Appeal Decision

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Appeal Reference:	2014/A0237
Appeal by:	Malone Ridge Limited
Subject of Appeal:	The non determination of an application for full planning permission.
Proposed Development:	Housing development for 24 units on land previously approved for housing under references Z/2006/0218/F, Z/2009/0746 and Z/2011/0600/F, retention of landscaped earth bank and other retaining structures, internal road layout and associated site works.
Location:	Lands at Malone Ridge, located at and to the rear of 62-72 Upper Malone Road and off fairway Avenue, Belfast.
Application Reference:	Z/2014/1414/F
Planning Authority:	Department of the Environment
Procedure:	Hearing on 17 September and 11 November 2015
Decision by:	Commissioner Alistair Beggs, dated 21 December 2015

Decision

1. The appeal is:

   a. Part allowed insofar as it relates to the dwelling types on Sites 1, 2, 3, 4, 9, 19, 20, 21, 22, and 72a and 72b and full planning permission is granted for these dwelling types subject to the conditions set out below.

   b. Part dismissed in relation to all the other elements of the proposals.

Reasoning

2. The main issues to be considered in this appeal are impacts upon visual amenity, residential amenity, natural heritage and transport issues.

3. While the appellant's description of the proposed development sought approval for the removal of trees protected by a Tree Preservation Order (TPO) this is not a matter for this appeal – a separate consent is required for this. As such I have removed this element of the proposal from the above description of development. Whilst one resident advised that they were not neighbour notified, as they did comment on the application there is no potential prejudice to them.

4. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that the determination of proposals must be in accordance with the local development plan unless material considerations indicate otherwise. In this case the relevant plan is the extant Belfast Metropolitan Area Plan 2015 (BMAP) which although being the

subject of a current legal challenge presently retains presumptive validity. The site is within the settlement limit, but no policies or proposals are identified as applying to it. The development plan is therefore silent in relation to the proposal.

5. There have been a number of previous planning approvals on the site for housing developments of 22 units. The development of the site was also subject to an Enforcement Notice which was considered in appeal decision 2014/E0021. That decision considered those unauthorised works that had been carried out on the site. The Commission granted deemed planning approval to changes undertaken to a number of buildings on the site – corresponding to the dwellings marked as Sites 5, 6, 7, 8, 10, 11, 12, 15, 16, 17, 18 on the current appeal plans. Site works undertaken on a number of other sites were also found to be acceptable – corresponding to Sites 2, 3, 4, 5, 21 and 22 as marked on the current appeal plans. For clarity Sites 15-22 in this current appeal were referred to as Sites 13-20 in the previous approvals and appeal decision.

6. Many of the works sought by the current appeal plans therefore already benefit from planning approval. For example while a concerned resident claimed that the development failed to indicate, existing and potential points of access to the site for pedestrians and cyclists the proposed, and largely constructed, movement pattern reflects that established by the previous approvals. There is accordingly little merit in revisiting such matters. I proceed in this appeal by considering in turn the various elements of the proposal, with a particular focus on those seeking changes from previous approvals.

Sites 1 and 2

7. The dwellings proposed on these sites in terms of footprint appear a little different from those on the previous site plans before me. Their plots however remain the same. No objections were raised in relation to Site 1 and in relation to Site 2 the only concerns raised were in relation to the location of its access and parking provision. However, the level and location of that provision has not altered from the previous approvals and Transport NI raised no concerns. I am not persuaded that Site 2's parking arrangement will lead to unacceptable conflict with traffic using the development's road or adjacent proposed or existing off street car parking. These changes are acceptable.

Sites 3 and 4

8. While the house types on these sites would change from semi-detached to detached dwellings, their plots, scale, height, size and their general design would not change. The existing site works have already been approved under decision 2014/E002. Given this, and as they come no closer to the properties to their rear they will have no additional impacts upon adjoining neighbours to the rear from that already approved. While coming closer to the existing dwellings to their sides there would not be an unacceptable impact on views from a feature window serving a stairwell to the existing dwelling on Plot 5. These changes are acceptable.

