

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

Week Ending 10th January 2025

| Item Number 1 | | | |
|---|--|----------------------------|---|
| Application Reference | LA05/2022/0691/F | Date Valid | 20.07.2022 |
| Description of Proposal | Application is for the retention of a sand school (established in 2017) for a family involved in horse breeding. Retention to include flood lights and existing access from Mealough Road for horses | Location | 90 meters to the North of 125 Upper Mealough Road Carryduff |
| 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 |
| 10 | N/A | N/A | N/A |
| Consideration of Objections | | | |
| Issue | Consideration of Issue | | |
| Incorrect address provided. | The address has been amended accordingly. | | |
| Hedgehogs and badgers frequent the land at 125 and 131 – yet ‘no’ has been selected in point 14 of the P1 Form. | A biodiversity checklist with a supporting ecological statement was submitted and sent to NED for consultation. They responded stating that they had no natural heritage concerns. | | |
| Applicant informed me previously that he had a relative in the planning department. | The section of the P1 form has not declared any relationship. The case officer is unaware of any relative of the applicant working in the Planning Department. | | |
| Ownership challenge. | The objector does not claim ownership of any lands within the site, therefore a P2 challenge is not necessary. Certificate A has been completed that the applicant is satisfied that they own or control all of the land within the application site. Permission goes with the land and does not confer title therefore any ownership issue would be a civil matter. | | |

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Week Ending 10th January 2025

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| <p>No. 131 Upper is not included in the Neighbour Notification list.</p> | <p>A neighbour notification letter was sent to No. 131 Upper Mealough Road on the 5th of August 2022.</p> |
| <p>Point 12 of the P1 Form has been incorrectly selected.</p> | <p>there is no existing lawful/vehicular access. None of the options for vehicular use, pedestrian use or both have been selected. Construction of a new access to a public road should have been selected on the P1 Form - This is a retrospective application, and the access is existing. Question 12 does not question if the access is lawful. DFI Roads have been extensively consulted and are aware of the current site conditions and what the proposal relates to and are content.</p> |
| <p>The access to the field from the main road was substantially widened without planning permission.</p> | <p>This is a retrospective application, and all works carried out form part of the assessment of this application.</p> |
| <p>Queried the accuracy of the drawings and the inclusion of surrounding buildings, Clear dimensioned drawings are needed.</p> | <p>Following a site inspection all surrounding dwellings and buildings are noted and all access points relevant to this application are shown on the plans. All drawings requested by Roads and the Planning Authority have been provided. Details provided in these are sufficient for the purposes of this assessment.</p> |
| <p>Point 11 of the P1 does not include any reference to the additional current application LA05/20022/0567/F nor does it indicate how the required Vehicular Access Standards can be achieved.</p> | <p>Planning application LA05/2022/0567/F was withdrawn on the 10th of January 2023.</p> |
| <p>There is no reason why this sub-standard access is essential in this rural location, as safer access for movement to and from the sand school could have been accommodated via 125 and 123 Upper Mealough Road.</p> | <p>The details presented in the application do not relate to any other access or movement patterns, therefore the authority can only assess the proposals as presented.</p> |

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| | |
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| <p>Concerns raised over the number of accesses, sub-standard access, sight lines and visibility splays, emergency service access.</p> | <p>Extensive consultation has taken place with DFI who have stated in a final consultation that they have no objections to the proposal subject to conditions. The second proposal for the infill dwelling has been withdrawn. Sightlines of 2.4 x 70. LHS and 2.4 x 65m RHS are shown and found to be acceptable</p> |
| <p>There is no evidence of a ramp and while it may state that it is not suitable for cars, this access is clearly adequate to allow vehicles to use the access.</p> | <p>It can be assumed that the agent is referring to the sloping ground leading to the sand school from the access as the ramp. A condition provided by Roads states that the access is for pedestrian and horse used only, and not for vehicular use. Any vehicle that will use this access will be in breach of this condition.</p> |
| <p>A number of road safety concerns have been highlighted regarding backing up traffic, accidents, a blind curve, larger/slower vehicles, traffic volume with road works.</p> | <p>Extensive consultation has taken place with DFI who have stated in a final consultation that they have no objections to the proposal subject to conditions and that they have considered the points raised by the objector in detail.</p> |
| <p>The beech hedge running roadside along the garden of 123 Upper Meallow Road creates a visual obstruction when approaching the entrance to the sand school.</p> | <p>Extensive consultation has taken place with DFI who have stated in a final consultation that they have no objections to the proposal subject to conditions. Adequate visibility splays have been demonstrated and will have to be kept clear.</p> |
| <p>It is unclear where the warning signs are to be erected, there is no place to accommodate a sign, it would not be visible to traffic and if might prejudice road safety.</p> | <p>Two road signs are located on drawing No. 03/1. Roads have had sight of this and have no objections in terms of road safety.</p> |
| <p>The information in the TAF is played down.</p> | <p>Extensive consultation has taken place with DFI who have stated in a final consultation that they have no objections to the proposal subject to conditions. DfI Roads have reviewed the objectors comments and remain content.</p> |
| <p>Impact of the floodlights on</p> | <p>The Environmental Health Department of Lisburn Council have been consulted and raised no objections to the proposal. No concerns with</p> |

