

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

Week Ending 17th January 2025

Item Number 1			
Application Reference	LA05/2023/0883/F	Date Valid	06.11.2023
Description of Proposal	Proposed change of house type to dwelling approved under LA05/2021/0020/RM	Location	Adj to 16 Magees Road, Ballinderry Upper, 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
3	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Application is contrary to Policy COU10 in relation to no Farm Business ID provided, sell-offs and clustering.	As per the proposal description, this application pertains to a change of house type application. The Planning history of the application site is therefore of fundamental importance. A CLEUD was submitted under LA05/2024/0593/CLEUD for the ' <i>Commencement of works to Planning application LA05/2021/0020/RM for approved 2 storey dwelling.</i> ' This CLEUD confirmed that development of LA05/2021/0020/RM, which was approved in association with LA05/2018/0453/O, had lawfully commenced within the stipulated time period. Determining weight is to be awarded to the CLEUD and the fact that a viable 'fallback' position exists. The principle of development was considered acceptable under LA05/2018/0453/O and whilst this application is a Full application, in light of the above it is not considered pertinent to revisit the principle of development in this instance.		
Would create/add to a ribbon of development.	The proposed dwelling would overlap the footprint of the dwelling which was approved under LA05/2021/0020/RM and which constitutes a viable 'fallback' position. Therefore, there are no concerns in respect of ribbon development.		
LA05/2016/0283/O was refused previously	Planning application LA05/2016/0283/O was superseded by the approval of LA05/2018/0453/O on the application site which was found to be acceptable in the context of prevailing Planning policy and guidance.		
LA05/2021/0020/RM does not respect the pattern of development along	The height of the dwelling approved under LA05/2021/0020/RM was found to be acceptable. It is acknowledged that there are a number of existing two storey dwellings in the immediate vicinity on Chapel Road at its junction with Magees Road.		

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Magees Road which is composed of single storey and 1.5 storey dwellings.	
Ridge height restriction at Outline/larger ridge height than previously approved.	It is acknowledged that there was no ridge height restriction applied as part of LA05/2018/0453/O approval. It is noted that the proposed dwelling would have a ridge height 0.5 metres above FFL greater than what was approved under LA05/2021/0020/RM. This is considered to be a minimal increase, and it is contended to be acceptable in the context of other dwellings/buildings in the immediate vicinity. There are no concerns in respect of integration of the proposed dwelling.
Proposed dwelling set back from established building line.	The proposed dwelling would have a siting/building line akin to that of the viable 'fallback' position. Whilst it is acknowledged that it is set behind the building line of No. 16 Magees Road, it is noted that there is no distinct established building line along this part of Magees Road and it is considered to be acceptable.
Design of Reserved Matters approval.	The design of the Reserved Matters approval was assessed against the relevant prevailing Planning policy and guidance at that time and was found to be acceptable. It remains a viable 'fallback' position for the applicant.
Cause surface water issues/subsidence to No. 16 Magees Road.	Dfl Rivers were consulted as part of the processing of the application. In their final consultation response, they offer no objection to the proposed development. Dfl Rivers provide a series of informatives which would be applied to any approval. The developer would be bound by Building Standards/regulations. In light of this, there are no concerns in respect to surface water/subsidence.
Application not sought under Policy COU6.	The application pertains to a change of house type application only. Determining weight is awarded to the fact that a viable 'fallback' position exists which was confirmed via the approval of a CLEUD – LA05/2024/0593/CLEUD. Subsequently, it is not considered pertinent to revisit the principle of development in this instance. Therefore, there is no requirement for it to be sought or assessed under Policy COU6.
Piece-meal development.	This application pertains to a change of house type for a single farm dwelling only. It is noted that No. 16 Magees Road which is located directly to the southwest of the application site was approved under the principle of a replacement dwelling, which is a different Planning policy. It is acknowledged that there is another application (LA05/2023/0069/O) to the west of No. 16 Magees Road for a single dwelling which has been submitted by a different applicant and which remains under consideration. These three applications relate to three single dwellings only in the countryside and it is not contended that they constitute piece-meal development
Lack of landscaping.	Existing and proposed landscaping has been demonstrated on the associated submitted plans. It is found to be acceptable and would be conditioned as part of any approval.

