

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

Week Ending 22 March 2024

Item Number 1			
Application Reference	LA05/2022/1117/F	Date Valid	08.12.2022
Description of Proposal	Proposed extension to existing warehouse	Location	150M SW of 34 Old Kilmore Road Moira
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
2	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Expansion of industrial estate.	<p>The view is expressed that it is not only the expansion and development of the industrial estate that needs to be considered.</p> <p>The proposal is not for an extension or expansion of the industrial estate, it is for the extension to one of the existing warehouse units within the industrial estate.</p>		
Access.	<p>The view is expressed by the objector that the only access to this site is the private lane which her house is on, and that the lane is not suitable for heavy industrial traffic. The view is also expressed that there are no effective barriers or protection for her property and her wall has been damaged several times. She also advises that there is no speed limit on the lane so many drivers can do whatever speed they like. The view is also expressed that the expansion of the industrial estates will increase the level and flow of heavy traffic on the land and will therefore endanger her property.</p> <p>The existing laneway serves the existing industrial units of which the application site is within. DfI Roads have been consulted on the proposal and have no objections. Damage to property by another party is a legal issue and not a planning consideration that is given determining weight.</p>		
Impact on property.	<p>The view is expressed that legally only light industry is permitted and this should not include huge and heavy shipping containers which shake the foundations of her property. Also the view is expressed that this expansion will impact negatively on her property, its value and increases the chances of damage from passing vehicles.</p>		

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	<p>The use of the site has already been established and approved for light industrial and storage. The proposal does not involve any intensification, it is to allow more efficient use of the existing approved facility by providing additional storage space for a garden furniture and Christmas decoration wholesaler with no sales to the public. The P1 form details that the number of vehicles attending and the number of employees and others attending will not increase. The value of a property is not a material consideration that can be given determining weight.</p>
<p>Telecommunications Mast.</p>	<p>The objector advises that MBNL operate telecoms equipment located on the existing mast at the location where the current proposal is being made, that the current lattice mast has been in situ for a number of years and forms an integrated part of the wider network. The view is expressed that any consideration of the application and its implications upon the surrounding area, the local economy and society must consider the importance of a strategically significant installation and piece of infrastructure such as the telecoms mast.</p> <p>The view is expressed that it is important to note that the application does not consider an alternative location for the mast in order to maintain network coverage. The view is also expressed that as at no point is reference made to the existing installation it is equally apparent that no consideration has been made to relocating the mast of the development was to proceed.</p> <p>It is acknowledged that the existing telecommunications mast is within the application site, however planning permission is not required to remove a telecommunications mast. Provision of network coverage within the area is the responsibility of the mobile operator/coverage provider.</p>
<p>Neighbour notification/interest in the land.</p>	<p>Concerns are raised that MBNL has not been notified as a neighbour or one how has an interest in the land.</p> <p>The Council has fulfilled its statutory obligations with regards to neighbour notification. The agent has completed Certificate A on the application form with regards to ownership. If this information is not correct this is a legal matter between the two parties. 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 submitted plans are incorrect.</p>	<p>The objector notes that the plans do not show the existing mast. The view is expressed that without annotating the impact of the extension and development upon existing land users it is considered that due consideration cannot be made. The view is also expressed that on the drawings submitted no reference is made to a specific mobile operator and as such it is considered that the installation of such antennas and equipment has been set out speculatively.</p> <p>A site inspection has been carried out and the Council take on board as part of the assessment the site characteristics and the situation on the</p>



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	<p>round at the time of the application. Due consideration has been given to the existing development on the ground. The existing drawings do not need to make reference to the telecoms mast for it to be taken into consideration.</p>
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Item Number 2			
Application Reference	LA05/2023/0684/F	Date Valid	22.08.2023
Description of Proposal	Proposed lean-to side extension for provision of incidental garage	Location	51 Burnside Avenue, Belfast,
Group Recommendation	Approval	Case Officer	Kevin Maguire
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		
Concerns extension will exacerbate existing problem of impact/vibration/noise transmission to neighboring property through joists running perpendicular rather than parallel to party wall.	<p>Environmental Health were consulted in relation to this representation and have commented that they have no objection to the proposals however note that should the developer wish to make a complaint in relation to noise to contact the Environmental Health department directly.</p> <p>The objection relates to an existing problem which pre-dates the submission of this planning application. It is not clear from the representation where the objector resides, and which address is being current affected. It is also not clear whether the concerns relating to the noise and vibration relates to the construction of the proposed extension or through when the extension is occupied. Notwithstanding these points it is contended that such issues would not relate to planning and would instead be an issue relating to the structure of the dwelling/extension, with is more likely to be relating to building control or environmental health. The issues raised on this matter would not ultimately be controlled under planning legislation.</p>		