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Week Ending 10th January 2025

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| neighbour's amenity to be considered. | regard to amenity have been raised when assessed against Policy OS5 as outlined in the case officer report. |
| There is no way to ensure that an unacceptable commercial use does not operate from the development in the future. | Any use other than that approved in this application could be in breach of planning. |
| Photographs showing cars parked at the sand school access. | A condition provided by Roads states that the access is for pedestrian and horse used only, and not for vehicular use. Any vehicle that will use this access will be in breach of this condition. |
| No measurements are provided as to how far back the boundary wall and hedges will be relocated. | These details were not required by DFI Roads and are not required for the purposes of this assessment. |
| The proposed 4 x parking spaces will block the door at the northern end of this building. | Extensive consultation has taken place with DFI who have stated in a final consultation that they have no objections to the proposal subject to conditions. The applicant is the owner of this building and has full control over when the building may be in use. |
| Condition 3 provided by DFI Roads will limit vehicular movement within the yard. | Leading to an intensification of movements in and out of the vehicular access to the yard and 125 Upper Mealongh Roads – leading to another range of road safety issues - Extensive consultation has taken place with DFI who have stated in a final consultation that they have no objections to the proposal subject to conditions. |
| The site location plan states that the entrance to the yard is 4m wide while the site layout refers to a minimum width of 3.5m. | Requires clarification - The details stated a minimum distance of 3.5m, which would include a width of 4m. This has been queried with DFI Roads who have stated that the minimum width of a single access they would request is 3.2m with a maximum width of 5.0m as stated in Para 9.3 of DCAN15 so the applicant stating a minimum access width of 3.5m is acceptable and would include a width of 4.0m. |
| The layby details need to be clarified – it is not evident where it is to be sited and how it will fit in with the overall access arrangements. | Details of the layby were not requested by DFI Roads however the area falls within the existing hardstanding. |
| In view of the number of changes made why is a new application not required. Why is the original application | Changes to plans are often sought through the processing of planning applications, either by the applicant, the authority or a consultee. |

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

Week Ending 10th January 2025

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| not deemed to be relevant and/or invalid. | |
| Why the operation of the sand school has not been suspended pending the outcome of the planning application. | A warning letter was issued by enforcement on the 23rd of June 2022 advising the applicant to submit a planning application. Enforcement proceedings are stalled pending the outcome of the planning application. |
| Conditions attached to the dwelling at 123 Upper Mealough Road have not been complied with as the splays have not been retained in perpetuity. | Any breach of planning should be reported to the Council Planning Enforcement team. |
| The location, number and size of car and trailer/horse box bays has changed from previously indicated. | The applicant may change details within the application during the processing. No concerns were raised by DFI Roads in this regard. |
| A condition cannot be imposed that the sand school is for the ancillary use of the applicants, unlike LA05/2021/1167/F | There will be no condition attached to the application relating to an ancillary use as it has been assessed as a commercial use. |
| Flood lighting has been used when the sand school operates outside of daylight hours. | Flood lighting is designed to be used outside of daylight hours. No conditions relating to the use of floodlights will be attached to the decision notice. |
| There is no evidence that horse passports have been provided to support the application. | There is no criteria set out in the policy stating that horse passports are required for the assessment of this application. |
| The latest drawing does not include all of the previously detailed narrative. | The information provided in all of the drawings are sufficient to complete this assessment and satisfy the requirements of the consultees. |
| Inconsistencies in consultation responses from roads, specifically the site location plan not noted in the conditions as it | All inconsistencies with the date stamp references have been corrected and I am satisfied that the dates referred to in the conditions are accurate. Following discussion with DFI Roads it was agreed that the conditions provided were acceptable, including Condition 2 and amendments were not necessary to include the site location drawing. This drawing is referenced in the decision notice and the details relating to the splays and access details are seen in drawing |

