles would be a matter for the PSNI etc.
Potential Flooding.	Within the processing of the application Rivers Agency were consulted and they can be seen to offer no objections to the development. It is therefore, considered that no undue issues shall arise with respect to flooding etc. as a result of the development as proposed.

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Item Number 2			
Application Reference	LA05/2020/0185/O	Date Valid	27.02.2020
Description of Proposal	Site for detached farm dwelling under PPS 21 CTY10	Location	Lands to the rear of 15-17 Cross Lane 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 CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that:</p> <ul style="list-style-type: none"> the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm. health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm <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 dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding 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 development would, if permitted not respect the traditional pattern of exhibited in the area when viewed with existing buildings and 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
6	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Why choose this site as lots of other lands within the farm holding.	The Council must determine a planning application on the basis of the information submitted. The proposal is contrary to Policy CTY1, 10, 13 and 14 of PPS 21 and does not merit being considered as an exceptional case in that the proposed building is not visually linked or		

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	sited to cluster with an established group of buildings on the farm and would result in a detrimental change to the rural character of the countryside.
Site in question is used for light industrial purposes only.	A certificate of lawful development had been granted under application LA05/2020/0306/LDE on 17 th July 2020 for industrial units to the rear of 15-17 Cross Lane incorporating unit 1 a garage workshop, unit 2 pallet storage, unit 3 pallet manufacturing use Class B2 Light Industrial. The planning history has been considered during the application process and is reflected in the refusal reason.
Who owns the land.	Certificate C has been completed on the P1 application form indicating the applicant has served notice on a 3 rd party. The outcome of a planning application does not affect title or the other legal responsibilities associated with ownership. It is the responsibility of the developer to ensure that they control all the lands necessary to carry out a proposed development.
The applicant does not store any farm machinery/equipment or feed on the site. Mobile home located on the site which is lived in.	When the site was inspected there was no evidence of farm machinery/equipment or feed at the site. The mobile homes located at the site are the subject of a current investigation being undertaken by the Councils enforcement team
Concerns regarding access position to site/ road safety.	Dfi Roads have been consulted on the planning application and have no objections subject to conditions. The proposal would involve alteration of an existing access and complies with PPS 3 Access Movement and Parking.
Potential noise and general – noise impact assessment submitted not accurate.	Noise and general disturbance are dealt with by Environmental Health – The noise impact assessment submitted identifies that the impact from the adjacent commercial premises to the proposal is classified as ‘low impact’. It is also noted that the commercial units are under the ownership of the applicant. Environmental Health have fully considered the information submitted with the application and have no objection to the proposed development.
Depreciation in value of nearby homes.	Depreciation in value of nearby homes is not a planning consideration that is given a determining weight.
Neighbours not notified.	All neighbours that meet the statutory neighbour notification guidelines have been notified.
Party approached to sign a letter of no objection to industrial activity to rear of site.	It is noted that the writer was seemingly asked to sign a support petition type letter and declined.

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Item Number 3			
Application Reference	LA05/2020/0255/O	Date Valid	08.04.2020
Description of Proposal	Dwelling and garage, including improvements to access	Location	Adjacent and 30m south of 98 Saintfield Road Lisburn
Group Recommendation	Refusal	Case Officer	Cara Breen
Reasons for Recommendation			
<p>The proposal is contrary to the Strategic Planning Policy Statement (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 CTY 1 and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the site is not considered to be a small gap in an otherwise substantial and continuously built up frontage of three or more buildings along a road frontage without accompanying development to the rear, and it would if permitted add to a ribbon of development.</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 site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would if permitted rely 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 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 add to a ribbon of development which would therefore result in a detrimental change to (further erode) the rural character of the countryside.</p> <p>The proposal is contrary to the SPPS Para 4.11 in that the proposal is sited adjacent to existing agricultural buildings which may not be within the control and ownership of any potential occupiers. It has not been demonstrated that the development, if permitted, will not suffer effects on the amenity levels of the proposed property by virtue of undue noise, odours and pests from these agricultural buildings.</p> <p>The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A

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Item Number 4			
Application Reference	LA05/2020/0256/O	Date Valid	08.04.2020
Description of Proposal	Dwelling and garage, including improvements to access	Location	60m south of 98 Saintfield Road Lisburn
Group Recommendation	Refusal	Case Officer	Cara Breen
Reasons for Recommendation			
<p>The proposal is contrary to the Strategic Planning Policy Statement (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 CTY 1 and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the site is not considered to be a small gap in an otherwise substantial and continuously built up frontage of three or more buildings along a road frontage without accompanying development to the rear, and it would if permitted add to a ribbon of development.</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 site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would if permitted rely 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 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 add to a ribbon of development which would therefore result in a detrimental change to (further erode) the rural character of the countryside.</p> <p>The proposal is contrary to the SPPS Para 4.11 in that the proposal is sited adjacent to existing agricultural buildings which may not be within the control and ownership of any potential occupiers. It has not been demonstrated that the development, if permitted, will not suffer effects on the amenity levels of the proposed property by virtue of undue noise, odours and pests from these agricultural buildings.</p> <p>The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A

