

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

**Week Ending 02 February 2024**

Item Number 1			
<b>Application Reference</b>	LA05/2023/0658/F	<b>Date Valid</b>	11.08.2023
<b>Description of Proposal</b>	Change of Use to a personal fitness studio	<b>Location</b>	Studio 9, 23LR Studios, 6 Culcavey Road (Formerly part of the grounds of 23 Lisburn Road) Hillsborough
<b>Group Recommendation</b>	Approval	<b>Case Officer</b>	Sinead McCloskey
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
4	N/A	N/A	N/A
Consideration of Objections			
<b>Issue</b>	<b>Consideration of Issue</b>		
Noise from the studio. There is already existing noise with the development - with early morning deliveries and parking issues.	The Environmental Health Department of the Council were consulted on the application and had no concerns in relation to noise. The Design & Access Statement states that there will be upgrades to the building fabric to improve sound insulation properties in the form of acoustic lining in accordance with statutory regulations. External walls are to be faced with 2 no. layers of sound block plasterboard, and background music will be restricted to a low volume as the voice of the trainer must be audible at all times. The agent subsequently submitted details from the material/construction provider who stated that there would be a sound rating of 47dB Rw from the structure. Any existing noise nuisance cannot be assessed under this application.		
Parking outside dwellings in resident only areas - any sign to be erected in this regard is to be paid for by the applicant. There is no consideration of the parking needed by both visitors, employees, deliveries and contractors. Employees	A parking survey was provided , based on allocated time periods requested by DFI Roads, and sent to Roads for comment. The parking survey was provided to demonstrate parking availability in the vicinity of the site for both on-street parking and within nearby car parks. Culcavy Road was noted as not being suitable for parking as there is not sufficient curb parking without impeding pedestrian walkway space. With regard to the size of the site, the parking standards consider there is a requirement for 22 spaces provided to serve the proposal. The applicant has advised that he operates small classes of 6-8 people. 12 parking spaces were identified to the front of No. 23 Lisburn Road during the evening		

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<p>in the business premises at the rear of No. 23 already park in the adjacent residential streets. There is no parking shown for the fitness centre. Want guaranteed that there will be no parking on the pavement outside Mill Mews. This would interfere with the sight lines when exiting Mill Mews. Culcavy Road is used 24/7 by HGVs. There has been a large increase of vehicular movement in and out of the premises since the change of ownership – with the limited available parking on the site there will be an increase in vehicle spillage onto Culcavey Road.</p>	<p>peak and the morning peak, though these spaces are not available during the morning peak. The Survey was carried out on Lisburn Street, and the survey concluded that parking availability within a 300m radius of the site is in excess of that required. It also stated that the number of available parking spaces both on-street and within car parks is sufficient for full-time employees and short-stay visitors. Due to the nature of the site, there is no requirement for dedicated commercial parking availability. Commercial vehicles may use the layby at the front of 23 Lisburn Road while making deliveries. DFI Roads had no objections and offered conditions to be included in any decision.</p>
<p>Requesting that double yellow lines are assigned outside the business and the property.</p>	<p>DFI Roads have not requested or stated the need for double yellow lines.</p>
<p>Safety issues reading the parking (abandoning) of vehicles on both sides of Culcavey Road in front of Mill Mews – both kerbside and on the footpath opposite the entrance to property. Cars are parked on the road adjacent to our exit and cause a serious hazard for exiting the</p>	<p>Any existing parking issues on the road are outside the remit of this application. As stated above, an extensive parking survey was produced and sent to Roads for comment. They have no objections to the proposal in this regard.</p>

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<p>premises. Parking should be the responsibility of the business. They have a coffee pod, existing office and now a studio on top of it which will add to existing parking woes.</p>	
<p>Existing parking land of the business is always empty and they are not taking advantage of reduced parking rate of 2 pounds offered by the church.</p>	<p>The parking survey has demonstrated the availability of parking in excess of what is required under the Parking Standards for this application, both on street and within car parks.</p>
<p>The traffic survey appears to be concentrated on Lisburn Street and Lisburn Road, whilst the Culcavy Road was ignored.</p>	<p>The traffic survey states that Culcavey Road, among others, was not included as part of the survey as there is not sufficient curb parking without impeding pedestrian walkway space.</p>
<p>The sight lines for drivers leaving Hillcourt and from No. 1 Culcavey Road is being compromised – this is an accident waiting to happen.</p>	<p>Any in situ sight lines serving existing residential development cannot be assessed under this application. DFI Roads had no concerns in this regard for the proposed development.</p>
<p>Address is better known to the residents at the rear of No. 23 Lisburn Road, Hillsborough.</p>	<p>The address has been amended to include ‘formerly part of the grounds of 23 Lisburn Road’ and the neighbours were renotified on the 23<sup>rd</sup> January 2024 and following a correction to the post code, again on the 29<sup>th</sup> January 2024.</p>
<p>It appears that work has already started on the fitness centre and the workshop/studios.</p>	<p>An enforcement case was opened for the unauthorised change of use to a gym at this site. The case is pending the outcome of this planning application.</p>

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<p>The application is situated in a residential area.</p>	<p>The application is found to be compliant with the relevant policies. There is no designation on the site that would preclude this use. It is within the settlement limits of Hillsborough and as there is no defined town centre , this sui generis use is acceptable at this location if compliant will all other policy requirements. The proposal will not adversely affect the character of the area nor will it create concerns in terms of residential amenity.</p>
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# List of delegated planning applications with objections received / recommendation to refuse

