

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

**Week Ending 05 July 2024**

Item Number 1			
<b>Application Reference</b>	LA05/2024/0288/F	<b>Date Valid</b>	11.04.2024
<b>Description of Proposal</b>	Proposed relocation of existing shelter due to application ref. LA05/2019/1168/F	<b>Location</b>	25m North East of No.11 Old Saintfield Road, Belfast
<b>Group Recommendation</b>	Approval	<b>Case Officer</b>	Jade Gillespie
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>
1	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Privacy Concerns. Concern that passengers on buses stopping at the new bus stop would have a full view into neighbouring residential properties.	<p>The principle of a bus shelter and layby in this location has already been approved under application LA05/2019/1168/F. This application solely relates to the design of the bus shelter. The shelter is appropriately scaled and would not appear as a dominating or overbearing structure to the residential host properties on the Old Saintfield Road. The shelter will also be conditioned to have obscure glazed panels to limit loss of privacy or overlooking to the residential properties on the Old Saintfield Road. Users of the bus shelter will only access it for limited periods of time therefore it is considered that any impact on the privacy of neighbouring amenity will be restricted. Furthermore, in the instance of any overlooking or loss of privacy occurring from the bus shelter, it should be acknowledged that the front of the properties would only be impacted. The private rear amenity spaces of these properties would be in no way impacted. It could also be argued that the same degree of overlooking or loss of privacy could be achieved at present from the footpath on the opposite side of the road to the properties. Due to the design of the shelter and the nature of its intended use, it is not considered to cause a detrimentally drastic impact to the amenity of the residential properties on the Old Saintfield Road.</p>		

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Item Number 2			
<b>Application Reference</b>	LA05/2023/0843/RM	<b>Date Valid</b>	20.10.2023
<b>Description of Proposal</b>	Reserved Matters application for the proposed construction of 11no. detached dwellings, access, landscaping and associated development	<b>Location</b>	Wallace High School, 12a Clonevin Park, Lisburn
<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>
10	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
<p>Privacy issues</p> <p>The windows should be required to be fitted with internal blinds to maximise privacy.</p> <p>There should be further consideration of the final roof pitch height and spacing between the new houses.</p> <p>There should be a final planting stipulation for the planting of mature trees along the</p>	<p>The proposal has been assessed against the provisions of Policy HOU4 and guidance contained within Creating Places. The proposed dwellings are all two storey and most of the separation distances exceed the minimum standards stipulated. Two dwellings fall short of the 10m separation distance outlined in guidance, notably Unit 1 and Unit 2. It is noted that unit 2 still retains a 20m separation distance from the dwelling to the rear, which is in accordance with the guidance, and also that it is just 0.3m short of the recommended 10m separation to the rear. Unit 1 has a separation distance to the rear boundary ranging from 6m – 8.8m, with a minimum of 15.6m separation to the property to the rear. While this is below both the 10m and 20m desirable separation distances, these distances are noted as being guidance, and that part of the dwelling that is closest to the rear boundary has no first-floor windows therefore there will be no overlooking from this property towards any dwellings to the rear.</p> <p>Whilst it is noted that the properties in Thompson Manor have first floor living areas, the guidance does not differentiate between habitable rooms. If there were bedrooms located at this level, they would also be deemed habitable rooms. The guidance separation distances are applicable to all habitable rooms, and therefore I am satisfied that as</p>		

