Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2018/A0072
Appeal by:	Mr Robert Lewis
Appeal against:	The non-determination of an application for full planning permission
Proposed Development:	Residential housing development of 123 no homes comprising a mix of detached, semi-detached, townhouses and apartments including conversion of existing stone barns, public open space and landscaping, principal access from Ballycorr Road (accessing 97 homes) and secondary access from Ballyeaston Road (accessing 26 homes), congestion alleviation measures to include parking lay-by on Ballycorr Road and signalisation of the Rashee Road/Ballyeaston Road junction and any necessary ancillary works
Location:	Land to the north of 93 to 103 Ballycorr Road, north east of 13 and 27 Elizabeth Gardens, and south east of 92 Ballyeaston Road, Ballyclare
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2017/0644/F
Procedure:	Hearing on 22nd January 2020
Decision by:	Commissioner Diane O'Neill, dated 10th February 2020

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Preliminary Matters

2. The Commission issued a decision on this appeal on 22nd July 2019 however, following an application for judicial review, the decision was quashed in the High Court. I have considered the appeal afresh, taking account of the background documents provided by the parties, the written evidence previously submitted through the appeal process, the supplementary statements of case submitted following the quashing of the decision, the oral evidence presented at the hearing and the post-hearing comments.

3. Due to justified concern in relation to the appropriateness of the proposed house type on site 48, the appellant stated that he was content to accept a planning condition omitting this unit from the proposal. The description of the development, which included the proposed number of development units, has therefore been amended from the original 124 units to 123 units in order to reflect this change. No party would be prejudiced by this minor reduction in the scale of the proposal.

Reasons

4. The main issues in this appeal are whether the proposal:
   - would significantly inconvenience the flow of traffic in Ballyclare
   - could proceed in advance of the delivery of the proposed Ballyclare Relief Road
   - would provide a high quality residential development which would respect the residential amenity of existing and proposed dwellings

5. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, while there is no statutory area plan for the area, draft BMAP, published in 2004 as opposed to that published in 2014, and draft Newtownabbey Plan 2005 (NAP) remain material considerations in the determination of the appeal. Within NAP Ballyclare is identified as a town and the appeal site is whiteland within the development limit. Within Draft BMAP the appeal site is identified as a committed housing site (BE 04/02). The key site requirements of housing zoning BE 04/02 are however subject to objection. The Commission considered the objections in its report on the BMAP public inquiry. It recommended that a number of key site requirements be deleted. Assumptions cannot be made as to whether this recommendation would be reflected in any lawfully adopted BMAP. However, whilst it cannot be known at this stage what any future adopted BMAP or local development plan will contain in relation to this zoning, in this current appeal concern was only raised in relation to the fourth key site requirement in Draft BMAP (2004) which relates to the need: for a comprehensive Transport Assessment (TA) to analyse the overall impact of the proposal with other proposed housing developments; to identify any necessary improvements to the road network/public transport/transportation facilities in the area; for the proposed Ballyclare Relief Road (BRR) to be provided and funded in whole through developer contributions.

6. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy documents and amongst these are Planning Policy Statement 3: Access, Movement and Parking (PPS 3) and Planning Policy Statement 7: Quality Residential Environments (PPS 7). Creating Places also provides relevant planning guidance.

7. The appeal site is located between the Ballycorr Road and Ballyeaston Road in the north-eastern area of Ballyclare. At present a farm dwelling and associated outbuildings, together with a horse walking track, occupy the substantial site. From the Ballycorr Road the land rises in a north-westerly direction. Residential development of varying densities surrounds the majority of the boundaries of the appeal site. There is a T-junction to the south-west of the appeal site connecting the Ballycorr and Ballyeaston Roads. South of this T-junction there is a four arm roundabout between the Rashee Road/Ballyeaston Road/Asda supermarket. Planning history of note on the appeal site is U/2004/0494/O which was outline planning permission for residential development of up to 60 units and ancillary works granted on the 6th December 2006.

8. The appeal proposal is for 123 residential units comprising of a mix of detached and semi-detached dwellings, townhouses, apartments and includes the conversion of existing stone barns. 97 of the units would be accessed off the Ballycorr Road with 26 units accessed off the Ballyeaston Road; there would be no vehicular access through the development from the Ballyeaston Road to the Ballycorr Road. There are varying of levels throughout the site due to the sloping nature of the land and this results in the proposed use of planted embankments and walls. The proposal also involves improvements to the Asda/Ballyeaston/Rashee Road roundabout, changing it into a signalised junction with right turn pockets proposed in order to manoeuvre from the Ballyeaston Road onto the Rashee Road and also to negotiate turning right into the Asda supermarket complex when travelling northerly from the Square. There would also be a right turn pocket into the appeal site from the Ballycorr Road. Pedestrian crossings are also proposed across the various arms of the signalised junction. The bungalow at No.92 Ballyeaston Road is located along the northern boundary of the site whilst the dwelling at No.93 Ballycorr Road is positioned adjacent and to the east of the appeal site.

9. The first draft reason for refusal and some of the objectors concerns related to there being insufficient submitted information in the accompanying TA to demonstrate: that the proposal would not add to the existing burden on Ballyclare's road network and therefore exacerbate the congestion experienced in the town centre at peak periods; what improvements are necessary to the road network, public transport, transportation facilities in the area to allow the development to proceed; and that the development can proceed in advance of the delivery of the proposed Ballyclare Relief Road which is to be provided and funded in whole through developer contributions.