Proposed retention of existing slopes to the rear of Sites 5-10

9. The Council's first draft reason for refusal related to the retention of a landscaped earth bank and other retaining structures and referred to Planning Policy Statement 7 – Quality Residential Environments (PPS7), Development Control Advice Note 8 - Housing in Existing Urban Areas (DCAN8), and Creating Places.

The deemed planning approval under decision 2014/E0021 was subject to a condition requiring the slope in this area to be re-graded to the slope profile approved by planning permission Z/2009/0746/F. I am also aware of works and investigations being undertaken to this area on the foot Dangerous Structures Notices served by the Council. However, given the scope of this appeal application I must limit my consideration to what is shown on the appeal plans - a slope profile of steeply retained sections and terraces.

10. While the lower areas of the slopes, behind the proposed dwellings on Sites 72a and 72b, would not be unduly obtrusive I concur with Decision 2014/E0021's overall reasoning. The upper elements of the slope profile can be seen from Upper Malone Road, Upper Malone Close, Upper Malone Park and Upper Malone Crescent. The land remodelling proposed on the submitted plans is an unduly artificial, harsh and incongruous solution to the differing ground levels and to the provision of level garden areas. With regard to the appellant's proposed landscaping of the slopes, this would take some time to grow and become established and I am not persuaded that it is an acceptable solution.

11. Given the above this element of the proposal is contrary to criterion (a) of PPS7's Policy QD1 which requires development to respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposal is also contrary to the thrust of the supplementary guidance in DCAN8 and Creating Places in this regard.

12. Since appeal 2014/E0021, badgers have returned to build a sett on this part of the site. Badgers and their setts are protected species under the Wildlife (NI) Order 1985 (as amended). It is an offence to disturb these animals or obstruct access to their place of refuge, or conceal or destroy anything which conceals or protects their place of refuge. The Northern Ireland Environment Agency (NIEA) witnesses were of the view that the preference was for the badgers not to be disturbed. Indeed the draft fourth reason for refusal in relation to impacts upon badgers was withdrawn at the hearing. Limitations on the scale and size of planting in the vicinity of the sett were also suggested. However, I do not see this as meaning that the slopes must remain as shown in the plans, or that acceptable planting schemes cannot be provided. The 1985 Order allows for a licence to be issued by NIEA for certain activities which would be otherwise prohibited, and the NIEA witnesses did not rule out considering such a licence if further works to the slope, including planting, were proposed. Thus, there remains potential for alterations to the slopes and amendments to any proposed planting regimes. In that context the unacceptable appearance of the slopes sought by the application is determining.

<u>The dwellings on Sites 5 to 10</u>

13. The evidence is that the dwellings as constructed on Sites 5, 6, 7, 8 and 10 were granted approval under decision 2014/E0021 or earlier approvals. While I acknowledge the concerns raised in relation to Site 8, any decision I come to cannot change the fact that it or the other dwellings referred to above already have planning permission. I have no locus to revoke that or any other approval. In relation to the change of house type proposed on Site 9 this is reflective of what already has approval on Site 8. The finished floor level of the proposed dwelling on Site 9 is about 0.4m lower than that approved under application Z/2009/0746/F. This appears largely due to it now being proposed as a detached dwelling which

entails it moving a little down an existing slope from its previously approved position. I have considered the footprint of Site 9's proposed dwelling and its juxtaposition with the rear slope and what has already been approved and built. I am satisfied that it could be built without impinging significantly upon any works to the rear slope required by the conditions pertaining to decision 2014/E0021. So, while I acknowledge that its rear garden area would be affected by those conditions the changes to the dwelling itself on Site 9 are acceptable.