**Week Ending 02 February 2024**

<b>Item Number 2</b>			
<b>Application Reference</b>	LA05/2023/0307/F	<b>Date Valid</b>	06.04.2023
<b>Description of Proposal</b>	Replace existing garage with ancillary domestic accommodation	<b>Location</b>	2 Benson Street, Lisburn,
<b>Group Recommendation</b>	Refusal	<b>Case Officer</b>	Joseph Billham
<b>Reasons for Recommendation</b>			
<ul style="list-style-type: none"> <li>• The proposal is contrary to Policy HOU7 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that:               <ul style="list-style-type: none"> <li>a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.</li> <li>b) the proposal does not unduly affect the privacy or amenity of neighbouring residents</li> <li>d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.</li> </ul> </li> <li>• The proposal is contrary to Policy TRA2 Criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that proposal will not prejudice road safety or significantly inconvenience the flow of vehicles.</li> </ul>			
<b>Representations</b>			
<b>Objection Letters</b>	<b>Support Letters</b>	<b>Objection Petitions</b>	<b>Support Petitions</b>
<b>19</b>	N/A	1 (29 Signatures)	N/A
<b>Consideration of Objections</b>			
<b>Issue</b>	<b>Consideration of Issue</b>		
Impact on right of way and bin collections	The impact on right of way is outside of planning control and is a civil matter.		
Domestic accommodation not connected to main house/Detached and self-contained accommodation inappropriate.	Following a full assessment of the proposal it is unacceptable and not considered to be a modest scale of accommodation that does not demonstrate dependency on the main dwelling within the site. This is indicated within the refusal reason.		
Overlooking of adjoining properties on Benson Street.	Following a full assessment of the proposal it is considered the development would result in issues of concern in regard to undue		

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	overlooking to the rear of No 4 Bensons Street. This is indicated within the refusal reason.
Out of keeping with other buildings in the area and concerns of overcrowding	The proposal is considered not to be subordinate in scale and massing and is unsympathetic with the built form and character of the area. This is indicated within the refusal reason.
Impact on privacy and overshadowing of No 21 Antrim Road.	The separation distance from the side of the proposal to the rear of No 21 Antrim Road is 17m. This is considered sufficient to minimise any potential for overshadowing. There are two doorways on the ground floor of the side elevation. No concern of privacy arise given the boundary shared with No 21 is high mature hedging that is annotated as being retained and is considered appropriate.
Privacy, overshadowing/loss of light and overlooking concerns at properties at Trinity Gate.	There shall be no unduly impact on privacy to houses at Trinity Gate. The impact of overshadowing/loss of light is considered not to be detrimental. There is a separation distance back to back is 17m. The existing boundaries are considered acceptable to minimise any potential for overlooking from ground floor windows. The first floor window, if approved will be conditioned to be fitted with obscure glazing is considered acceptable.
Impact on established trees, hedging, nature and planting in gardens/Impact on protected trees and groundworks.	The proposal is set off and will not encroach upon the boundaries of the site. Any ground works will be the developers own risk. The trees to the rear are not protected under TPO and will not be impacted by the proposal. Overshadowing to garden area would not justify grounds for refusal.
Adverse effect on physical and mental health. Issues over noise and pollution impact.	Physical and mental health are not a planning material consideration. Environmental Health have been consulted in relation to noise and impact on health and safety and offered no objections.
Visual Impact.	The site is located with a residential and urban area. The proposal has a separation distance of 35m to Bensons Road and positioned to the rear of two storey terrace houses and is considered not to have a detrimental impact on the visual appearance.
Building used for Airbnb, HMO, B&B or independent residence.	The proposal description on the application form is to 'Replace existing garage with ancillary domestic accommodation'. There is no current evidence the building will be used for Airbnb/HMO.
Impact on the efficient delivery of utility services, particularly water and sewerage.	NI Water and Environmental Health have been consulted in relation to impact on water and sewerage and offered no concerns.

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Environmental impact assessment required.	The development does not fall within Schedule 1 or 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. An Environmental Impact Assessment is not deemed required.
Precedent for similar garden development.	Each application will be considered under its own merit.
Danger to pedestrians from additional vehicles / Parking concerns.	DFI Roads have been consulted and requested additional information regarding parking and manoeuvring on site. This is reflected within the refusal reasons.
The proposed will lead to increased ASB and crime.	The proposal has been designed to a high quality that will deter crime. Environmental Health have been consulted in relation to health and safety and offered no concerns.
Issue with construction traffic and disruption during construction phase if approved.	This is outside of planning control and is a civil matter
Impact the proposal will have on property value.	Whilst the reduction of the value of a house is a material consideration it is not given determining weight in this instance.
The proposal goes against the extant policy on 'Building in a crowded area'.	The proposal description on the application form is to 'Replace existing garage with ancillary domestic accommodation'. There is no relevant extant policy named 'building in a crowded area'.
Proposal fails to meet Policy HOU3, HOU8 and DCAN 8.	The proposal description on the application form is to 'Replace existing garage with ancillary domestic accommodation' and has been submitted as householder development. The proposal has been assessed under the Policy HOU7 of the Plan Strategy for Residential Extensions and Alterations. Policy HOU3, HOU8 and DCAN 8 are not considered applicable in this instance.