10. In relation to the BRR, the PAC Inquiry report acknowledged that, in light of its accompanying TA, outline planning approval for 60 dwellings had been granted on a portion of the appeal site without the requirement for a contribution towards the relief road. While it stated that additional traffic generated by housing on the rest of the site could add to the burden on Ballyclare's road network, it added that the impact could be predicted through a TA. It would therefore be for the TA to identify infrastructure needs required for each development proposal. Given that the appeal site is located to the north-east of the settlement, removed from the westerly BRR, the report recorded that at the Inquiry the Department states that only Zoning BE 04/04 requires the provision of the relief road. The granting of planning permission for the 60 units without the contribution was said to demonstrate that the absence of the new road is not necessarily an impediment to development.

11. At the appeal hearing, although the planning authority considered that the BRR is critical to all of Ballyclare, it accepted that there was no mechanism in place in order to calculate a suitable contribution by the appellant to the provision of the BRR, to secure payment or distribution of that money or guarantee that any monies contributed would go towards funding the BRR. Evidence was presented that since November 2018, the planning authority has granted planning permission for a further 103 residential units within Ballyclare without requiring any contributions to the BRR or improvements to the road network. In April 2019, the Strategic Planning Directorate also issued a final development management report into an application to vary planning condition 3 (revised transport statement) and

condition 10 (delivery of the entire relief road prior to commencement) and removal of condition 8 (400 unit limit) of outline planning permission U/2006/0377/O. The report stated that it would be unreasonable to insist on the full delivery of the BRR as, in that instance, it had been shown to be unnecessary in traffic terms to support the level of development proposed. A phased approach to the delivery of the BRR, whereby the proposal would deliver the southern portion of the BRR, was therefore accepted. This planning application has since been approved.

12. In the current appeal, as a TA was submitted, the planning authority accepted that Policy AMP 6 of PPS 3 was met. I am satisfied that the impact of the appeal proposal has been thoroughly assessed. In terms of concern that the proposal would significantly inconvenience the flow of traffic and therefore be contrary to Policy AMP 2, DfI Roads stated at the hearing that they were unable to substantiate or identify what was required in order to overcome their objection. An objector, who supported DfI Roads' concerns, also failed to substantiate them. Both modelling systems used by the appellant to assess the proposal were considered by DfI Roads, who are the competent authority, to be valid and appropriate. Sensitivity testing, which had previously been identified as a concern, was no longer an issue for the roads authority. I find it logical that the TA has taken into account all related committed developments at the time it was prepared and paragraph 2.25 of the July 2018 TA states that the sensitivity test included the submitted quarry site proposal to the north of the appeal proposal (housing zoning BE 04/03). Housing zonings BE 04/03 and BE 04/04 require a transportation assessment in their own right.

13. Taking account of committed developments, the appellant's modelling of the existing roundabout in isolation showed that for the 2030 base scenario there would be a queue of 52 pcus (passenger carrying units) on the Ballyeaston Road with a ratio of flow to capacity (RFC) of 129%. For the Rashee Road, the queue would be 55 pcus and the RFC 113% thus reflecting the existing and future difficulties going to be experienced by road users in Ballyclare. As the modelling demonstrated that the various arms of the roundabout would be functioning over capacity in the future base years and that this was set to increase slightly with the expected additional traffic generated by the proposed appeal development, in order to mitigate against this, the proposal included changing the existing roundabout at Asda/Ballyeaston/Rashee Road to a signalised junction.

14. The planning authority agreed with the appellant that they have sufficient detail in order to assess this signalised junction. The undisputed appellant's evidence was that, at present, the close proximity of the Rashee Road and Ballyeaston Road causes Ballyeaston Road traffic to have little opportunity to emerge onto the roundabout; this results in traffic queues on the Ballyeaston Road. Looking at the existing roundabout, the appellant's analysis of existing traffic showed queues of 13 pcus on Ballyeaston Road and a queue of 7 pcus on the Rashee Road. As a queue of 13 pcus would reach the centre of the junction of Ballyeaston/Ballycorr Road, the queuing of traffic along the Ballyeaston Road presently inhibits vehicles from emerging from the Ballycorr Road. When the committed developments were added to the existing traffic, queuing on the Ballyeaston Road would extend to 24 pcus and on the Rashee Road to 18 pcus with modelling showing that queuing would extend further in future years.

15. The planning authority accepted at the hearing that, even at peak times, signalisation would result in all arms of the junction clearing in a single signal sequence. Taking account of the traffic from the Ballycorr Road, the TA's 2020 modelling figure showed that during the peak morning period the maximum queue along the Ballyeaston Road would be 9 pcus and during the peak afternoon period this would be 5 pcus. By 2030, the anticipated peak morning queue would be 11.4 pcus. Given that it would take 13 pcus to reach the centre of the Ballyeaston/Ballycorr Road junction, the undisputed figures demonstrated that the signalisation of the junction would improve the movement of traffic along these roads and prevent the entrance of the Ballycorr Road being obstructed. The forecast practical reserve capacity of the junction in 2030 would improve from a base flow of -36.6%, if there were no mitigation measures, to -8.2% offering betterment to the overall junction operation. The mean maximum queue (MMQ) would reduce from 226.0 pcus, with the existing roundabout scenario, to 85 pcus. The average delay would reduce from 123.06 seconds to 41.41 seconds. During off-peak periods, vehicle actuation mode would be operational whereby the presence of vehicles at the arms of the signalised junction would trigger road censors.