Sites 11 and 12

14. The dwellings on these sites, as built, have been granted planning permission under decision 2014/E0021.

Proposed additional dwellings on Sites 13 and 14

15. The second draft reason for refusal, as amended in the Council's statement of case, relates to the proposed new semi-detached dwellings at Sites 13 and 14. These would lie between the completed semi-detached blocks at Sites 11/12 and 15/16. The Council claimed that the new dwellings would be contrary to criteria (a), (c) and (h) of Policy QD1 of PPS7 as well as DCAN 8 and Creating Places.

16. The document Creating Places indicates that in order to provide choice back garden provision in lower density developments should be calculated as an average space standard for the development as a whole – a size of around 70sq m or greater is referred to. It also advises that for any individual house an area less than around 40 sq m will be generally unacceptable. I bear in mind residents' concerns that some existing gardens could be affected by required changes to the slope at sites 5-10. However, notwithstanding this and given what I saw on site and the appellant's assessment the development overall would have an average rear garden size of greater than 70 sq m. The rear gardens of sites 13/14 would also be greater than 50 sq m. The guidance in Creating Places would be met by the proposals. I am also satisfied given separation distances that the dwellings could be built without adverse impact upon any TPO trees along the site boundary.

17. These two proposed dwellings would in an undeveloped area between the existing semi detached properties on sites 11/12 and 15/16, and would reflect the scale, character and massing of the existing and approved dwellings in the development overall. I acknowledge that the nature of the surrounding area is in parts relatively dense. However, for its site the Malone Ridge appears particularly tightly developed given the scale of the dwellings, their juxtaposition with their front gardens, car parking areas and the site's general topography. In this context the existing gap between sites 11/12 and 15/16 is a welcome visual break in the development. Whatever parking layout is considered the proposed new dwellings would appear uncomfortably squeezed unto the site and would remove that important visual break. The resulting increased perception of development, would give an unduly hard feel to the development overall.

18. Properties at Fairway Avenue back unto the appeal site. Notwithstanding any boundary vegetation I concur with Commissioner Jones' that the dwellings at site 15/16, as built, are overbearing and oppressive when seen from the lower level garden of No. 3 Fairway Avenue. The loss of the gap between sites 11/12 and 15/16 to the proposed new dwellings of a similar scale and massing would unacceptably exacerbate that situation further notwithstanding the existing boundary vegetation. Despite the gaps between them, the further unacceptable

impact on residential amenity caused by the visual presence of the three semi-detached blocks seen together from the properties backing on to them could not be condoned.

19. The proposed new houses would be contrary to criterion (a) of Policy QD1, and to criterion (h) of Policy QD1 which requires designs and layouts to not conflict with adjacent land uses and to have no unacceptable adverse effect on existing or proposed properties.

20. Under planning approval Z/2006/01218/F the land on which sites 13 and 14 are proposed was to have been split between the two garden areas of sites 12 and 13. In planning approval Z/2009/0746/F however, barring a small line of planting there is no indication of any boundary division between those properties. There are no plans or conditions in any planning approval requiring the land to be maintained as a public open space or amenity area. Nor is there any maintenance arrangement pertaining to it. There is therefore ambiguity in how this land is to be treated. Nevertheless, even in its rough condition it still represents an important undeveloped space in the development. As such its loss to the new dwellings proposed would be contrary to criterion (c) of Policy QD1 which requires adequate provision to be made for public and private open space.

21. Transport NI had no objection to the additional amount of traffic that would be generated by Sites 13 and 14, and they advised that they would not pursue the third draft reason for refusal relating to the road layout and parking provision on the basis of the appellant's drawing submitted at the hearing (drawing PAC1). This removed Transport NI's objection to the parking and access arrangements at Sites 13 and 14 and in relation to required forward sight lines more generally. With no technical report indicating otherwise I have no reason to contest this view. Transport NI were also satisfied that the amount of on street car parking was acceptable under the guidance in Creating Places given the site's built up location where lower levels of on street car parking area acceptable.

