

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

**Week Ending 05 August 2022**

<b>Item Number 1</b>			
<b>Application Reference</b>	LA05/2021/1293/F	<b>Date Valid</b>	30.11.2021
<b>Description of Proposal</b>	<p>Section 54 application to vary Condition 2 ( Vehicular Access) from- The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Nos. 03 and 04B bearing the Council date stamp 24 Aug 2017, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter To- The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Nos. 03 and 04B bearing the Council date stamp 24 Aug 2017, prior to the PRIOR TO THE OCCUPATION</p>	<b>Location</b>	Site adjacent (north) of 28 Lany Road, St James, Moira, BT67 0NZ

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	OF ANY OF THE CAMPING PODS. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter		
<b>Group Recommendation</b>	Approval	<b>Case Officer</b>	Richard McMullan
<b>Reasons for Recommendation</b>			
All relevant planning material considerations have been satisfied.			
<b>Representations</b>			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
3	N/A	N/A	N/A
<b>Consideration of Objections</b>			
<b>Issue</b>	<b>Consideration of Issue</b>		
Development has started without the sight lines being installed in contravention to the planning permission. Construction traffic is now accessing the site without these sight lines being in place.	This application seeks to amend condition no. 2 of LA05/2017/0165/F only in respect of providing the approved access prior to the occupation of any of the camping pods permitted as opposed to prior to the commencement of any other development permitted. The laneway servicing the site was seen to be acceptable within the original approval and its merits are not under assessment within this application.		

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<p>. There is no reasonable prospect that the applicant will ever be able to provide the visibility splays required.</p>	<p>It is noted that Cert. C of the accompanying application form (Form RVC1) has been filled out with notice served upon all interested parties (with copies of P2A forms provided). The ownership of land would be seen to be a civil matter and not one of a planning matter. If the developer cannot provide the access as required and commences operation of the development this would be a matter for the planning enforcement unit to assess/investigate.</p>
<p>This application to remove the condition that these sight lines have to be installed before the development begins goes against the core of any planning approval. Public safety is being seriously compromised.</p>	<p>This application seeks to amend the condition not remove it. DfI Roads have been consulted and are seen to be content. Therefore, it is contended that no issues in respect of public safety shall arise.</p>
<p>The nature of the development is holiday short stay accommodation. It is anticipated that it will be very difficult to prove if it is occupied.</p>	<p>Planning approval has been granted within the site for camping pods which shall be occupied for holiday accommodation only. If any issues are brought before the Council they will be investigated accordingly by the planning enforcement unit.</p>
<p>The long standing rule that sight lines need to be in place before development begins.</p>	<p>It is not a hard and fast rule that sight lines have to be provided before development begins in all cases. It is common for accesses to also be provided prior to the occupation of approved developments. This is now being sought in this case and following assessment is deemed to be acceptable.</p>
<p>The lane servicing this proposal is unsuitable for this development and any further development.</p>	<p>This application seeks to amend condition no. 2 of LA05/2017/0165/F only in respect of providing the approved access prior to the occupation of any of the camping pods permitted as opposed to prior to the commencement of any other development permitted. The laneway servicing the site was seen to be acceptable within the original approval and its merits are not under assessment within this application.</p>
<p>Concern that development within a number of individual properties along the laneway has been a source of significant conflict.</p>	<p>The above issue would fall outside of the remit of planning control and would be a civil matter potentially within the remit of the PSNI.</p>

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<p>The nature of the development is such that the pods will be occupied for short periods, most likely at weekends and holiday periods, at time when monitoring by the planning authority will be most difficult.</p>	<p>If in the event the above issue arises the planning enforcement unit will investigate and assess same as per all alleged breaches of planning control and take action if required.</p>
<p>This application sets a dangerous precedent going forward (road safety being compromised).</p>	<p>Each planning application submitted for assessment to the Council once valid is assessed on its own merits. In this case DfI Roads have been consulted and they are seen to be content, offering no objections. If issues in respect of road safety were of concern they would recommend refusal. In this case they can be seen to be content. The approval of this application in the opinion of the Council would not set an unwarranted precedent. Following approval of this application if any issues of concern arise and are brought to the attention of the Council, they will be investigated by the enforcement section of the Council.</p>

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<b>Item Number 2</b>			
<b>Application Reference</b>	LA05/2017/0883/F	<b>Date Valid</b>	23.08.2017
<b>Description of Proposal</b>	Proposed development of 4 No. semi-detached & 5 No. Detached dwellings	<b>Location</b>	3-5 Belfast Road, Glenavy
<b>Group Recommendation</b>	Approval	<b>Case Officer</b>	Brenda Ferguson
<b>Reasons for Recommendation</b>			
All relevant planning material considerations have been satisfied.			
<b>Representations</b>			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
1	N/A	N/A	N/A
<b>Consideration of Objections</b>			
<b>Issue</b>	<b>Consideration of Issue</b>		
A request that the current landowner arrange to have the Leylandii trees and fly-tipping removed from this site with immediate effect. The trees are creating light deprivation.	Following a further site inspection the site appears to have been cleared in relation to the Leylandii Trees and fly tipping.		
Lack of provision for car parking spaces and green areas with this development. The current	The scheme has been reduced to 9 no. dwellings and consideration is based on the revised site layout dated 29th January 2021. The layout has identified in-curtilage parking for the 5 no. dwellings to the front of the site and shared parking for the detached dwellings to the rear. Private amenity areas have been allocated for each dwelling unit along		



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development site is not sufficient size to facilitate 12 dwellings	with proposed additional landscaping and planted areas. The Council is satisfied that the layout complies with the SPPS PPS7 and all other relevant policies.
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Item Number 3			
<b>Application Reference</b>	LA05/2022/0240/RM	<b>Date Valid</b>	07.03.2022
<b>Description of Proposal</b>	Proposed erection of dwelling house, detached garage and car port (amended address)	<b>Location</b>	Approx 60m south of 5A Rusheyhill Road, Ballymacward Upper, Lisburn, BT28 3TD
<b>Group Recommendation</b>	Approval	<b>Case Officer</b>	Calum McCormick
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
1	N/A	N/A	N/A
Consideration of Objections			
<b>Issue</b>	<b>Consideration of Issue</b>		
Potential for overlooking from the northern gable of the proposed development towards the rear of No.5a Rusheyhill Road.	<p>Overlooking is considered with respect to windows on the northern gable of the proposed dwelling which face towards No.5a Rusheyhill Road. These windows include those serving an en-suite, utility, W.C and kitchen/dining area on the ground floor, and bedroom 3 and a bathroom on the first floor. Only the bedroom window and dining/kitchen window are considered material with respect to overlooking given they constitute habitable rooms.</p> <p>Any potential overlooking from this aspect is considered to be adequately mitigated by the large separation distance between the proposal and No.5 in conjunction with the proposed natural screening along the northern boundary (1200mm high post and wire fence and hawthorn/beechn hedge), which would help protect privacy and amenity. The first floor bedroom window is considered to be small and sufficiently separated from No.5. As such, design amendments are not warranted, nor can refusal be sustained on this basis.</p>		