

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

Week Ending 13th September 2024

Item Number 1			
Application Reference	LA05/2022/0734/F	Date Valid	04.08.2022
Description of Proposal	Retention of existing extension to rear of workshop to facilitate re-location of servicing bays, retention of existing extended curtilage to provide additional car parking, turning and re-located display areas for sale and repair of motor vehicles, including proposed re-location of existing sub-standard vehicular access, landscaping and associated site works	Location	Knockbreda Car Service and Sales Centre 56 Moneyreagh Road Moneyreagh Newtownards
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
1	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Believe that the Councils goal is to grant planning permission.	<p>The view is expressed that 8 years on from the work to extend the business at 56 Moneyreagh Road began and 4 and a half years since enforcement challenged the lack of planning permission, they believe that the Councils goal is to grant planning permission.</p> <p>Each application is assessed on its own merits against the local development plan and planning policies and all material considerations are considered.</p>		
Privacy / Boundary between 50 and 56 Moneyreagh Road.	<p>The view is expressed that it is clear to see that the privacy (of 50 Moneyreagh Road) has been impact by the extensive changes made at 56 Moneyreagh Road. The view is expressed that the application states, 'Existing mature hedgerow and tree retained to protect amenity of No. 50' and that the occupants of no. 50 maintain the hedge as well as the trees</p>		

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	<p>and have been forced to let them grow to protect their privacy. The view is also expressed that they would like to restore the hedge back to its original height but state that they unfortunately cannot do that due to the height of the business extension. And the view is also expressed that they find it extremely insulting that the applicant uses this to strengthen their application.</p> <p>There is an existing boundary treatment between the two properties. Certificate A has been filled in advising that the applicant owns all lands within the red line of the application. Boundary disputes are a legal issue between the relevant parties and is not a planning matter. The side elevation window to the rear extension is 17.5m away from the common boundary with the objector. The window is at a high level, 3.6m above the finished floor level of the extension. The window is to provide light into the workshop area, and it is considered that it would not cause any unacceptable overlooking into any neighbour's private amenity space. The parking area to the side and adjacent to the common boundary has always been a parking area however is made more formal in layout through this application. The parking area does not cause any concerns with regards to unacceptable overlooking into the neighbour's private amenity space.</p>
<p>The section annexed in the field.</p>	<p>The view is expressed that the current application and past applications have not addressed or included the section annexed in the field, only the plan to restore it using topsoil. The question is asked why is this not being restored outside of this application process as soon as possible.</p> <p>This application deals with lands within the red line of the application only and any restorative works to land outside the application is not a matter to be dealt with through this application process. Any unauthorised works outside of the application is a matter for enforcement.</p>
<p>Monitoring if permission is granted.</p>	<p>The question is asked 'How will the changes set in the application be monitored to ensure they are implemented if planning permission is granted?'</p> <p>If permission is granted the onus is on the applicant/developer to ensure that the proposal complies with the planning permission. If a planning permission is not complied with or there is a breach of any conditions, then the matter can be referred to Planning Enforcement.</p>

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Item Number 2			
Application Reference	LA05/2023/0898/F	Date Valid	14.11.2023
Description of Proposal	Retrospective erection of 1No. restaurant unit including the reconfiguration of car parking with associated siteworks and landscaping	Location	Lands within car park at Forestside shopping centre Forestside Shopping Centre, Upper Galwally, Belfast
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
1	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Forestside does not need another restaurant.	<p>The view is expressed that Forestside does not need 3 restaurants let alone a 4th.</p> <p>The proposal is for a sui generis use of a restaurant to complement the existing facilities at Forestside and would not result in the loss of existing retail floorspace. The proposal does not offend the local development plan or planning policies</p>		
Parking.	<p>The view is expressed that parking is bad at the best of times and that this will negatively affect parking.</p> <p>The proposal would involve the removal of 20no parking spaces from the existing parking provision and no new car parking spaces are provided as part of this proposal. The development is proposed to be a complementary use for those already visiting Forestside Shopping Centre and there would be an element of new and majority shared trips to the site. Based on the information submitted including the Transport Assessment Form and Car Parking Statement it is demonstrated and accepted that the proposal along with the extant permission adjacent the application site can be accommodated within the existing car parking provision. DfI Roads have been consulted on the application and have no objections and provided a standard condition and informatives to be placed on the decision notice.</p>		