16. None of the figures presented by the appellant were disputed by the planning authority's technical experts who agreed with the appellant's analysis. DfI Roads accepted that future traffic congestion experienced in the town, with vehicles reaching the town centre quicker due to the proposed signalisation of the junction, could be satisfactorily addressed by co-ordinating the signalling of the town's traffic lights. The proposed controlling of the movements of vehicles with a signalised junction was also considered by the appellant to improve the behaviour of drivers who would no longer have to judge when it was appropriate to negotiate the existing roundabout. DfI Roads were satisfied that the concern in relation to the movement of Heavy Goods Vehicles (HGVs) from the Asda complex onto the Rashee Road could be addressed at the detailed design stage of the road markings. The appellant's technical roads expert confirmed that the removal of the existing island, which HGVs currently have to negotiate when entering or emerging from the Asda superstore, would make their movements easier. The sequencing of the proposed junction traffic lights, which could be connected to the timing of those within the Square, was accepted by DfI Roads to alleviate the concern in relation to cars queuing within the Asda complex. Alterations to the proposed road markings at detailed design stage was also accepted by DfI Roads to overcome their only remaining concern in relation to the proposed right turn pockets located at the signalised junction. Contrary to the objectors concern, there would be no restriction on vehicles moving from the Ballyeaston Road onto the Rashee Road which would be facilitated by the proposed right turn pocket.

17. Concern in relation to the implications of cars being parked along the Ballyeaston Road was not substantiated; the appellant's evidence demonstrated that if parking regulations are adhered to, there is sufficient road width to allow traffic to pass, with the modelling showing that the queuing would not reach the double yellow lines. The appellant's modelling also demonstrated that the Ballyeaston Road/Ballycorr Road junction has adequate capacity to accommodate both the existing and proposed traffic flows with the maximum RFC reaching 28% in the 2030 base scenario. The appellant was satisfied that cars could progress along the Ballycorr Road and this was not disputed by the appellant's technical experts and the concern was not substantiated by objectors. There is therefore no

requirement or proposal to make any changes to the existing parking arrangements along the junctions of the Rashee, Ballyeaston or Ballycorr Roads.

18. The planning authority and appellant's technical experts were satisfied that the capacity and safety of adjacent residential streets would not be adversely impacted by the proposal. No substantive evidence was presented to demonstrate how the proposal would potentially endanger school children. Concern was raised in relation to the impact that the proposal would have on Charles Drive including from school related traffic using it as a through route between the Rashee Road and the Ballyeaston Road. Whilst the appellant could not control such manoeuvres or driver behaviour, making the Ballyeaston/Rashee Road junction more free-flowing may reduce the need for drivers to make such a manoeuvre. No substantive evidence was presented that the proposal would result in an unacceptable level of intensification of traffic on Charles Drive or other residential roads. The TA considered the junctions where the threshold for further analysis was exceeded. Once through the Asda junction, the threshold for further analysis was not breached and there was no requirement on the appellant to analyse any other junctions as they all operated within an acceptable capacity.

19. Arguments were presented that there has been a lack of maintenance of the Ballycorr Road with it being used to access a nursing home and mail order business; HGVs have to gain access onto the Ballyeaston Road. However, although road maintenance is beyond the control of the appellant, the proposed signalised junction should result in vehicles being able to emerge from the Ballycorr Road on to the Ballyeaston Road with greater ease. Inconvenience caused by roadworks during the proposal's construction period would be of a temporary nature and the appellant is agreeable to accept a condition requiring that all loading and unloading of construction materials take place within the development site. DfI Roads raised no concern in relation to the safety of the proposal's Ballyeaston Road access which would only serve 26 residential units. As there would not be vehicular access through the development from the Ballyeaston Road to the Ballycorr Road, the Ballyeaston Road entrance could not be used by all of the vehicle traffic. It would not be feasible or logical to have the Ballyeaston access point as only an entrance to the development. Any changes that the appellant makes to the footpaths along the Ballycorr Road would have to be of an appropriate standard and therefore it is not accepted that they would pose a danger to existing users.

20. Although DfI Roads stated at the hearing that the improvements to the junction may not improve the existing situation, given the appellant's figures they confirmed that it would not worsen the situation. Although the proposal does not contribution to the delivery of the BRR and whilst the planning authority may not have reached an agreement in relation to the TA, at the hearing both parties agreed that the proposal delivered a nil net detriment to the road network which they both considered to be the required test. The proposal would therefore not significantly inconvenience the flow of traffic. It would not contribute to the traffic congestion within the Main Street and Square areas in order to adversely impact on the viability of the town's shops.

21. As there are no controlled crossings at present, the planning authority's technical experts acknowledged that the signalisation of the junction could deliver benefits in terms of pedestrian safety if it was linked to the pedestrian traffic lights within the

Square. A number of social and economic benefits were also identified by the main contractor of the scheme including the employment of 60 construction workers over a four year development period, the creation of £12m in investment, an increase in net rateable value for the Council with the average house price being approximately £148k and the creation of pedestrian access to the Ballyclare walkway which would link to the leisure centre.

22. The TA has demonstrated that the proposal would, as a minimum, have a nil net detrimental impact on the road network. As the proposal is not dependent on the BRR, it would be unreasonable to tie the delivery of the proposal to the BRR. Accordingly, the first draft reason for refusal and the objectors concerns in relation to this matter are not sustained.

23. Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. Paragraph 7.15 of Creating Places states that on green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable. In terms of where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of 10m between the rear of new houses and the common boundary. It is added that an enhanced separation distance may also be necessary for development on sloping sites. Paragraph 7.21 of Creating Places adds that the building spacing required for privacy will normally ensure a satisfactory level of daylight and an acceptable minimum amount of sunlight.

24. In their second draft reason for refusal the planning authority and an objector raised concern in relation to criteria (a) and (h) of Policy QD 1 of PPS 7 and Creating Places in that the proposed development does not respect the surrounding context and topography of the site and also that the design and layout would have an unacceptable adverse impact on the residential amenity of existing and proposed dwellings. It was acknowledged by the planning authority, that given the challenging topography of the site, some retaining structures may be required in order to facilitate its development. The residential units have been designed to sit 'cross contour' where possible, minimising the effects of changes with the development stepping up the hill. Transitional points on corners have been deliberately addressed by split level semi-detached house types. The appellant has sought to address level changes within the site by introducing landscaping and graded embankments. In relation to the semi-detached dwellings at sites 14 and 15, these dwellings would sit on a relatively prominent corner plot and their approximate 2.3m difference in levels would necessitate that their front amenity space have a form of ground support. The appellant is satisfied that this could be achieved by having a graded front garden area, which would be an acceptable solution, and this could be ensured by imposing a planning condition.

25. The level changes between sites 11-15 and sites 16-21 would necessitate a landscaped graded embankment. However, given the separation distance

between the landscaped embankment and the rear of the residential properties, the alignment of the dwellings and that the distance between the rear elevations would be approximately 20-25m, I am satisfied that the residential amenity of the proposed residents would not be compromised. Likewise, embankments are necessary at sites 28-31, 32-35 and 65-74. Given the properties orientation, separation distances, proposed substantial landscaping and the site's character and context, these are also an appropriate solution. These factors would also prevent the dwellings at sites 28-31 being unacceptably dominated by the dwellings at sites 32-34. Although there would be approximately 10m separation distance between sites 28 and 34, the eastern elevation of the rear return of site 34 would have a blank gable and at first floor level site 28 would only have a bathroom window facing site 34. Site 32 would have two first floor bedroom windows and a landing window backing onto site 31 and the separation distance of approximately 20m would prevent an unacceptable degree of overlooking. Despite the difference in levels, the approximate 24m separation distance between the rear elevations of sites 67 and 73, the varying orientation, and proposed landscaping would mean that there would not be an unacceptable degree of overlooking. No substantive evidence was presented by the planning authority in relation to how the proposed dwellings would overshadow each other and the generous separation distances, of predominantly 25-30m between the properties, would prevent this from occurring.

26. An area of open space and a cycleway/footway are proposed along the side and part of the rear elevation of site 31. Although this area would be approximately 2m higher than the proposed dwelling, the path is positioned on the northern side of the public open space away from site 31 and there would be a 2.1m high intervening landscaped embankment. Site 31's main area of private amenity space would be approximately 20m from this area and the sunroom elevation adjacent to the open space would have a high level window. The future residents' enjoyment of site 31's outdoor space would therefore not be adversely compromised and the property would not be unacceptably overlooked.

27. There would be approximately 30m between the dwelling at No.93 Ballycorr Road and the first floor loft apartment at site 99. The eastern elevation of the loft apartment, which would be adjacent to No.93, would only contain a modest bathroom window. There would also be landscape buffer planting, including a new hedgerow, along the proposed retaining structure. The residential amenity of the residents of the dwelling at No.93 Ballycorr Road would therefore not be unacceptably impacted by the loft apartment at site 99.

28. It is therefore not accepted that the proposal would have an adverse impact on the residential amenity of existing or proposed residents or that it would not respect the surrounding context and topography of the site. Accordingly, the second draft reason for refusal and the objector's concerns in relation to this matter are not sustained.

29. Substantive evidence was not presented in order to demonstrate that the existing educational and medical facilities within Ballyclare could not cope with the additional residents generated by the proposed development. In terms of the impact of the development on the character of the area, the site is located within the development limit of the town and is proposed as suitable for housing within the draft BMAP. The proposal is of a density and offers a mix of house types that

are appropriate to its context; the planning authority also raised no objection to these matters.

30. The appellant's ecological investigations, including bat surveys conducted in summer 2017, concluded that no negative impacts are predicted upon bats, badgers or other native wildlife. All trees with medium to high bat roost potential are to be retained and bat friendly lighting as well as artificial bat and bird boxes are included within the proposal. The planning authority also did not raise any ecological objection to the proposal. This concern raised by objectors is therefore not supported.

31. The appeal site contains an early medieval monument (a souterrain) and is located close to the site of another early medieval monument (a rath). The presence of such monuments indicates that there was identified historic human activity on the site and increases the potential for survival of previously unknown archaeological remains on the site. Subject to conditions relating to the implementation of a programme of archaeological works and the erection of fencing around the identified souterrain until the site works and development are completed, I however concur with the planning authority that the proposal meets the policy requirements of PPS 6: Planning, Archaeology and Built Heritage. Any concern in relation to previous site work potentially impacting on archaeological remains should be raised with the Department for Communities Historic Environment Division separately.

