Appeal Decision

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Appeal Reference:	2014/A0238
Appeal by:	Mr Graham Fisher
Subject of Appeal:	Refusal of reserved matters planning permission
Proposed Development:	Residential development of 123 no. dwellings consisting of semi-detached, townhouses, apartments and associated site works
Location:	Land east of Ballygomartin Reservoir, Ballygomartin Road, Belfast
Planning Authority:	Department of the Environment (DOE)
Application Reference:	Z/2012/0117/RM
Procedure:	Informal Hearing on 25 June 2015
Decision by:	Commissioner D McShane, dated 20 July 2015

Decision

1. The appeal is allowed and reserved matters planning permission is granted, subject to the conditions listed below.

Reasons

2. The Council withdrew the first, second and third reasons for refusal in its statement of case following receipt of an amended scheme. The Council withdrew the fourth and final reason for refusal at the Hearing following receipt of the drainage assessment that was included in the Appellant's statement of case. The Belfast Hills Partnership withdrew its objections, given amendments to the proposed scheme.

3. The time period within which the development shall be begun is determined by Condition 11 of the outline planning permission, granted in April 2009. In the interest of road safety, road improvements are required to be laid out prior to the commencement of development. The overall design of the development is open-plan; no development is proposed to the front of the building line. In order to maintain this, I consider it necessary to remove permitted development rights in relation to gates, walls and fences.

Conditions

(1) The vehicular access, including visibility splays, forward sight distance and right turn lane as shown on Drawing No.2006/151/PAC03B and Drawing No.06/151/PAC RTL / Rev A respectively shall be laid out before any building operations commence and shall be permanently retained.

(2) No development shall take place until a determination has been made under Article 3 of the Private Streets (NI) Order 1980.

(3) Notwithstanding the provisions of Article 3 Part 3 Class A 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 erection of a gate, fence wall or other means of enclosure.

This decision is based on the following drawings:

Drawing No.06/151/01: Site Location Map
Drawing No.06/151/PAC 02: Site Survey Plan
Drawing No.06/151/PAC 03B: Roads Determination Plan
Drawing No.06/151/PAC 04A: Proposed Layout and Landscape Plan
Drawing No.06/151/PAC 05: House Type Block A - Plans and Elevations
Drawing No.06/151/PAC 06: House Type Block B - Plans and Elevations
Drawing No.06/151/PAC 07: House Type Block D - Plans and Elevations
Drawing No.06/151/PAC 08: House Type Block F - Plans
Drawing No.06/151/PAC 09: House Type Block F - Elevations
Drawing No.06/151/PAC 10: House Type Block G - Plans
Drawing No.06/151/PAC 11: House Type Block G - Elevations
Drawing No.06/151/PAC 12: House Type Block H - Plans
Drawing No.06/151/PAC 13: House Type Block H - Elevations
Drawing No.06/151/PAC 14: House Type Block J - Plans
Drawing No.06/151/PAC 15: House Type Block J - Elevations
Drawing No.06/151/PAC 16: House Type Block M - Plans
Drawing No.06/151/PAC 17: House Type Block M - Elevations
Drawing No.06/151/PAC 18: House Type Block N – Plans
Drawing No.06/151/PAC 19: House Type Block N – Elevations
Drawing No.06/151/PAC 20: Site Sections AA & BB
Drawing No.06/151/21: Typical Fence Details
Drawing No.06/151/PAC RTL/RevA: Right Turn Plan

COMMISSIONER D MCSHANE

LIST OF APPEARANCES

Council	Mr M McErlean Mr K Murray (Transport NI)
Third Party Objector	Mr J Bradley (Belfast Hills Partnership)
Appellant	Mr E Loughrey (INALTUS Town Planning) Mr P Mc Creanor (McCreanor&Co Architects) Mr J Keenan (TJK Consulting) Dr Hill (TJK Consulting)

LIST OF DOCUMENTS

Council	Statement of Case
Third Party Objector	Statement of Case
Appellant	Statement of Case

Documents Received at the Hearing

Drawing No. 2006/151/PAC 03B – Roads Determination Plan
Drawing No. 2006/151/PAC 04A – Proposed Layout and Landscape Plan
Drawing No. 2006/151/PAC RTL / Rev A – Right Turn Plan

Drawing No. 2006/1101/10 – Site Access and Ghost Island Details (For Information Only)