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<p>Application has time expired in relation to Outline.</p>	<p>This application pertains to a change of house type application. The Planning history of the application site is therefore of fundamental importance. A CLEUD was submitted under LA05/2024/0593/CLEUD for the '<i>Commencement of works to Planning application LA05/2021/0020/RM for approved 2 storey dwelling.</i>' This CLEUD confirmed that development of LA05/2021/0020/RM, which was approved in association with LA05/2018/0453/O, had lawfully commenced in accordance with the stipulated time period. Determining weight is to be awarded to the CLEUD and the fact that a viable 'fall-back' position exists on the application site. The principle of development was considered acceptable under LA05/2018/0453/O and in light of the above it is not considered pertinent to revisit the principle of development.</p>
<p>Application not in compliance with Condition 2 of LA05/2021/0020/RM.</p>	<p>This is a Full Planning application. There is no requirement that it needs to be in compliance with all of the conditions of LA05/2021/0020/RM. It is acknowledged that a different vehicular access arrangement has been proposed as part of this application with a more central position along the roadside. DfI Roads were consulted as part of the processing of the application and subsequently responded with no concerns, subject to the inclusion of stipulated conditions and informatives with any approval.</p>
<p>Application does not reference LA05/2023/0069/O.</p>	<p>The application site associated with LA05/2023/0069/O is located to the west of No. 16 Magees Road. It is located outside the red line of LA05/2023/0883/F and does not relate to this application and remains under consideration. There is no requirement that this application should provide reference to it</p>
<p>Pre-mature development work has taken place on site.</p>	<p>It is acknowledged that works have taken place on site to commence the LA05/2021/0020/RM approval. LA05/2024/0593/CLEUD confirmed that these works have lawfully commenced within the stipulated time period.</p>
<p>Application represents significant change from what was approved at Outline in terms of access, chimney etc</p>	<p>The application relates to a change of house type to LA05/2021/0020/RM which was approved in accordance with the associated Outline approval of LA05/2018/0453/O. It is not considered that the design of the proposed dwelling varies significantly to what was previously approved under LA05/2021/0020/RM. The design has been assessed against Building on Tradition guidance and relevant Planning policy and is found to be acceptable. The proposed dwelling would overlap the approved footprint of LA05/2021/0020/RM. Whilst it is acknowledged that a different vehicular access position is proposed under this application, DfI Roads have been consulted and offer no objection to the development proposal, subject to the inclusion of stipulated conditions/informatives with any approval.</p>
<p>Shed at No. 16 Magees Road does not have Planning permission.</p>	<p>This pertains to a neighbouring site, and it is a matter for Planning Enforcement.</p>

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Item Number 2			
Application Reference	LA05/2024/0175/O	Date Valid	06.03.2024
Description of Proposal	Proposed Erection of 3no. Tourist Glamping Pods with Associated Site Works	Location	Lands approx. 10m South of 9 Artifinny Road, Hillsborough
Group Recommendation	Refusal	Case Officer	Catherine Gray
Reasons for Recommendation			
<ol style="list-style-type: none"> 1. The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside. 2. The proposal is contrary to Policy TOU3 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposal is not located on the periphery of a settlement, it does not involve the conversion and reuse of a suitable building or the replacement of an existing building and it is not for the expansion of existing tourist accommodation. 3. The proposal is contrary to Policy TOU4 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not located within the grounds of an existing or approved tourist accommodation or holiday park, or, at or close to an existing or approved tourism amenity that is/will be a significant visitor attraction in its own right. 4. The proposal is contrary to Policy TOU7, criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the proposal provides adequate and convenience access to public transport. 5. The proposal is contrary to Policy COU15, criteria (d) and (e) of the Lisburn and Castlereagh City Council Plan Strategy, in that the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the proposal to integrate into the landscape and would rely primarily on the use of new landscaping for integration. 			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
5	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Neighbour notification.	Concern is raised about neighbour notification. The Council has fulfilled its statutory obligations with regards to neighbour notification.		

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<p>Road safety and increase in traffic.</p>	<p>Concern is raised that the proposal would generate an increase in traffic on the narrow Artifinny Road which has already been given the development of Oatlands Pool. The view is expressed that there has been an ongoing issue with the traffic on the Artifinny Road that the Planning Service has so far failed to resolve and asks why enforcement have not done anything about this. The view is expressed that residents cannot get in and out of their driveway and that they have witnessed a tractor and trailer having to reverse on the road due to speeding cars coming from classes at Oatlands Pool.</p> <p>The view is expressed that the Artifinny Road is a narrow country road allowing access to only one vehicle at a time and that on the part of the road, particularly from the proposed development towards the Moira Road, there are no passing places which means that cars travelling in opposite directions are forced into one vehicle having to reverse. It is stated that the road is overused and that residents and farmers who use the road are confronted with oncoming speeding traffic. The road cannot withstand additional traffic unless a new appropriate road layout is put in place.</p> <p>The unauthorised development at Outlands Pool on the Artifinny Road is currently with the Councils enforcement and there is a planning application in for the retrospective development at Oatlands Pool for determination. This proposed development is considered to comply with policies TRA2 and TRA7. DfI Roads have been consulted on the proposal and have no objections to the development proposal.</p>
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