32. The issue in relation to the capacity of the Ballyclare sewerage system could satisfactorily be addressed by planning condition in order to ensure that appropriate provision was available in order to accommodate the development. I am satisfied that the installation of a temporary package sewerage treatment plant, until the commenced upgrading works are completed, would be an appropriate solution and not result in an unacceptable level of nuisance or adverse visual impact. The location of the plant could be agreed with the planning authority in consultation with NI Water. In terms of drainage, DfI Rivers, who are the competent authority, raised no objection to the appellant's Drainage Assessment and the appellant has received approval to discharge from the proposed development to the Six Mile Water located to the south of the site. Any increase in noise generated by the residents of the proposal is unavoidable and is to be expected within a town location. Construction noise and dust experienced during the construction period would be of a temporary nature and is therefore not determining.

33. As the draft reasons for refusal and the objectors concerns have not been sustained, the appeal shall succeed.

34. As outline planning permission (U/2004/0494/O) was granted on the appeal site without requiring any road improvements, it would be fair and reasonable to condition that up to 50 residential units could be occupied within the proposed development before the traffic signalled junction would have to be implemented. Given that there are no access difficulties at the Ballycorr Road's entrance into the development, it is appropriate and acceptable to the planning authority for the right turn lane at this location to be implemented once 50 residential units are occupied. I agree with Antrim and Newtownabbey Borough Council's Environmental Health section and the appellant that due to the presence of a former quarry and main

transportation routes, acoustic mitigation measures should be implemented as part of the scheme. The Preliminary Risk Assessment (July 2017) identified no obvious sources of contamination, with the overall level of risk associated with the site being low. The Council's Environmental Health section concurred with the conclusion of this report and required no additional investigations. Consequently, it is unnecessary to impose conditions in relation to land contamination.

Conditions

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

(2) No development shall commence until a detailed scheme for the traffic signals and road markings at the Rashee Road/Ballyeaston Road junction, broadly in accordance with Drawing B134 dated received by the planning authority on 2nd August 2018, has been submitted to, and approved in writing by, the planning authority.

(3) No more than 50 residential units shall be occupied until the traffic signals and road markings at the Rashee Road/Ballyeaston Road junction have been implemented as approved by the planning authority under condition 2.

(4) No more than 50 residential units shall be occupied until the right turn lane from Ballycorr Road into the development has been implemented in accordance with Drawing B08/2 dated received by the planning authority on 5th July 2018.

(5) All loading and unloading of construction materials shall take place within the development site.

(6) The landscaping scheme, as indicated in Drawing Number B11/2 dated received by the planning authority on 5th July 2018, shall be carried out during the first planting season after the commencement of the development. 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.

(7) All existing vegetation indicated on Drawing Number B11/2 date received by the planning authority on 5th July 2018 shall be allowed to grow and be permanently retained. If any retained tree is removed, uprooted, destroyed or dies within five years from the date of the completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a similar size and species as specified by the planning authority.

(8) The communal open space and amenity areas shall be provided as indicated on Drawing Number B145 date stamped received by the planning authority on 5th July 2018. Prior to the occupation of any of the dwellings on sites 109, 110, 111, 112 and 123, the open space located to the east of the access road serving these sites shall be completed and made available for public use. Prior to the occupation of any of the dwellings on sites 14, 15, 16, 17, 65, 66 and 74, the open space located to the east of the access road serving these sites shall be completed and made available for public use. Any residual open space shall be provided prior to the occupation of the 100th dwelling within this development. In addition, the equipped

children's play area shall be provided prior to the occupation of the 100th dwelling hereby approved. The communal open space and amenity areas shall be managed and maintained in accordance with the Landscape Management Plan (DOC B05) date stamped received by the planning authority on 5th July 2018. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing with the planning authority.

(9) The retaining wall shown to the front of the dwellings on sites 14 and 15 on Drawing Number B04/3 date received by the planning authority on 5th July 2018 shall be omitted and replaced by graded and grassed front gardens, the details of which are to be submitted to and approved by the planning authority prior to the construction of the dwellings on sites 14 and 15.

(10) No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant sited at a location to be agreed with the planning authority in consultation with NI Water. Drawings and specifications of the package plant and arrangements for its management and maintenance, together with plans showing how the development is eventually to be connected to the public sewerage system, shall be submitted to and approved in writing by the planning authority before any development commences. No dwellings to be served by the package plant shall be occupied until it has been installed as approved and is fully operational. The package plant shall be managed and maintained in accordance with the approved arrangements.

(11) The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded, or within such extended period as the planning authority may agree in writing. The package plant shall be removed, and the land it occupied shall be reinstated in accordance with a scheme to be agreed in writing with the planning authority, within six months of the development being connected to a public sewer.

(12) A 2.5m high closed boarded acoustic fence of at least 20kg/m^2 density shall be constructed along the site boundary as indicated by the green-dashed line on Drawing Number B147 date stamped received by the planning authority on 5th July 2018. The fence shall be continuous and of solid construction with no gaps or holes.

(13) Glazing capable of providing a sound reduction index of at least 30 dB Rw shall be installed within all habitable rooms of dwellings at sites 1, 2, 2a, 45, 46 and 47 on façades as detailed in the following table:

Site number as referenced in Drawing B147 date stamped received by the planning authority on 5th July 2018	Façades requiring glazing capable of achieving at least 30dB Rw to be fitted to habitable rooms
1	NW,SW,SE
2	S,SE
2a	S,SE
45	N,S,W
46	S,W
47	S,W

(14) Prior to the occupation of the proposed dwellings, passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 22dB Rw when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be provided to all habitable rooms of dwellings at sites 1, 2, 2a, 45, 46 and 47 on façades as detailed in the following table:

Site number as referenced in Drawing B147 date stamped received by the planning authority on 5th July 2018	Façades requiring acoustic ventilation capable of achieving at least 22dB Rw to be fitted to habitable rooms
1	NW,SW,SE
2	S,SE
2a	S,SE
45	N,S,W
46	S,W
47	S,W

Mechanical ventilators shall not have an inherent sound pressure level, measured at 1m, in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second.