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<p>entire rear boundary.</p>	<p>above the separation distances are adequate and in line with the requirements set out in the guidance.</p> <p>The sunrooms located to the rear are single storey and therefore are at ground level, and as such there can be no potential for overlooking from these rooms. The potential for overlooking arises from the bedrooms/habitable rooms at first floor and therefore it is appropriate to measure the separation distances from here i.e. the main body of the dwelling. There will be no condition relating to opaque glazing or blinds to prevent overlooking as the dwellings are found to be located at a suitable distance from the neighbouring properties. Similarly, the planting scheme as proposed is found acceptable as there will be no overlooking from the ground floor windows to the rear of the properties.</p> <p>The roof pitches are deemed acceptable. The dwellings are suitably distanced from neighbouring dwellings so as not to cause over shadowing. The dwelling at Unit 1 is noted as having a lower ridge height than other dwellings due to its closer proximity to the rear boundary.</p> <p>The spacing between the proposed dwelling is also found to be acceptable. They are appropriately separated from each other and neighbouring dwellings so as not to cause any adverse effects. While the right to a view/outlook is a material consideration, it is not given determining weight in this instance.</p> <p>The layout and dwelling design are found to be acceptable and in accordance with the relevant policy and guidance. The proposal is located within the urban context and as such there will always be an element of overlooking between properties, however the policy allows this to be delivered in an appropriate way and as the proposal is policy compliant, I am satisfied that there will be no adverse effects from these properties towards any neighbouring dwellings.</p>
<p>Roads Infrastructure/safety. The road structure already struggles with the amount of traffic without any more being added. There are two large post primary schools within close proximity.</p>	<p>Traffic is heavy all day - particularly in the morning and midafternoon. Pupils Park their cars on Magheralave Road. Parking. The Magheralave Road is a main thoroughfare for those travelling from the Belsize Road into the city centre.</p> <p>The entrance to the site is entirely unsuitable for the increased volume of traffic that will be associated with the potential development.</p> <p>The application would take away a direct route both into and out from Wallace High School, leaving one entrance from Clonevin leading to further traffic queues.</p> <p>The feasibility study has taken an average daily traffic reading and not mentioned those key times of day (8.20am – 9.15am, and 2.45pm – 3.30pm on weekdays). The feasibility study cannot be relied upon.</p>

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	<p>There is still going to be access to the school grounds at the Magheralave Road junction - so the school traffic will continue as well as the cars of the residents. The site lines from the proposed development will not exist at busy times - this is a significant risk to pedestrians. The appellant quoted an estimated vehicular speed on the Magheralave Road of 21mph, I would say this is greatly underestimated.</p> <p>There is heavy traffic on Saturdays when there are games on – spectators park along the road to that junction and buses often get stuck. We are often unable to drive out of our driveway because of the heavy traffic.</p> <p>Residents of the new property will find it difficult to access their property at certain hours of the day, if large emergency vehicles had to access the development at certain times they would be severely impeded.</p> <p>It is noted that the outline application to which this reserved matters relates has been refused by the Council on the 1<sup>st</sup> March 2022 as it had not been demonstrated that an acceptable access arrangement can be achieved in accordance with the published guidance and as such the proposed access will prejudice road safety.</p> <p>The application was since determined by the Planning Appeals Committee where it was allowed with the Commissioner stating that although the appeal development would not fully meet DCAN 15 standards in terms of the proposed access, the level of traffic that would be generated by the development of 11 dwellings would not be of such a level that it would significantly inconvenience the flow of traffic on the wider road network, even during peak periods.</p> <p>The access detail associated with this Reserved Matters application has been considered by DfI Roads. Following an initial request for information relating to the PSDs, advice received on 5<sup>th</sup> March 2024 offered no objection with endorsed PSDs returned and conditions provided.</p>
Land Covenant.	<p>Wallace High School got the land from a church on the condition that it is only used for recreational purposes and not for any profit – the school uses the pitch daily.</p> <p>The proposal breaches a covenant agreed that the land sold was only to be used for recreational purposes – this covenant is still legally enforceable. The covenant stated that the land would not be used for any profit and therefore should be retained by the school. The covenant states that ‘No building shall be erected on this land within a distance to be agreed’. This covenant is still legally enforceable. Wallace H.S. have made no contact with the Church to discuss this development proposal.</p>

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	Concerns raised regarding any covenant that may exist on the land is outside the remit of the planning authority. It is a civil matter that is dealt with outside of the planning process. The applicant must be in full possession of all the lands required to carry out the development.
The area is already overdeveloped in terms of housing.	The principle of development has been established on this site through the approval of the application at outline stage by the Planning Appeals Commission.
This re-application was rightly rejected before – with no changes since that rejection.	The outline application was refused on the basis that it was unacceptable in terms of the access arrangements. All other elements of the proposal at this stage were deemed acceptable. The Planning Appeals Commission allowed the application for reasons stated above. Therefore, the granting of the outline planning permission allowed for the subsequent submission of the Reserved Matters application.