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Item Number 3			
Application Reference	LA05/2020/0970/F	Date Valid	20.11.2020
Description of Proposal	Erection of a single dwelling and garage	Location	North West of 115 Ballycoan Road, Ballycowan, Belfast
Group Recommendation	Refusal	Case Officer	Cara Breen
Reasons for Recommendation			
<p>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.</p> <p>The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along Ballycoan Road. Furthermore, the gap is not sufficient to accommodate two dwellings whilst respecting the existing pattern of development in terms of design and being appropriate to the existing size, scale, plot size and width.</p> <p>The proposal is contrary to Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy, in that the design of the building is inappropriate for the site and its locality.</p> <p>The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development does not respect the traditional pattern of settlement exhibited in that area, it would result in an adverse impact on the rural character of the area, it would adversely impact on residential amenity and access to the public road cannot be achieved without prejudice to road safety or significantly inconvenience the flow of traffic.</p> <p>The proposal is contrary to Policy TRA 2 of the Lisburn and Castlereagh City Council Plan Strategy, in that it would, if permitted, prejudice the safety and convenience of road users since a visibility splay of 2.0 metres x 45 metres cannot be provided at the proposed access in a south-easterly direction in accordance with the standards contained in the Department's Development Control Advice Note 15.</p> <p>The proposal is contrary to Policy NH6 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not considered to be of an appropriate design which would respect the local architectural styles and pattern of the Area of Outstanding Natural Beauty.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
2	N/A	N/A	N/A
Consideration of Objections			

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Issue	Consideration of Issue
Incorrect site address.	The application site address has since been amended. The application has been re-advertised and neighbour re-notification has taken place following this.
Application would permit 3 dwellings within the original gap site – contrary to Policy CTY 8 (now Policy COU8).	It is acknowledged that a building (Ballycoan Pentecostal Church) formerly occupied the application site and this formed part of the substantial and continuously built up frontage under S/2013/0152/O. Whilst it formed part of the frontage, it did not form part of the gap at this time. There was no trace of Ballcoan Pentecostal Church at the time of site inspection of this application. The application site therefore now constitutes a ‘gap’ in its own right. However, as per the refusal reasons, the application is considered to be contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy.
Plans give indication that the application site is similar in size to neighbouring sites, however it is smaller in width.	The application site measures circa 21m (frontage width), which it is noted is smaller in width than neighbouring sites. The plans are considered to be acceptable for the purposes of assessment.
Not all neighbours were notified.	Notice of, and publication of the application were carried out as per Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO). Those neighbours which require neighbour notification as per statutory obligation have been verified via an internal system and as part of the site inspection process.
Impact on road safety.	DFI roads were consulted as part of the processing of the application. In their consultation response of 19 th February 2021, they note that they consider the application unacceptable as submitted as insufficient detail has been provided in respect to transportation issues. Despite requesting the additional information, as per their response, no further information in respect to roads has been forthcoming from the agent. It is therefore considered that the application is contrary to Policy TRA2, in that it would, if permitted, prejudice the safety and convenience of road users since a visibility splay of 2.0m x 45m cannot be provided at the proposed access in a south easterly direction in accordance with the standards as outlined in Development Control Advice Note 15.

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Item Number 4			
Application Reference	LA05/2021/0796/O	Date Valid	19.07.2021
Description of Proposal	1 no storey and a half dwelling and associated site works	Location	Lands to rear of 158 Mealough Road and 62 Leverogue Road Carryduff Belfast
Group Recommendation	Refusal	Case Officer	Laura McCausland
Reasons for Recommendation			
<p>The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.</p> <p>The proposal is contrary to Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the site within the cluster is not associated with a focal point such as a social/community building.</p> <p>The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the gap is insufficient to accommodate two dwellings within an otherwise substantial and continuous built-up frontage and, if developed would not respect the existing pattern of development and be appropriate to the existing plot size and width of neighboring dwellings that constitute the frontage of development.</p> <p>The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development does if permitted not respect the traditional pattern of settlement exhibited in that area and it has not been demonstrated that all necessary services can be provided for the development.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
10	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Land ownership.	Concern is raised that permission is not given to remove pillar and wall that belongs to third party to accommodate visibility splays or cut foliage to maintain line of sight. In consideration of this point the correct notice has been served on the third parties therefore land ownership is a civil matter and the grant of permission does not confer title.		
Overlooking and loss of privacy.	Should outline permission be granted, at the reserved matters stage it is deemed that additional planting can be included and a suitable site layout arrangement including siting and orientation of dwelling with suitable		

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	separation distances from adjoining properties could be achieved to prevent direct overlooking into any adjoining properties private amenity space. Landscaping and design are matters that are reserved
Obstruct view.	The planning system does not exist to protect the private interests of one person against the activities of another therefore no material weight has been afforded to this concern.
Diminish enjoyment of property and future sale value.	The planning system does not exist to protect the private interests of one person against the activities of another therefore no material weight has been afforded to this concern.
Additional strain on water supply and will create pressure problems.	NI Water have been consulted and based on the information available recommend refusal indicating that the water supply is currently operating at capacity and therefore the proposed development would create a negative impact on existing residential amenity. The applicant was afforded the opportunity to address NI Water's comments however they failed to provide any additional information to do so. Therefore, based on the information available the proposal is considered to be contrary to Policy COU16 Criteria (g) in that, it has not been demonstrated by the applicant that all necessary services can be provided for the development.
Road safety.	Concern is raise that the development will create traffic congestion, offers poor turning within entrance and has inadequate sight lines. Third parties do not give their permission for the applicant to use their lands to provided required visibility splays and development will lead to traffic problems and road safety concerns. Land ownership is civil issue and not a planning material consideration. DFI Roads have been consulted and offer no objection to the proposed development. The proposed development will not prejudice the safety of road users therefore the proposal is deemed to be in accordance with Policy TRA2.