(15) Except as otherwise agreed in the written scheme of work, no site works of any nature or development shall take place until a programme of archaeological works has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the appellant and approved by the planning authority. The programme shall provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preserving remains and for the preparation of an archaeological report. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the planning authority to observe the operations and to monitor the implementation of archaeological requirements.

(16) No site works of any nature or development shall take place until a fence has been erected around the identified souterrain and agreed with the planning authority. No development shall be carried out within the fenced area. Open space planting works within the fenced area as shown in Drawing Number B11/2 date stamped received by the planning authority on 5th July 2018 shall be undertaken by hand. No erection of huts or other structures, no storage of building materials, no dumping of spoil, topsoil or rubbish, no bonfires nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

(17) Prior to the commencement of development, the appellant shall submit a landscape plan indicating all trees with medium to high bat roost potential to be retained. Where these trees cannot be retained, a compensatory planting scheme shall be submitted and agreed with the planning authority.

(18) All mature trees and/or buildings which require works shall be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines. A report

outlining the findings of the survey shall be submitted to the planning authority. If evidence of bat activity is discovered, all works shall cease immediately and further advice sought from the Department of Agriculture, Environment and Rural Affairs.

(19) The ecological enhancements detailed in Drawing number B147 date stamped received by the planning authority on the 5th July 2018 shall be installed within the curtilage of the specified dwellings prior to their occupation and thereafter maintained and retained in perpetuity.

(20) No development shall commence until details of a lighting plan, showing bat friendly lighting and no more than 1 lux light spill on retained and boundary vegetation, has been submitted to and agreed with the planning authority.

(21) The dwelling and garage proposed at site 48 shall be omitted from the development.

(22) The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings:-

Drawing Number	Drawing Title	Date Received
01	Site Location Plan	5th July 2017
02	Site Survey	5th July 2017
03	Tree Constraints Plan	5th July 2017
B04/3	Site Plan	5th July 2018
B05/3	Site Plan – Parking	5th July 2018
06/1	Phasing Plan	5th July 2018
B08/2	Proposed Road Layout (PSD)	5th July 2018
09/1	Proposed Road Section	18th January 2018
B11/2	Landscape Proposals	5th July 2018
B12	Mount Ollar House Floor Plans (Sites 100-108) - Lower Ground Floor	5th July 2018
B13	Mount Ollar House Floor Plans (Sites 100-108) - Upper Ground Floor	5th July 2018
B14	Mount Ollar House Floor Plans (Sites 100-108) - First Floor Plan	5th July 2018
B15	Mount Ollar House Elevations (Sites 100-108) - Ballycorr Road Elevations	5th July 2018
B16	Mount Ollar House Elevations (sites 100-108) - Side Elevation	5th July 2018
B17	Mount Ollar House Elevations (Sites 100-108) - Rear Elevation	5th July 2018

B18	Mount Ollar House Elevations (Sites 100-108) - Side Elevation	5th July 2018
B19	Bicyclist Corner Floor Plans (Sites 75 - 76) – Ground & First Floor Plan	5th July 2018
B20	Bicyclist Corner Elevations (Sites 75-66)- Front and Rear Elevations	5th July 2018
B21	Bicyclist Corner Elevations (Sites 75-76) Side Elevations	5th July 2018
B22	Conversion Floor Plans (Sites 77-81) Ground Floor Plan	5th July 2018
B23	Conversion Floor Plans (Sites 77-81) Raised Yard Level Plan	5th July 2018
B24	The Conversion Elevations (Sites 77-81) Lower Yard Elevation	5th July 2018
B25	The Conversion Elevations (Sites 77-81) Side Elevation	5th July 2018
B26	The Conversion Elevations (Sites 77-81) Upper Yard Elevation	5th July 2018
B27	Conversion Elevations (Sites 77-81) Side Elevation	5th July 2018
B28	Communal Platform Sketch Plans - Elevations and Floor Plans	5th July 2018
B29	The Charlwood Floor Plans (Site 28) Ground and First Floor	5th July 2018
B30	The Charlwood Elevations (Site 28)	5th July 2018
B31	Bungalow Floor Plans and Elevations - Site 94	5th July 2018
B32	Bungalow Floor Plans and Elevations - Site 95	5th July 2018
B33	The Chalet Floor Plans - Sites 83, 90, 93	5th July 2018
B34	The Chalet Elevations - Sites 83, 90, 93	5th July 2018
B35	The Chalet Floor Plans (Handed)- Sites 83, 90, 93	5th July 2018
B36	The Chalet Elevations (Handed) - Sites 83, 90, 93	5th July 2018
B37	The Chalet Special Floor Plans - Site 89	5th July 2018

