

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

Week Ending 23 September 2022

Item Number 1			
Application Reference	LA05/202/1039/O	Date Valid	08.12.2020
Description of Proposal	Site for a dwelling, garage and associated site works (infill opportunity as per CTY 8 of PP S21) (Additional info – biodiversity checklist - ecological statement)	Location	Land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn, BT28 2PL
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	1	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Contrary to Policy CTY 8 and does not qualify for an infill	<p>An objection has been raised that the application site does not sit squarely with the provision of policy CTY 8 and no justification has been presented how it meets any of the other exceptional tests for residential development listed in policy CTY 1.</p> <p>It has also been stated that the proposal does not fall within Policy CTY 8 as the established settlement pattern comprises road frontage development of rectangular plots and wrap around gardens and not long linear plots, and that the proposal does not respect the surrounding development grain.</p> <p>The proposal has been assessed against the SPPS and Policy CTY 8 and it is considered that it complies with policy CTY 8 and therefore also complies with policy CTY 1 of PPS 21.</p>		
Contrary to Policy CTY 13 and the SPPS	<p>The view is expressed that the proposal is contrary to policy CTY 13 and that it offends criteria (a), (b), (c), (d) and (f) and that development on the site would be prominent and conspicuous in the open landscape resulting in harm on the countryside.</p> <p>The view is expressed that as new planting is necessary to provide an adequate means of enclosure this would directly affect the amenity of property number 5 and could lead to the possibility of overshadowing</p>		

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	<p>and visual obstruction. They also outline the responsibility that the local planning authority plays in safeguarding residential environs and quotes paragraph 4.12 of the SPPS.</p> <p>The proposal has been assessed against the SPPS and policy CTY 13 and it is considered that the proposal complies with the SPPS and policy CTY 13. The application is for outline permission and therefore detailed drawings have not been submitted with the proposal. That said an indicative layout/concept plan of the site has been provided by the agent that indicates that a scheme could be designed that would not impact on the residential amenity of existing adjacent residents by way of overshadowing or overlooking. Detailed design of all elements of the proposal would be considered at reserved matters stage.</p>
Inaccuracies on the submitted plans	<p>The view is expressed that number 5b Crewe Road has been labelled incorrectly on the plans and that the conservatory of number 5 Crewe Road has not been annotated on the plans.</p> <p>Through the processing of the application amended plans have been submitted to address these issues.</p>
Impact on Natural Heritage	<p>The view is expressed that priority species have been seen at the site, in particular, a priority bird species, Lapwing, feeds at the application site and nests nearby.</p> <p>The view is expressed that no consideration has been given within the application to the impact the proposed development will have on protected species and thus conflicts with policies NH2 and NH 5 of PPS 2 and that the biodiversity in the area needs to be protected. Further information must be submitted demonstrating the impact of the proposal. Views have also been expressed about the content of the submitted ecology information.</p> <p>Through the processing of the application a biodiversity checklist and ecological statement has been submitted for consideration. As part of the assessment, the proposal has been assessed against PPS 2 Natural Heritage and it is considered that the proposal complies with PPS 2. NED has considered the impacts of the proposal on designated sites and other natural heritage interest and, on the basis of the information provided, has no concerns.</p>
Property 5a has not been built in accordance with the stamped approved plans and the impact of such / applicants disregard for planning policy	<p>Concern has been raised that the dwelling and curtilage of 5a Crewe Road is not in accordance with approved plans and queried had a CLUD been submitted for this site</p> <p>Concern is also raised about the applicants disregard for planning policy.</p> <p>The view is also expressed that as policy CTY 8 requires that</p>