22. Given the level differences and slopes shown in drawing PAC1 I am not persuaded that the relationship of sites 12 and 13 would lead to an unusable or dangerous parking bay for site 12. While a number of residents felt the land at sites 13 and 14 should be used for a turning bay this is not before me, and there is no indication that Transport NI consider that the proposed (and already approved) turning area or its relationship to existing and approved on and off street car parking shown on the plans is unacceptable.

23. While I do not find the objections based on parking and access to be persuasive, the proposed dwellings on Sites 13 and 14 are unacceptable on grounds of their impact on visual amenity, open space and adverse impact on neighbouring residential amenity.

Sites 15 and 16

24. Whilst I acknowledge the strong objections to these dwellings as built I cannot set aside the fact that they have planning permission under decision 2014/E0021. This appeal cannot change that fact and as such they do not justify a refusal of the appeal proposals.

Retention of existing slope to the rear of Sites 17-22

25. While some spot heights are provided in relation to finished floor levels and the rear gardens there are no sections in relation to the slopes to the rear of Sites 17 to 22. In the context of a full application I find it surprising that the appellant did not provide such details for an area adjoining a major thoroughfare. At my last visit to the site the area to the rear of Sites 17/18 was undergoing re-profiling – a condition on appeal decision 2014/E0021 sought the slope profile behind these two Sites to be that approved under application Z/2009/0746/F as the then existing profile was judged to be unacceptable. At the hearing there was a consensus that that re-profiling and associated boundary wall seemed to reflect that previous approval. However that approval's plans are not before me to make a comparison with and in the context of a full application a condition referring to gradients in earlier plans would be unacceptable. Nor is it acceptable in the context of a full application to consider conditions seeking the future submission of what are in this particular context important gradient details.

Dwellings on Sites 17-22

26. Previous approvals have always shown 3 groups of semidetached dwellings at this location. The dwellings on Sites 17 and 18 as built have approval under decision 2014/E0021. The foundations of the (now roofed) dwellings on Sites 21 and 22 as proposed in this appeal application also have approval under that decision. The intervening proposed dwellings on Sites 19 and 20 are in line with the dwelling to either side in terms of both location and design. Given this, and from looking at the previous site plans and from what is evident on site I am satisfied that the dwellings on Sites 19-22 would not impinge upon any previously approved slope profiles. The car parking layout at sites 21 and 22 is in line with previous approvals. The dwellings in themselves are acceptable.

27. At the hearing it was disputed whether the shed in the garden of Site 17 was the subject of the deemed approval granted under appeal 2014/E0021. However as the plans before me do not seek approval for it I address the issue no further.

Sites 72a and 72b

28. There were no objections raised in relation to the proposed change in house types on sites 72a ad 72b, fronting the Upper Malone Road, from semi detached to detached houses. Their floor levels are increased by 0.35m from those approved by application Z/2009/0746/F however, I judge that they could be constructed without impinging upon any previously approved slopes.

Conclusions

29. The appeal proposal contains significant elements which are unacceptable - the plans for the slope north of Sites 5-10, the lack of slope and boundary treatment details to the rear of Sites 19-22, and the new dwellings proposed for Sites 13 and 14. The Council's first and second draft reasons for refusal are therefore sustained in relation to these matters.

30. I have reflected however upon whether there are elements of the scheme that could be approved given it is an already partly developed site with existing approvals. I bear in mind the complex and contentious planning history of the site as evidenced by the issues relating to slope stability which have been the subject of Court proceedings. Also, it is important to avoid conflict with the previous

planning approvals and appeal decision and their conditions. Even granting further approvals to other already approved elements could lead to potential confusion.