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Item Number 5			
Application Reference	LA05/2019/0719/F	Date Valid	09.07.2019
Description of Proposal	Erection of three two storey houses with a detached garage to each plus private lane accessed on to Glen Road	Location	Site adjacent to the east of 11 Glen Road Glenavy
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
1	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Potential for flooding.	The susceptibility of all land to flooding is a material consideration in the determination of the application. A drainage assessment has been completed for the proposal and Rivers Agency have no objection to the development. The proposal complies with Planning Policy Statement 15 Planning and Flood Risk.		
The removal of protected trees seems to have been insufficiently justified or at worst completely ignored by the applicants.	The application site has a valid outline approval for three dwellings. Since this current application was submitted a Tree Preservation Order was granted on the site. The proposal involves the removal of a small number of TPO trees however compensatory planting is proposed. On balance and taking all material considerations on board this is considered to be acceptable.		
The proposal bears no resemblance to the outline planning permission granted on the site.	Outline permission was granted on the site for three dwellings accessed by new private laneway from Glen Road. This is a full application also for three dwellings with the granted outline permission as a material consideration that is given appropriate weight. The proposal is considered to be acceptable.		

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Item Number 6			
Application Reference	LA05/2020/0486/O	Date Valid	26.06.2020
Description of Proposal	Proposed demolition of existing detached dwelling and erection of a replacement dwelling, amenity space, access and ancillary site works along with the extension of curtilage	Location	Lands opposite 132 and 134 Pond Park Road Lisburn
Group Recommendation	Approval	Case Officer	Joseph Billham
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 purpose of the replacement dwelling has still not been stated.	The proposal is for a replacement dwelling only. The proposal is not connected to the quarry adjacent to the site		
Dwelling to be keeping with rural area.	This application is for outline permission and the design of the proposal will be assessed at Reserved Matters stage.		
Problems with traffic, property not used to gain entry to quarry site.	DFI Roads have been consulted on the application and offered no objections. The application has an access point onto the site and is not in connection to the quarry site.		
Site used for commercial purposes.	The proposal is for a replacement dwelling only. The proposal is not connected to the quarry adjacent to the site.		
Previous application states no additional building work.	The planning history on site and the adjacent sites has been considered within the assessment of the application. There is no condition relevant to this site relating to additional building work.		

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Item Number 7			
Application Reference	LA05/2020/0042/F	Date Valid	21.01.2020
Description of Proposal	Proposed demolition of existing commercial/residential buildings and sheds and replacement with Social Housing Apartment development for over 55s (Category 1, Active Elderly) comprising 14 no. 2 bed apartments and 6 no. 1 bed apartments (contained within two buildings), associated access, parking and landscaping	Location	Lands at 149-151 Warren Gardens and to the rear of 50 Beechland Drive Lisburn
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
68	2	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Lack of consultation with and acknowledgement of the local community groups in relation to proposal for social housing.	Following concerns raised by local residents within the community, The Old Warren Community Association held a meeting with Ark Housing Association which clarified that the apartments were to cater for over 55's only. The community association registered their support for the development.		
Anti-social behaviour associated with social housing.	As mentioned above the apartments are for the over 55's (Category 1, Active Elderly) only and this has been stipulated on the revised proposal description.		

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Housing should be geared towards elderly/young families.	This is now the case as it is to cater for over 55's as clarified by the housing association.
Development will result in decrease of value of properties.	Whilst this is a planning consideration it is not one which can be given determining weight.
Concerns about boundary treatment alongside the lane servicing properties 147A, 147B, 147C and 147D Warren Gardens.	Landscaping details have been provided and a 1.8m high vertical board timber fence is proposed along the entire length of the boundary that abuts the lane.
Concerns about safety and security of development close to elderly residents and families.	Fencing and railings are proposed around the site as a means of security.
Overdevelopment of the site - scale, height and design.	Block B is two storey in height and is similar in scale and size to the dwellings in Beechland Drive and Warren Gardens. Block A has been reduced in terms of height by 0.57m. It now resembles a 2.5 storey block as opposed to a 3 storey block. The design has been amended and wall dormers have been introduced at second floor level along with additional brick on the upper floors. The design, scale, height and design of the two blocks are now considered acceptable and are of a scale that is appropriate to their location.
Apartments will have negative visual impact and are out of character.	The design of block A has been amended and is now considered acceptable. Visually, it will not detract from the area and the materials, scale and form of the two blocks of apartments are in keeping with the character of the area.
Issues with overlooking and loss of privacy.	There will be no overlooking or loss of privacy to any of the neighbouring properties. The proposal has been fully assessed in terms of the potential impact on residential amenity and the two blocks have been designed to ensure no overlooking will occur. Block B is a sufficient distance away from the dwellings to the side and rear with bathroom windows only at first floor level on the side gables. Block A has been redesigned and obscure glazing is to be provided on all upper floor windows facing no. 147 Warren Gardens. It will sit lower than the existing buildings on the site and the block is set well forward from no. 153 Warren Gardens ensuring there will be no overlooking or loss of light/amenity.
Impact of additional noise	Environmental Health and DFI roads have raised no concerns with regards to noise or disturbance or traffic

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and vehicular traffic.	
Overbearing impact and loss of light.	The blocks of apartments will not have an overbearing impact on the neighbouring properties. There will be no loss of light to neighbouring properties as a result of the development. Both blocks are positioned a suitable distance from the side boundaries and are of an appropriate scale, massing and height for the site.
Lack of parking.	20 no. parking spaces have been provided and this is in keeping with the parking standards for the type of housing proposed. DFI roads are content with parking arrangements.