

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

Week Ending 14 October 2022

Item Number 1			
Application Reference	LA05/2022/0649/F	Date Valid	04.07.2022
Description of Proposal	Retention of existing garden room	Location	Apt 9 Gilly Court Manor 309 Gilnahirk Road Belfast
Group Recommendation	Approval	Case Officer	Ellen-May Gilbert
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		
No permitted development rights	The application is for a garden room which has been submitted in response to an enforcement case. There are no permitted development rights within an apartment so if works are to be proposed then a planning application can be submitted. This means the planning application has been submitted in response to works in a correct manner.		
Precedent	The proposal for the garden room is within the area of garden owned by the applicant. It is therefore to the discretion of the applicant what they propose in their curtilage subject to the planning application. There are no other garden rooms in the apartment complex but the proposal is to the rear of the applicants apartment and is not seen from the roadside so would not cause a detrimental impact.		
Destroy character of development	The garden room is retrospective and located to the rear of the applicant's apartment. The finishes of the garden room are natural timber cladding, upvc barge and rainwater goods in black, black upvc windows and doors, upvc cladding in black. The proposal is not seen from the roadside and is subordinate in size to the apartment. There is wood panelled fencing along the south-west boundary of the apartment complex and to the north-west of the applicant site to the rear so the finishes are in keeping with existing finishes and would not destroy the character of the area.		
Proposal creates a dominant outlook	The proposal is subordinate in size compared to the applicant's apartment. The garden room is on a raised platform which helps with the level of the garden room as the land is slightly sloped. The proposal is therefore not considered dominant.		
Loss of amenity through overlooking	The garden room is single storey and to the rear of the applicants garden. The glass door to the garden room looks to the hedge boundary of the site and into the applicants own private amenity space. The garden room		

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

Week Ending 14 October 2022

	is smaller in height compared to the apartment and does not exceed the ridge height. There would be no significant level of overlooking from the garden room to neighbouring apartments.
Foundations from the proposal add pressure to sewage tank	No evidence from planning perspective of issue.
No neighbour notification	The objector lives at apartment No. 10 Gilly Court Manor which was not neighbour notified as the red line around the proposal was bounding the properties of No. 8 Gilly Court Manor and 311 Gilnahirk Road. Therefore they were not required to be neighbour notified. A site inspection was carried out and the addresses of the neighbouring properties noted to ensure the correct properties had been notified.

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

Week Ending 14 October 2022

Item Number 2			
Application Reference	LA05/2022/0549/F	Date Valid	07.06.2022
Description of Proposal	Proposed detached garage to rear of driveway (retrospective application)	Location	24 Dunlady Manor Dundonald
Group Recommendation	Approval	Case Officer	Ellen-May Gilbert
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		
Failure to comply with Your Home and Planning; Section 4	The guidance included in Your Home and Planning Section 4: Building a garage or car port is in relation to what is permitted without making a planning application known as permitted development. The applicants have submitted a retrospective planning application so the details within this guidance are not relevant in this case.		
Construction has been undertaken by someone with little or no construction knowledge.	This is not a relevant material planning consideration that is given weight in the determination of this application.		

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

Week Ending 14 October 2022

Item Number 3			
Application Reference	LA05/2021/1142/F	Date Valid	14.10.2021
Description of Proposal	Demolition of existing buildings, proposed 12 no apartments and associated car parking and ancillary spaces	Location	90-96 Grand Parade BT27 4RP and 2A Leamington Place BT27 4UL
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
9	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Extra traffic is a safety risk for children.	DFI Roads have been consulted with the proposal and have responded with no objections. It is considered that any additional traffic can be the access and parking arrangements as proposed can accommodate a safe movement of vehicles to and from the site		
Already lack of parking in area.	The detailed access layout drawing shows a total of 6 no. proposed parking spaces for the apartments and a parking survey was submitted indicating sufficient on-street parking available for the residents. DFI Roads are content with the proposed parking arrangements for the 12 units		
Noise pollution due to building work.	Environmental Health have no objections to the proposal and have suggested an informative in relation to construction work to be restricted to certain times of the day		
New build modern development would ruin character of street/not in keeping with historic setting.	There are other apartment developments within the locality and the finishes and design has been revised to resemble the red brick terraces. The roof has also been amended to a pitched structure which is also more in keeping with the terraced properties in Grand Street/Leamington Place. The solid to void ratio is also reflective of the properties surrounding the site. It is considered the apartments will not be out of character and reflect the design characteristics of the area		
Apartments would be an eyesore.	Visually, the design of the apartment block is considered to be acceptable and the apartment block will visually enhance what is a derelict site		