31. Nevertheless, there are discrete elements of the proposals which can be approved - those areas where the application is essentially seeking a change to previously approved house types. This would leave matters such as the slope gradients to the rear of Sites 5-10 and 17-22, and the required retaining wall at Site 2 to be carried out in accordance with previous approvals and conditions. Similarly the realignment of the spine road required by decision 2014/E0021 would still have to be carried out under that approval and matters relating to Private Streets Determinations remain in place. The issues relating to the safety of the highway retaining structures, including those at the rear of 17-23 Fairway Avenue, remain within the ambit of Transport NI and the legislative powers pertaining to them. While landscaping of the site would also have to follow that previously approved, given the removal of the TPO trees along the rear of Sites 19-22 a further planting scheme should be conditioned solely for these dwellings. Occupation of the dwellings should not occur until the in curtilage parking is complete.

32. As such the appeal can be part allowed insofar as it relates to all the house types on Sites 1, 2, 3, 4, 9, 19, 20, 21, 22, and 72a and 72b. Given the tightness of the development as a whole and the nature of in curtilage amenity ground on the above sites the removal of permitted development rights is necessary to protect residential amenity. While some residents were of the view that no further development should take place until existing issues were resolved I have found the above elements acceptable. It would therefore not be appropriate to restrict their development in such a way. While I note concerns over working hours for construction as such conditions have not appeared on previous approvals for the housing development overall their imposition here would be unwarranted.

33. Given the understandable concerns of residents concerning their existing Malone Ridge properties it is appropriate to clarify that my decision to allow the appeal only in part does not remove any existing planning approvals for the site.

Conditions

(1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

(2) Full planning permission is granted only in relation to those plans and details relating to Sites 1, 2, 3, 4, 9, 19, 20, 21, 22, 72a and 72b and only insofar as it relates to the following details:

- The location of the dwelling plots
- The location of the dwellings on their plots
- The dwellings' elevations, floor plans and roof plans.
- The dwellings' finished floor levels
- The position and provision of the dwellings' vehicular entrances, driveways and parking facilities.

(3) Prior to commencement of construction of the dwellings on Sites 19 and 20, and the occupation of the dwellings on Sites 21 and 22, the following details shall be submitted to and approved in writing by the planning authority:

a. A landscaping plan, showing the location, numbers, species and sizes of trees and shrubs to be planted within the areas to the rear of these two dwellings and the Upper Malone Road.
b. The boundary treatment between these dwellings and the upper Malone Road.

The approved landscaping plan shall be implemented in the first planting season following occupation of the said dwellings and trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

(4) Notwithstanding the provisions of Article 3 and Parts 1, and Class 3 Class A and B of the Schedule of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions) no development shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular / pedestrian accesses, without the written permission of the planning authority.

(5) No dwelling shall be occupied until its access and car parking as shown on the approved plans are provided and hard surfaced. The access and car parking shall thereafter be permanently retained.

(6) The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 metres outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.25% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

This decision relates to the following plans stamped received by the DOE on 22 Oct 2014:

Approval is given to the following plans only insofar as they relate to Sites 1, 2, 3, 4, 9, 19, 20, 21, 22, 72a and 72b:

Dept Ref	Scale	Dwg No.	Title
01	1:1250	Map 1	Malone Ridge 2914 Location Map
02	1:500	85-P21014-00-01	Site layout Plan (Subject to Condition 2)
03	1:100	85-P2014-1-01	housetype K ground & first floor plans Site 1
04	1:100	85-P2014-1-02	housetype K ground floor and roof plan Site 1
05	1:100	85-P2014-1-03	housetype K front and side elevations Site 1
6	1:100	85-P2014-1-04	housetype K rear and side elevations Site 1
07	1:100	85-P2014-2-01	housetype K ground & first floor plans Site 2
08	1:100	85-P2014-2-02	housetype K ground floor and roof plan Site 2
09	1:100	85-P2014-2-03	housetype K front and side elevations Site 2
10	1:100	85-P2014-2-04	housetype K rear and side elevations Site 2
11	1:100	85-P2014-304-01	housetype A ground & first floor plans Site 3
12	1:100	85-P2014-304-02	housetype A second floor and roof plans Site 3+4
13	1:100	85-P2014-304-03	housetype A front and side elevations Site 3+4
14	1:100	85-P2014-304-04	housetype A rear and side elevations Site 3+4
28	1:100	85-P2014-09-01	housetype E* ground & first floor plans Site 9
--	1:100	85-P2014-09-02	housetype E* second floor & roof plan Site 9