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Week Ending 10th January 2025

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| previously was, or the wrong plan referenced – Condition 2. This condition is requested to be amended to include both drawings. Also inaccurate date stamps referred to in conditions provided by roads. | No. 03/1 as referenced in this condition. The condition provided is a standard condition provided by Roads, and as such, along with DFI Roads, we are content that the condition is acceptable and appropriate |
| The site layout/sightline plan should have the date stamp of the 10 th October 2023 referenced instead of the 21 st June 2023. | The condition from DFI Roads which refers to the sightline plan notes the date it was published on the planning register as the 10 th October 2023 |
| Unable to locate site plan drawing No. 02/4 on the public portal. | The plan had been uploaded to the portal upon receipt. However, it was noted that it was no longer visible. It was then uploaded for a second time and a new round of neighbour notifications were issued. |
| Unable to view previous representations on the portal. | All representations are now visible on the public portal. |
| The roadside gate is not highlighted on the site location plan. | DFI Roads are content that all the necessary information has been provided on the appropriate plans. The existing entrance is annotated on the site plan No.02/4. |
| The accesses and parking arrangements have not been developed into part of the family business. | The objection relating to this comment is not clear. The access and parking arrangement are deemed acceptable by DFI Roads. It has been confirmed that it is for commercial use, it has also been stated that it is primarily for use by the family and the facility can only accommodate two horses at any one time |
| A total of 4 vehicular access points and 1 access for horses only are required for this operation. | The sight lines drawing No. 03/1 indicates that the existing vehicular access to the farmyard is to be used to facilitate parking. There is another vehicular access shown on drawing No 02/4 for the maintenance of the field and sand school. This drawing also indicates the existing entrance to the sand school which is noted as not being suitable for vehicular use. |

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

Week Ending 10th January 2025

| Item Number 2 | | | |
|--|--|----------------------------|--|
| Application Reference | LA05/2024/0465/F | Date Valid | 12.06.2024 |
| Description of Proposal | Change of use of ground floor cafe (sui generis) to Class A2 financial and professional services | Location | Ground Floor, 4 Orchard Mews, Royal Hillsborough |
| Group Recommendation | Approval | Case Officer | Barbara Hanna |
| 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 | | |
| Reduced Footfall and Economic Impact. | <p>Whilst it is accepted that footfall will be less than a café, financial and professional services also provide employment and will attract visitors. Financial and Professional Services are considered to be appropriate town centre business use in accordance with the policy requirements of TC1 and TC3.</p> <p>Policy TC1 states that: <i>Business uses are encouraged as appropriate to assist with urban regeneration, increase footfall and job creation. For the purpose of this policy 'businesses' are those uses falling within Classes A2 and B1 of Part B of the Schedule of the Planning (Use Classes) Order (Northern Ireland) 2015.</i></p> | | |
| Loss of Community Character and Appeal. | <p>There is little change to the external appearance of the building other than external wall painting, glass manifestations and new advertising. The scale, size, design and form of works are considered to be suitable. There is no conflict with any statutory designations as building is located outside the Conservation Area. A financial and professional service use will provide employment and attract visitors.</p> | | |
| Loss of Community and Social Value. | <p>Financial and Professional Services are considered to be appropriate town centre business use in accordance with the policy requirements of TC1 and TC3 of the Plan Strategy. Other community buildings remain on Ballynahinch street, including an Orange Hall, Health Centre and Scout Hall. There are numerous other hospitality and retail businesses</p> | | |

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Week Ending 10th January 2025

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| | <p>remaining further along Ballynahinch Street and on Main Street and Lisburn Street.</p> |
| <p>A hospitality or retail business would be far more beneficial in maintaining the economic vitality, community character, and social fabric of the area.</p> | <p>A mix of retail, leisure and business uses are promoted within existing town centres, in accordance with Policy TC3 of the Plan Strategy. There are numerous other hospitality and retail businesses within Hillsborough, further along Ballynahinch Street and on Mains Street and Lisburn Street.</p> |