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

Week Ending 14 October 2022

<p>Insufficient in-curtilage parking which would lead to increase in on-street parking.</p>	<p>The parking survey provided has demonstrated that there is sufficient on-street parking to accommodate the additional parking as a result of the proposed apartments.</p>
<p>Lack of amenity space.</p>	<p>An area of communal open space has been provided at ground floor level for the apartment units. This is considered to be sufficient by way of amenity provision in line with the Department's guidance. The apartments are also located close to public parks and open spaces which are accessible and within walking distance.</p>
<p>Development would restrict natural light for properties at 98-106 Grand Street</p>	<p>The side elevation proposes ground and first floor bedroom windows. The windows are narrow and at first floor level have been redesigned and angled so as not to overlook the properties opposite. The apartments are located a sufficient distance away from these properties and will not cause loss of light.</p>
<p>Height of apartments would block out light to properties facing.</p>	<p>The height of the apartment block is suitable for the corner site and will not cause loss of light or overlooking into the properties at Leamington Place. The apartments have been designed to avoid overlooking and will not be over-dominant.</p>

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

Week Ending 14 October 2022

Item Number 4			
Application Reference	LA05/2022/0577/F	Date Valid	10.06.2022
Description of Proposal	Change of use from reception changing/shower facilities and storage to facilitate water sports to a single storey dwelling and associated site works	Location	and adjacent to 46 Lakeland Road, Cluntagh, Hillsborough
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 CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building to be converted is a locally important building of special character or interest.</p> <p>The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		

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

Week Ending 14 October 2022

Item Number 5			
Application Reference	LA05/2020/0429/F	Date Valid	12.06.2020
Description of Proposal	Proposed residential development comprising 15 no. dwellings (5 no. detached and 10 no. semi-detached), garages, landscaping, access and all other associated site works	Location	Lands adjacent to and north west of 11 Edgehill Park Lisburn
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
7	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Privacy /overlooking / loss of light /overshadowing/ dominance	<p>The view is expressed that the garden of 10 Harryville Park is very private and that they would expect that this to remain the case should the development be permitted to proceed. The view is expressed that the proposal would cause overlooking, loss of privacy, loss of light, overshadowing and potentially dominate Quay Meadows.</p> <p>It is considered that the proposal would create a quality residential environment. The separation distance at the narrowest point is 22m from building to building where it backs onto Quay Meadows. It is considered that the proposal would not harm the amenity of neighbouring residents, cause loss of privacy, overlooking into private amenity space, cause any unacceptable overshadowing or dominate Quay Meadows. The proposal is considered to comply PPS 7 Quality Residential Environments and with the guidance in Creating Places.</p>		
Overdevelopment of the area	The view is expressed that a lot of disruption has already been caused to the environment and residents in the area, through the recent development of a block of apartments and this application would represent an overdevelopment of the area.		

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

Week Ending 14 October 2022

	<p>Construction of any development is of a temporary nature and the onus is on the developer to ensure that any neighbouring properties are not negatively affected. The proposal is for 15 dwellings on a site of 1.07 hectares and is not considered to be overdevelopment in this urban context.</p>
Boundary	<p>The view is expressed that it is expected that the boundary of the site would be secure where it borders 10 Harryville Park.</p> <p>The hedgerow vegetation/trees along the site boundary closest to 10 Harryville Park are to be retained and the existing fence around 10 Harryville Park should not be affected by the proposal. The onus is on the developer to ensure that no harm / damage is done to neighbouring properties when developing a site.</p>
Infrastructure/traffic impact/road system on a sloping site	<p>The view is expressed that the Hillsborough Old Road does not cope with the volume of traffic at peak times and that this would add to the traffic burden. The view is also expressed that the maintenance of the Hillsborough Old Road surface is very poor at present and asks are there any plans to improve this. Concern is also expressed about the road system on a sloping site.</p> <p>Through the processing of the application a transport assessment form has been submitted for consideration. The existing and proposed site levels are considered to be acceptable. DfI Roads have been consulted on the proposal and have no objections. It is considered that the proposal complies with PPS 3 Access, Movement and Parking.</p>
Impact on the Lagan Valley Regional Park	<p>Concern is raised about the tow path section in Lisburn being dominated by housing and the visual impact of such.</p> <p>The application site extends to the River Lagan, however a band of land measuring between 35m to 55m would not be affected by the proposal and would remain a green area between the proposed housing and the river lagan. This site is only a very small proportion of the Lagan Valley Regional Park. Determining weight is given to the outline permission for housing on the site and the scheme is sensitively designed to sit into the landscape without having a negative visual impact.</p>
Impact on the local ecosystem / ecology / trees	<p>The view is expressed that there would be a loss of habitat for wildlife, birds, foxes etc. and have a negative impact on the biodiversity. The view is also expressed that the proposal appears to be contrary to the Local Biodiversity Action Plan.</p> <p>Through the processing of the application a biodiversity checklist, Preliminary Ecological Appraisal and a Badger Mitigation Plan has been submitted for consideration. Natural Environment Division have been consulted on the proposal and have no objections subject to standard conditions. Shared Environmental Services have also been consulted on the proposal. Lisburn and Castlereagh City Council in its role as the competent Authority under the</p>