30	1:100	85-P2014-09-03	housetype E* front and side elevations	Site 9
31	1:100	85-P2014-09-04	housetype E* rear and side elevations	Site 9
52	1:100	85-P2014-1920-01	housetype I ground and first floor plans	Sites 19 & 20
53	1:100	85-P2014-1920-02	housetype I second floor and roof plan	Sites 19 & 20
54	1:100	85-P2014-1920-03	housetype I front elevations	Sites 19 & 20
55	1:100	85-P2014-1920-04	housetype I rear elevations	Sites 19 & 20
56	1:100	85-P2014-2122-01	housetype I ground and first floor plans	Sites 21 & 22
57	1:100	85-P2014-2122-02	housetype I second floor and roof plan	Sites 21 & 22
58	1:100	85-P2014-2122-03	housetype I front elevations	Sites 21 &22
59	1:100	85-P2014-2122-04	housetype I rear elevations	Sites 21 & 22
60	1:50	85-P2014-23-01	housetype J ground floor plans	72a (Site 23)
---	1:100	85-P2014-23-02	housetype J first floor plans	72a (Site 23)
---	1:100	85-P2014-23-03	housetype J second floor plans	72a (Site 23)
---	1:100	85-P2014-23-04	housetype J front and side elevations	72a (Site 23)
---	1:100	85-P2014-23-05	housetype J rear and side elevations	72a (Site 23)
---	1:50	85-P2014-24-01	housetype J ground floor plans	72B (Site 24)
---	1:50	85-P2014-24-02	housetype J first floor plans	72B (Site 24)
---	1:50	85-P2014-24-03	housetype J second floor plans	72B (Site 24)
---	1:100	85-P2014-24-04	housetype J front and side elevations	72b (Site 24)
---	1:100	85-P2014-24-05	housetype J rear and side elevations	72B (Site 24)

The following plans are not approved:

Dept Ref	**Scale**	**Dwg No.**	**Title**	
15	1:100	85-P2014-05-01	ground & first floor plans	Site 5
16	1:100	85-P2014-05-02	second floor and roof plans	Site 5
17	1:100	85-P2014-05-03	front and side elevations	Site 5
18	1:100	85-P2014-05-04	rear and side elevations	Site 5
19	1:50	85-P2014-05-05	garage plans and elevations	Site 5
20	1:100	85-P2014-0607-01	housetype D ground & first floor plans	Sites 6+7
21	1:100	85-P2014-0607-02	housetype D second floor and roof plans	Sites 6+7
22	1:100	85-P2014-0607-03	housetype D front and side elevations	Sites 6+7
23	1:100	85-P2014-0607-04	housetype D rear and side elevations	Sites 6+7
24	1:100	85-P2014-08-01	housetype E ground & first floor plans	Site 8
25	1:100	85-P2014-08-02	housetype E second floor and roof plans	Site 8
26	1:100	85-P2014-08-03	housetype E front and side elevations	Site 8
27	1:100	85-P2014-08-04	housetype E rear and side elevations	Site 8
32	1:100	85-P2014-10-01	housetype F ground and first floor plans	Site 10
33	1:100	85-P2014-10-02	housetype F roofspace and floor plan	Site 10
34	1:100	85-P2014-10-03	house type F front and side elevations	Site 10
35	1:100	85-P2014-10-04	house type F rear and side elevations	Site 10
36	1:100	85-P2014-1112-01	housetype G ground and first floor plans	Sites 11 & 12
37	1:100	85-P2014-1112-02	housetype G second floor and roof plan	Sites 11 & 12
38	1:100	85-P2014-1112-03	housetype G front and side elevations	Sites 11 &12
39	1:100	85-P2014-1112-04	housetype G rear and side elevations	Sites 11 & 12
40	1:100	85-P2014-1314-01	housetype H ground and first floor plans	Sites 13 & 14
41	1:100	85-P2014-1314-02	housetype H second floor and roof plan	Sites 13 & 14
42	1:100	85-P2014-1314-03	housetype H front and side elevations	Sites 13 &14
43	1:100	85-P2014-1314-04	housetype H rear and side elevations	Sites 13 & 14
44	1:100	85-P2014-1516-01	housetype L ground and first floor plans	Sites 15 & 16
45	1:100	85-P2014-1516-02	housetype L second floor and roof plan	Sites 15 & 16
46	1:100	85-P2014-1516-03	housetype L front and side elevations	Sites 15 &16
47	1:100	85-P2014-1516-04	housetype L rear and side elevations	Sites 15 & 16
48	1:100	85-P2014-1718-01	housetype I ground and first floor plans	Sites 17 & 18
49	1:100	85-P2014-1718-02	housetype I second floor and roof plan	Sites 17 & 18
50	1:100	85-P2014-1718-03	housetype I front elevations	Sites 17 &18
51	1:100	85-P2014-1718-04	housetype I rear elevations	Sites 17 & 18
--	1:200	85-P2014-SECT1	site section 1	
71	1:200	85-P2014-SECT2	site section 2	
72	1:200	85-P2014-SECT3	site section 3	
73	1:200	85-P2014-SECT4	site section 4	