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<p>Empty shops and premises on the Ormeau Road and City Centre.</p>	<p>The view is expressed that there are so many empty shops and premises on the Ormeau Road and city centre that it does not make sense to build more.</p> <p>Each proposal is assessed on its own merits, and it is considered that the proposal complies with the local development plan and planning policies.</p>
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Item Number 3			
Application Reference	LA05/2022/1135/F	Date Valid	09.12.2022
Description of Proposal	Retention of change of use from single dwelling to serviced accommodation	Location	72 Antrim Road, Lisnagarvey, 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
5	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Development is already in operation.	<p>The view is expressed that the development has been in operation for a significant period of time, prior to the date of the application. And also advises that that the applicant states that there is a hobby car mechanic business operating from the detached garage at the rear of the property which is a separate business from his serviced accommodation.</p> <p>It is acknowledged that the proposal is already in operation. The application is retrospective and for the retention of the development proposal. This application is for the serviced accommodation only and not any development or business to the rear of the property. The planning history shows no planning approval for the mechanic business to the rear and the details have been passed to enforcement for investigation.</p>		
Rating category.	<p>The view is expressed that having reviewed the rate category on the Land and Property website they note that this property is paying domestic rates, even though two businesses are operation from the land within this application.</p> <p>The rating of a property is a matter for Land and Property Services and is not a planning matter.</p>		
Present use as residential.	<p>The view is expressed that the applicant has recorded the land/building present state as residential and they want to challenge this due to the many accommodation websites that number 72 Antrim Road can be booked under.</p> <p>The proposal is for change of use of the dwelling to serviced accommodation. Under The Planning (Use Classes) Order (Northern</p>		

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	Ireland) 2015 the Class would change from Class C1 to Class C2 which are both Residential Uses.
Certificate as per Tourism (NI) Order 1992.	<p>The view is expressed that they are aware that to have serviced accommodation as a trader in Northern Ireland, a trader is required to have a certificate as per Tourism (NI) Order 1992.</p> <p>This is not a planning matter and separate from this process.</p>
Other change of use.	<p>The view is expressed that the applicant has failed to detail the other change of use he would require for this property, namely the hobby car mechanic business.</p> <p>This application is for change of use of the dwelling to serviced accommodation only. The onus is on the applicant to submit any further applications that may be required.</p>
Concerns about car mechanics business.	<p>The view is expressed that their concerns regarding the hobby car mechanic business were raised with the Council on 10.06.2022. And that many details of the mechanics business is not declared on the planning application, for example the usage of water, volume of vehicles, disposal of sewage, disposal of refuse etc.</p> <p>This application does not include the car mechanic business. The details are with enforcement for investigation and is a separate process from this application.</p>
Access.	<p>The view is expressed that within section 12 the applicant has ticked that the access arrangements for this development involve use of an existing unaltered access to a public road which would be correct if the use was only for serviced accommodation.</p> <p>This application is for the change of use of the dwelling to serviced accommodation only.</p>
Breach of deeds.	<p>The view is expressed that the applicant is allowing the hobby car mechanic business to run from the garage of number 72 and that he is operating in breach of the deeds of 72 Antrim Road.</p> <p>The unauthorised mechanics business is with enforcement for investigation and is a separate matter. Land ownership is a legal matter and not a planning matter. The onus is on the applicant to ensure that they have ownership/control of all lands necessary to implement a planning approval.</p>
Right of way blocked.	<p>The view is expressed that the hobby car mechanic business often blocks their right to pass over and along the passage to gain access to their home and prevents them from safely getting out of their property to the public road.</p> <p>This is civil/legal issue between the relevant parties and not a planning matter.</p>