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

Week Ending 14 October 2022

	<p>Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 07/09/2022. This found that the project would not have an adverse effect on the integrity of any European site.</p>
Flood Risk	<p>The view is expressed that flood risk may be able to be manage to prevent flooding of the proposed houses however adding this to the number of developments already permitted close to the river lagan further increases risk.</p> <p>Through the processing of the application a flood risk assessment and additional information in respect of Rivers Agency comments have been submitted in support of the application. Rivers Agency have no objections to the proposal. It is considered that the proposal complies with the policy tests in PPS 15.</p>
Neighbour notification	<p>The view is expressed that the new builds now occupied beside the proposal weren't consulted about this plan.</p> <p>The Council has fulfilled its statutory obligations with respect to neighbour notification.</p>
Site clearance and health and safety	<p>Concern has been raised about the removal of bushes and trees on site despite the affect that the proposal has not been approved yet. And that the site was not cordoned off at any time during this work with inadequate health and safety and asks if this would be a breach of health and safety.</p> <p>Planning permission is not required to remove existing bushes and trees from a site. Any unauthorised works are carried out at the developers own risk. The onus is on the developer to ensure they comply with all health and safety regulations.</p>
Inaccurate plans	<p>The view is expressed that the plans don't accurately reflect the area as the houses of Quay Meadows aren't included.</p> <p>Through the processing of the application amended plans were submitted and Quay Meadows are detailed on the amended plans.</p>
Visually looking onto houses rather than a green area.	<p>The view is expressed that residents of Quay Meadows would be looking onto houses rather than a green area.</p> <p>A view is a material consideration that is not given determining weight.</p>
Noise and disturbance from use	<p>Concerns is raised about noise and disturbance from use.</p> <p>The proposal is for residential dwellings beside existing residential dwellings and apartments that are currently under construction. It is considered that residential use beside residential use is</p>



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

Week Ending 14 October 2022

	acceptable. Environmental Health have raised no concerns with regards to noise and raise no objections to the proposal.
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List of delegated planning applications with objections received / recommendation to refuse

Week Ending 14 October 2022

Item Number 6			
Application Reference	LA05/2021/1266/F	Date Valid	19.11.2021
Description of Proposal	Proposed site for 2 no dwellings, development of a small gap site within an otherwise substantial and continuously built up frontage	Location	At lands 25m south of 11 Jennys Lane Upper Ballinderry Lisburn
Group Recommendation	Approval	Case Officer	Cara Breen
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		
Does not meet the exceptions test of Policy CTY 8 for an infill site.	As per the assessment, it is contended that the proposal complies with the exceptions test of Policy CTY 8, in that the application site is considered to be a small gap site sufficient to accommodate a maximum of two dwellings within an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage in terms of; size, scale, siting and plot size and which meets other environmental and planning requirements.		
Dwelling to the south of the application site fronts Mullaghcarron Road.	The dwelling to the south of the application site, No. 18A Mullaghcarron Road, has a dual frontage to Mullaghcarron Road and Jennys Lane. It is taken that a building has a frontage to a road/laneway etc. if the plot on which it occupies abuts or shares a boundary with the road/laneway etc. It is contended that this is the case in this instance.		
Part of the site has development to the rear.	The buildings to the rear of the application site are associated with No. 18 Mullaghcarron Road. They are separated from Jennys Lane by the parcel of land which comprises the application site. No. 18 Mullaghcarron Road does not present a frontage to Jennys Lane. For this reason, these		

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

Week Ending 14 October 2022

	buildings are not considered to be accompanying development to the rear that precludes consideration of this application site as a gap.
Would result in an addition to ribbon development.	As per the assessment, it is contended that the proposal complies with the exceptions test of Policy CTY 8 for infill development. Therefore, there are no concerns in respect of the proposal and the creation/addition of ribbon development.
Too close to the land boundary with No. 18 Mullaghcarton Road – Would infringe on privacy.	The dwellings (1.5 storey) would be sited 21.5m (approx.) from the boundary with No. 18 Mullaghcarton Road at their closest point. This is contended to be a sufficient distance to ensure privacy.
Reasoning behind the site address.	The application site does not currently benefit from an allocated/registered address. Therefore, No. 11 Jennys Lane has been used as a point of reference in order to identify the application site.
Needs to be the whole gap and not part of it.	The red line of the application site extends to include the land between the existing curtilages at No. 18A Mullaghcarton Road and No. 11 Jennys Lane. It is not contended that an existing gap would remain.
Would create another small gap if permitted.	The red line of the application site extends to include the land between the existing curtilages at No. 18A Mullaghcarton Road and No. 11 Jennys Lane. It is not contended that an existing gap would remain.