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	<p>consideration is given to the substantial and continuously built up frontage, what weight can be given to a dwelling and curtilage, in the assessment of the current application against policy CTY 8 if no permission or CLUED exists to acknowledge that it is lawful.</p> <p>It is acknowledged that the dwelling and curtilage of 5a Crewe Road was not built in accordance with the stamped approved plans. Through the processing of this application an application for a Certificate of Lawfulness was submitted for consideration under LA05/2022/0072/LDE and was approved on 18/03/2022.</p> <p>As the dwelling and curtilage of 5a Crewe Road has now been approved it can be considered as part of the substantial and continuously built up frontage, and used as part of the assessment against policy CTY 8.</p>
Impact on residential amenity	<p>The view is expressed that the current proposal will result in demonstrable harm to the overall amenity of property number 5 Crewe Road including but not limited to, overlooking, invasion of privacy, obstruction of their outlook and general disruption. The view is also expressed that a siting and curtilage restriction would need to be attached to mitigate against demonstrable harm being caused to number 5 Crewe Road. Concern has also been raised about the impact on property number 5b Crewe Road.</p> <p>The application is for outline permission and therefore detailed drawings have not been submitted with the proposal. That said an indicative layout/concept plan of the site has been provided by the agent that indicates that a scheme could be designed that would not impact on the residential amenity of existing adjacent residents by way of overshadowing or overlooking. Detailed design of all elements of the proposal would be considered at reserved matters stage.</p>
Character of the area / contrary to policy CTY 14	<p>The view is expressed that another dwelling in this area would change the character of the rural area and is contrary to policy CTY 14.</p> <p>As part of the assessment, the proposal has been assessed against policy CTY 14 and it is considered that the proposal complies with policy CTY 14 Rural Character.</p>
Impact on archaeological sites and monuments	<p>The view is expressed that the surrounding area is a very special area of great historical value and beauty and that there are approximately 8 archaeological sites and historical monuments within a 1 mile radius.</p> <p>The constraints detail that the site is within a buffer zone surrounding an archaeological site and monument – ANT 063:019 (Enclosure). As part of the assessment, the proposal has been assessed against PPS</p>

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	<p>6 Planning, Archaeology and the Built Heritage and it is considered that the proposal complies with PPS 6.</p> <p>Historic Environment Division have been consulted and advise that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.</p>
View and open countryside	<p>The area at 5/5a has open countryside vistas and views and the area is good for health and wellbeing.</p> <p>Whilst the right to a view is a material consideration it is not given determining weight in this instance.</p>
Prospective residents would suffer loss of amenity	<p>The view is expressed that the proposal is contrary to the SPPS paragraph 6 as it has not been demonstrated that prospective residents of the proposed dwelling would not suffer loss of amenity due to noise, odour and pests arising from the slurry tank located immediately behind the site and within 80m of the boundary.</p> <p>Environmental Health have been consulted on the proposal and have raised no objection in principle. They recommend an informative advising that 'any prospective owner should be made aware that the proposed development is located in close proximity to a farm which is current under the control of the applicant. This may give rise to offensive conditions and as a result impact upon the amenity enjoyed by the proposed development due to noise, odour and insects', which would be placed on the decision notice if the application is approved.</p>
Third party land / applicants land	<p>The view is expressed that the red line is on third party land cutting a corner off number 5's land at the roadside. Concern has also been raised that the applicant has not fully disclosed what land he owns and marked in blue as the view is expressed that in previous applications the land in blue was different.</p> <p>Land ownership is a legal issue and the onus is on the applicant / developer to ensure that he has ownership / control of all lands necessary to implement a planning permission.</p> <p>The onus is also on the applicant/agent to declare the correct information on the application with regards to the land outlined in blue which would be in his ownership or control.</p>

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Item Number 2			
Application Reference	LA05/2022/0063/F	Date Valid	19.01.2022
Description of Proposal	Change of use application for conversion of existing dwelling to a Physiotherapy Clinic	Location	48 Ballynahinch Road, Carryduff, BT8 8DL
Group Recommendation	Approval	Case Officer	Sinead Mc Closkey
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		
It will enhance congestion, risk of accidents and danger to walking public	DFI Roads have been consulted and had no objections on terms of congestion, risk of accidents and danger to walking pedestrians		
It will change the environment around existing dwellings where a freedom of openness for over 30 years has survived	The use has been deemed acceptable at this location as it has been demonstrated that there are no available sites elsewhere. There are minimal changes to the building.		
This part of the Ballynahinch Road is extremely dangerous as two lanes merge into one. Increased traffic and emerging vehicles by users who are not familiar with the road or this junction will result	DFI Roads have been consulted with this application and are content that the access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic. They had no concerns in regard to increased traffic and emerging vehicles on this part of the Ballynahinch Road		

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<p>in further accidents, possibly facilities and damage to their property</p>	
<p>Commercial use in predominately residential area not acceptable</p>	<p>The use has been deemed acceptable in light of the location and the sequential test that was provided that discounted other potential sites. A precedent will not be set as each application is assessed on its own merits</p>
<p>Have not been able to access plans and concerned regarding impact on property</p>	<p>The plans are available to view on the planning portal and in a hard copy on the public register in the Council Offices. There are no elevational changes proposed with the application therefore there will be no loss of light to any of the adjacent properties</p>