B38	The Chalet Special Elevations - Site 89	5th July 2018
B39	The Chalet Special Floor Plans Handed -Sites 84-87	5th July 2018
B40	The Chalet Special Elevations Handed - Sites 84-87	5th July 2018
B41	The Chancery Floor Plans - Site 41	5th July 2018
B42	The Chancery Elevations - Site 41	5th July 2018
B43	Oak Gatelodge & Chancery Handed Floor Plans - Site 14 & 15 - Split 2.35	5th July 2018
B44	Oak Gatelodge & Chancery Handed Elevations - Front & Side (Site 14 & 15 - Split 2.35)	5th July 2018
B45	Oak Gatelodge & Chancery Handed Elevations - Side & Rear (Site 14 & 15 Split 2.35)	5th July 2018
B46	Oak Gatelodge & Chancery (Semi) Floor Plans (Site 16 & 17 - Split 0.75m)	5th July 2018
B47	Oak Gatelodge & Chancery (Semi) Elevations (Site 16 & 17 - Split 0.75m)	5th July 2018
B48	Oak Gatelodge & Chancery Handed Floor Plans (Site 68 & 69 - Split 0.60m)	5th July 2018
B49	Oak Gatelodge & Chancery Handed Elevations (Site 68 & 69 - Split 0.60m)	5th July 2018
B50	Oak Gatelodge & Chancery Handed Floor Plans (Site 70-71 & 115-116 Split 0.90m)	5th July 2018
B51	Oak Gatelodge & Chancery Handed Elevations (Site 70-71 &115-116 Split 0.90m)	5th July 2018
B52	Oak Gatelodge & Chancery Handed Floor Plans (Site 113-114)	5th July 2018
B53	Oak Gatelodge & Chancery Handed Elevations (Site 113-114)	5th July 2018
B54	Chancery & Oak Gatelodge Floorplans (Site 63 & 64 - Split 1.60m)	5th July 2018

B55	Chancery & Oak Gatelodge Elevations (Site 63 & 64) Front and Side Elevations	5th July 2018
B56	Chancery & Oak Gatelodge Elevations (Site 63 & 64) Side and Rear Elevations	5th July 2018
B57	Oak Gatelodge & Chancery Floor Plans (Sites 2-2a)	5th July 2018
B58	Oak Gatelodge & Chancery Elevations (Sites 2-2a)	5th July 2018
B59	L1 Handed Floor Plans - Site 59	5th July 2018
B60	L1 Elevations - Site 59	5th July 2018
B61	Oak Cottage Semi Floor Plans (Sites 37-38, 51-52)	5th July 2018
B62	Oak Cottage Semi Elevations (Sites 37-38, 51-52)	5th July 2018
B63	Oak Cottage Semi Floor Plans (Sites 23-24, 29-30, 35-36, 39-40, 111-112)	5th July 2018
B64	Oak Cottage Semi Elevations (Sites 23-24, 29-30, 35-36, 39-40, 111-112)	5th July 2018
B65	Oak Cottage Semi Floor Plans (Sites 119-120)	5th July 2018
B66	Oak Cottage Semi Elevations (Sites 119-120)	5th July 2018
B67	Oak Cottage Semi Floor Plans (Sites 25-26)	5th July 2018
B68	Oak Cottage Semi Elevations (Sites 25-26)	5th July 2018
B69	Oak Cottage Semi Floor Plans (Sites 54-57)	5th July 2018
B70	Oak Cottage Semi Elevations (Sites 54-57)	5th July 2018
B71	Oak Gatelodge Det Floor Plans (Hand)- Sites 8 & 9	5th July 2018
B72	Oak Gatelodge Elevations (Hand)- Sites 8 & 9	5th July 2018
B73	Oak Gatelodge Det (No S/R) Floor Plans - Sites 12a, 121, 122	5th July 2018
B74	Oak Gatelodge Det (No S/R) Elevations - Sites 12a, 121, 122	5th July 2018
B75	Oak Gatelodge Det Floor Plans (Handed) - Sites 12,58,110	5th July 2018

B76	Oak Gatelodge Det Elevations (Handed) - Sites 12, 58, 110	5th July 2018
B77	Oak Gatelodge Semi - Floorplans - Sites 4, 5	5th July 2018
B78	Oak Gatelodge Semi - Elevations - Sites 4, 5	5th July 2018
B79	Oak Gatelodge Semi (No S/R) - Floorplans - Sites 72-73	5th July 2018
B80	Oak Gatelodge Semi (No S/R) - Elevations - Sites 72-73	5th July 2018
B81	Oak Gatelodge Semi - Floorplans - Sites 6, 7, 21, 22	5th July 2018
B82	Oak Gatelodge Semi - Elevations - Sites 6, 7, 21, 23	5th July 2018
B83	Oak Gatelodge Semi - Floorplans - Sites 43, 44, 117, 118	5th July 2018
B84	Oak Gatelodge Semi - Elevations - Sites 43, 44, 117, 118	5th July 2018
B85	Oak Gatelodge Semi - Floorplans - Site 85, 86	5th July 2018
B86	Oak Gatelodge Semi - Elevations - Site 85, 86	5th July 2018
B87	Oak Gatelodge Detached (a) - Floorplans - Site 18	5th July 2018
B88	Oak Gatelodge Detached (a) - Elevations - Site 18	5th July 2018
B89	Oak Gatelodge Semi - Floorplans (Handed) - Sites 19, 20, 91, 92, 97, 98	5th July 2018
B90	Oak Gatelodge Semi - Eleveations (Handed) - Sites 19, 20, 91, 92, 97, 99	5th July 2018
B91	Oak Gatelodge (Det (a) (No S/R) - Floor Plans - Site 27	5th July 2018
B92	Oak Gatelodge (Det (a) (No S/R) - Elevations - Sie 27	5th July 2018
B93	Oakleat - Floorplans - Site 3	5th July 2018
B94	Oakleat - Elevations - Site 3	5th July 2018
B95	Oakleat (a) - Floorplans - Site 109	5th July 2018
B96	Oakleat (a) - Elevations - Site 109	5th July 2018