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

Week Ending 14 October 2022

Item Number 7			
Application Reference	LA05/2021/0197/O	Date Valid	18.02.2021
Description of Proposal	Renewal of outline approval for 2 no. two storey dwellings with garages, previously approved ref no. LA05/2017/0361/O	Location	14A Feumore Road Ballinderry Upper 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
3	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
No linear pattern of development, proposal does not respect established building line.	There is no established building line along this stretch of Feumore Road. Some dwellings are located close to the roadside frontage while others are set back from the road. The proposal to set the dwellings approximately 16 metres back from Feumore Road is therefore not uncharacteristic of the area.		
Position of dwellings must be considered to avoid any future tandem development.	The current application is for two dwellings. Any future development proposal cannot be considered under this application. A separate application (planning ref. LA05/2021/0206/O) proposing the demolition of the existing building and construction of 4 no. detached two storey dwellings with garages on land incorporating the current application site and additional adjoining lands to the north has been recommended for approval but has been deferred for a site visit by the Planning Committee.		
Application is invalid as it proposes demolition works outside application site.	The application is not considered invalid given it proposes demolition outside the application site. Demolition of the concerned building does not require planning permission.		
Reduction/Discrepancy in visibility splays from original approved outline permission and	Roads Service were consulted in relation to this proposal. They did not raise any road safety concerns and are satisfied the proposed visibility splays are adequate.		

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

Week Ending 14 October 2022

<p>resulting road safety concerns.</p>	
<p>Physical features obstructing east visibility splay</p>	<p>Roads Service are satisfied the visibility splays exhibited on the site layout plan are sufficient. In the event planning permission is approved they have recommended it is on the following condition in the interest of road safety and the convenience of road users: 'Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.</p>
<p>Ownership query of land required for visibility splays.</p>	<p>The issue of ownership was queried with in light of this concern. Correspondence from the applicant's solicitor was received confirming 'it is in order to proceed with the Planning Application Certificate which should refer to "a fee simple absolute".... Mr. Caithness can then delete the rest of the paragraph i.e. "a fee tail / a life estate/ a tenancy of which at least 40 years remain unexpired in the land".</p> <p>An amended P2 Form was submitted with Certificate A completed instead of Certificate C, confirming the applicant to be in be possession of every part of the land to which the application relates. Notwithstanding this, it is noted that land ownership is a legal issue which fails outside the remit of planning.</p>
<p>Contrary to Policy LC1 of the Addendum to PPS7 given proposed housing density is near double existing adjacent properties and those in immediate locality.</p>	<p>The proposed housing density is considered to respect the established housing density of the surrounding area. The housing density of the proposed development is very similar to that of the 5 dwellings approved to the south of the site (LA05/2019/0556/F) and the 4 dwellings approved and a short distance east of the site (initially approved under LA05/2017/0417/O)</p>
<p>The difference in density and compromise between this site and the adjacent properties should not be acceptable in an Area of High Scenic Value in close proximity to the Lough Neagh and Lough Beg RAMSAR site.</p>	<p>Shared Environmental Services were consulted in relation to this proposal given the application site is located within Lough Neagh and Lough Beg Ramsar site. Having considered the nature, scale, timing, duration and location of the project, they concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment was not required. They concluded there will be no likely significant effect due to the quality of habitat present and the absence of a hydrological link via surface-water.</p> <p>The applicant has provided supporting information to address ecological issues including a Biodiversity checklist, Ecological Statement and Bat Surveys. Natural Environment Division were consulted in relation to this application. They have considered the impacts of the proposal on designated sites and other natural</p>

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

Week Ending 14 October 2022

	heritage interests and, on the basis of the information provided, have no concerns subject to recommended conditions and informatives.
The plans do not show any detail in respect of the existing carriageway, existing boundaries, or existing planting/vegetation.	The site location plan does show the Feumore Road to the front of the site, with the required details for DFI Roads annotated. Details regarding the boundaries or vegetation are not required at this outline stage. Three conditions have been included below to ensure the existing vegetation on site is managed and to provide a landscape scheme at reserved matters stage.
The renewal of the application does not address any of the wider ecological and environmental aspects of this unique site location.	All environmental and ecological aspects of this site have been considered and assessed by the relevant statutory consultees, with no objections raised.