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<p>Neighbour notification.</p>	<p>The view is expressed that under section 28, they believe that number 76 Antrim Road should be detailed given that number 76 Antrim Road has the power to grant the right of way regarding the private road at the rear.</p> <p>The Council has fulfilled its statutory obligations with regards to neighbour notification.</p>
<p>Correct fee not paid.</p>	<p>The view is expressed that the applicant may not have paid the correct fee for the application as the applicant has failed to declare the mechanics business.</p> <p>The application has been through the validation process and is considered to be a valid application.</p>
<p>Lack of respect for neighbours.</p>	<p>The view is expressed that the lack of respect for the neighbours is upsetting.</p> <p>This would be a civil issue between the relevant parties. It is a material consideration that cannot be given determining weight.</p>
<p>Hazardous substances and breach of human rights.</p>	<p>The view is expressed that they believe that the mechanic business is using hazardous substances, and they have concerns about smell and toxic waste which may be absorbed into their allotment. They advise that they had to stop growing produce as they were concerned that they may be eating toxins and that it breaches their human rights.</p> <p>The mechanics business is not part of this planning application, and the details are with enforcement for investigation.</p>
<p>Noise/privacy.</p>	<p>The view is expressed that noise disruption from the mechanics business is another violation of their right to enjoy their privacy. Also, noise such as loud music from the dwelling house is disturbing the neighbours and causing concern. It is highlighted that this is a residential area where through the night parties do not occur, people work, and kids go to school.</p> <p>The mechanics business is not part of this planning application, and the details are with enforcement for investigation. A residential use adjacent to residential use is considered to be acceptable. Environmental Health have no objection to the proposed development and raised no concerns with regards to noise impact.</p>
<p>House design/loss of privacy/safety security.</p>	<p>The view is expressed that the design of the dwellings in this terrace differs from others in the area. It is detailed that property number 74 has their dining window, patio window, patio door, hall upstairs window and bathroom upstairs window all face no. 72 bathroom and hall windows. Also, that the wall of the extension is the full length of the yard of number 74 so a person/people could step onto roof and do an easy jump into the property. And that they want the property design re wall thickness, building shape, window placement and ease of access to neighbouring property to be considered.</p>

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	<p>No internal or external changes to the property are proposed, the design is not changing and is acceptable for residential use. A bathroom window has frosted glass, and a hall window is not an occupied room and is considered to be acceptable, the positioning of the windows does not give rise to concerns of unacceptable overlooking into private amenity space. A Class C1 and Class C2 use are considered to be compatible uses adjacent to one another.</p>
Impact on quality of life.	<p>The view is expressed that the proposal has an impact on the neighbour's quality of life.</p> <p>The proposal has been considered against the Plan Strategy and all material considerations and is policy compliant.</p>
Impact on value of property.	<p>Concern is expressed about the impact on value of property.</p> <p>The value of property is a material consideration that is not given determining weight.</p>

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Item Number 4			
Application Reference	LA05/2022/0244/O	Date Valid	04.03.2022
Description of Proposal	Proposed infill dwelling	Location	Lands at Drumcill Road, adjacent to 1 Agars Road, Lisburn
Group Recommendation	Refusal	Case Officer	Cara Breen
Reasons for Recommendation			
<ul style="list-style-type: none"> ▪ 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. ▪ The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would create a ribbon of development along Agars Road. Furthermore, there is not a small gap sufficient to accommodate two dwellings within a substantial and continuously built up frontage and the proposal would not respect the existing pattern of development in terms of siting, nor would it be appropriate to the existing size, scale, plot size and width. ▪ 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 and it would result in an adverse impact on the rural character of the area. ▪ The proposal is contrary to Policy NH2 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to harm a species protected by law. ▪ The proposal is contrary to Policy NH5 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. 			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		

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Item Number 5			
Application Reference	LA05/2024/0250/RM	Date Valid	27.03.2024
Description of Proposal	Infill dwelling and garage	Location	50m northeast of 75 Drennan Road, Lisburn
Group Recommendation	Approval	Case Officer	Helen McGuinness
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		
Loss of Privacy.	The proposed development currently sits circa 12.4m from the neighbouring boundary with no. 75 Drennan Road at the nearest point. No.75 sits approximately a further 23 metres from the boundary at the nearest point. It is therefore contended that the application site maintains adequate separation distanced to mitigate against the any potential for an adverse impact on neighbouring residential properties. In addition, the proposed development includes the retention of the mature vegetation and hedging located along the southern boundary shared with no. 75. Taking this into consideration, there is limited potential impact on any residential amenity.		
Over Development and visual impact.	The proposed dwelling sits comfortably within the site. The proposed design, sitting, scale and form are found to be acceptable with regards to impact on the rural character of the area. At outline stage, conditions were applied to ensure the proposed development would not have a ridge height any higher than 6 metres from the finished floor level, in addition to the underbuilds limited to no more than 0.45 metres. The proposal includes the retention of mature boundaries and introduction of additional planting; therefore, the proposal would integrate appropriately into the site. Taking the above into account, it is considered that the proposed development would not be prominent in the landscape and would not result in the overdevelopment of the site.		
Ribbon Development.	The principle of development (infill) has already been established and accepted by virtue of the granting of LA05/2021/1014/O. LA05/2021/1014/O remains extant in accordance with the time condition (3 years for submission of Reserved Matters) which was placed upon it. The purpose of this application is solely for the assessment of those matters which have been reserved.		