B97	The Pavilion - Floorplans - Sites 1, 31, 60, 66	5th July 2018
B98	The Pavilion - Elevations - Sites 1, 31, 60, 66	5th July 2018
B99	The Pavilion - Floorplans - Site 45	5th July 2018
B100	The Pavilion - Elevations - Site 45	5th July 2018
B101	The Pavilion (a) - Floorplans - Site 50	5th July 2018
B102	The Pavilion (a) - Elevations - Site 50	5th July 2018
B103	The Pavilion (a) - Floorplans - Site 49	5th July 2018
B104	The Pavilion (a) - Elevations - Site 49	5th July 2018
B105	The Pavilion (b) - Floorplans - Site 47	5th July 2018
B106	The Pavilion (b) - Elevations - Site 47	5th July 2018
B107	The Pavilion (b) - Floorplans - Site 53	5th July 2018
B108	The Pavilion (b) - Elevations - Site 53	5th July 2018
B109	The Hampton - Floorplans - Sites 61, 62, 65	5th July 2018
B110	The Hampton - Elevations - Sites 61, 62, 65	5th July 2018
B111	The Hampton (a) - Floorplans - Site 48	5th July 2018
B112	The Hampton (a) - Elevations - Site 48	5th July 2018
B113	The Hampton (b) - Floorplans - Site 123	5th July 2018
B114	The Hampton (b) - Elevations - Site 123	5th July 2018
B115	Trummery - Floorplans - Sites 11, 67	5th July 2018
B116	Trummery - Elevations - Sites 11, 67	5th July 2018
B117	Trummery - Floorplans (Handed) - Sites 10, 46	5th July 2018
B118	Trummery - Elevations (Handed) - Sites 10, 46	5th July 2018
B119	Trummery (a) - Floorplans - Sites 32, 42	5th July 2018
B120	Trummery (a) - Elevations - Sites 32, 42	5th July 2018
B121	Trummery (a) - Floorplans (Handed) - Site 33	5th July 2018

B122	Trummery (a) - Elevations (Handed) - Site 33	5th July 2018
B123	Trummery (b) - Floorplans - Site 34	5th July 2018
B124	Trummery (b) - Elevations - Site 34	5th July 2018
B125	Trummery (c) – Floorplans- Site 74	5th July 2018
B126	Trummery (c) - Elevations - Site 74	5th July 2018
B127	Garage Cluster & Loft Apartments - Elevations and Floorplans - Site 99	5th July 2018
B128	Garage Cluster & Loft Apartments - Elevations and Floorplans - Site 99	5th July 2018
B129	Garage Cluster & Loft Apartments - Elevations - Site 99	5th July 2018
B130	Garage Details - Single Garage - Floorplans and Elevations	5th July 2018
B131	Garage Details - Twin Garage - Floorplans and Elevations	5th July 2018
B132	Boundary Details – Elevations	5th July 2018
B133	Log Stores - Sketch Plans	5th July 2018
B134	Rashee Road Roundabout- Proposed Junction & Signal Layout	2nd August 2018
B136/1	Boundary Treatment Plan	5th July 2018
B137/1	Site Sections (C, G & G)	5th July 2018
B138/1	Site Sections (H,I, K & M)	5th July 2018
B139/1	Site Sections (N, O, P & Q)	5th July 2018
B140/1	Site Sections (R & X)	5th July 2018
B141/1	Site Sections (W)	5th July 2018
B142/1	Site Sections (S, T & V)	5th July 2018
B145	Landscape Management Plan	5th July 2018
B146	Site Sections (1 & 8)	5th July 2018
B147	Site Plan- Environmental Impact Statement Information	5th July 2018

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority (Antrim and Newtownabbey Borough Council):-	Mr Glenn Kelly Mr Kieran O'Connell
(DfI Roads):-	Mr Gerry Lynch Mr David McQuitty
Appellant:-	Mr Robert Lewis Mr William Orbinson QC (instructed by Carson McDowell) Mr David Worthington (Pragma Planning) Ms Karen McShane (Kevin Mc Shane Ltd) Mr Stephen Villiers (Alan Patterson Design) Mr Gary McGhee (Carson McDowell) Mr Mark Hardy, Marrac Design
Third Parties Objector:-	Mr William McBride, MBE
Supporter:-	Ms Diana Thompson, MBA Planning

List of Documents

Planning Authority (Antrim and Newtownabbey Borough Council):-	Statement of Case C 1 Supplementary Statement of Case C 3 Comments post Jan' 2020 hearing C 4
Appellant (Pragma Planning-agent):-	Statement of Case A 1 Comments post May 2019 hearing A 2 Supplementary Statement of Case A 3 Comments post Jan' 2020 hearing A 4
Third Parties Supporters (MBA Planning):-	Statement of Case S 1 Supplementary Statement of Case S 2
Objectors Clyde Shanks:-	Statement of Case OBJ 1 Comments OBJ 2
Lesley Crymble:-	Statement of Case OBJ 3 Supplementary Statement of Case OBJ 4