74	1:200	85-P2014-SECT 5/6	site sections 5+6
75	1:200	85-P2014-SECT 7	sections 7
76	1:200	85-P2014-SECT 8	site section 8
77	1:50 &1:500	85-P2014-SECT A to K	sections along road
78	1:50	85-P2014-SECT A to K	
80	1:500	85-P2014-00-03	Tree Preservation Order Management Plan
81	1:500	85-P2014-00-23	Landscape Management Plan

The following plan received by the PAC at the hearing of 11 November 2015 is also not approved :

PAC Ref	**Scale**	**Title**
PAC1	1:200	Malone Ridge Forward Sightline drawing C

COMMISSIONER ALISTAIR BEGGS

2014/A0237

List of Documents

Council:-	"A"	Statement of Case
Appellant(s):-	"B"	Statement of Case 2014/A0097
	"PAC1"	Malone Ridge Forward Sightline drawing C, presented at 11 November 2015 hearing
	"PAC2"	Overlay - Current site layout with PAC Enforcement Appeal 2014/E0021, presented at 11 November 2015 hearing
Third Parties:-	"C"	Statement of Case, Mr and Mrs Fulton
	"D"	Statement of Case, URPA for Jill Henderson and David Porter.
	"E"	Statement of Case & information on existing retaining structures, Mr McElroy
	"F"	Statement of Case, Mr & Mrs Frost
	"H"	Statement of Case, Mr & Mrs Bowden

2014/A0237

List of Appearances

Planning Authority:-
Ms Una McDonald, Belfast City Council, Planning
Mr Richard Taylor, Belfast City Council, Planning#
Ms Donna Wheelan, NIEA Natural Environment*
Mr Kevin Lynas, NIEA Natural Environment
Ms Jane McCoole, NIEA Natural Environment
Mr Kevin Murray, Transport NI

Appellants:-
Mr Thomas O'Hare, TOHA #
Mr Simon Scales, TOHA

Third Parties:-
Mr McEvoy, 16 Malone Ridge
Mr & Mrs Frost, 8 Malone Ridge*
Mr Bowden, 10 Malone Ridge
Mr Fulton, 5 Malone Ridge
Mr Casey, URPA*
Ms Henderson, 3 Fairway Avenue**

* Present 17 September 2015 only
** Present 11 November 2015 only
# Also present at 18 November 2015 site visit