Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2019/A0154
Appeal by:	Fairbuild Homes NI
Appeal against:	The refusal of full planning permission
Proposed Development:	27 Dwellings
Location:	Lands at 54 Saintfield Road, Lisburn
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2015/0466/F
Procedure:	Remote Hearing on 5th October 2020
Decision by:	Commissioner Andy Speirs, dated 7th September 2021

Decision

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

Reasons

2. The main issues in this appeal are whether the proposal would be prejudicial to road safety, would significantly inconvenience the flow of traffic, and would be damaging to environmental interests. The Council had no objections to the proposal other than on grounds of conflict with regional roads policy.

3. A planning application for the demolition of residential premises and the erection of 26 no. semi-detached dwellings and 1 no. detached dwelling, site access works, development roads, associated siteworks and landscaping was received by Lisburn and Castlereagh City Council on the 7th August 2015. I note that the Council discharged its statutory responsibility to publicise the application. The application was refused planning permission on 4th July 2019 for 2 reasons relating to road safety. As the Council states, 131 representations were received in respect of this application.

4. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The adoption of the Belfast Metropolitan Area Plan (BMAP) has been declared unlawful. Given that, the Lisburn Area Plan 2001 (LAP) is the

statutory development plan for what was previously the Lisburn City Council area. The draft BMAP (dBMAP) is also a material consideration.

5. The application site lies outside the settlement limit of Lisburn in the LAP. In dBMAP the site is also located outside the settlement limit. In the unlawfully adopted BMAP, the site was incorporated into the settlement limits of Lisburn City; this followed from a concession by DOE Planning that the land contained within objection 934 should be included in the urban area. The Council took the view that, given the position of the site - surrounded by existing and approved development, its previous use as residential curtilage, and its status as conceded by DOE at public inquiry, there were important material considerations that rendered the proposed development acceptable, in principle. This analysis was not disputed by any of the parties involved in the appeal process. I do not take issue with the Council's conclusions on the matter.

6. Other planning policy context for the proposal is provided by the Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015. The SPPS makes it clear that the provisions of, inter alia, Planning Policy Statement 3 – Access, Movement and Parking (PPS3) will continue to apply until such time as a new development plan is in place for the area. PPS3 contains regionally applicable planning policy in respect of access and roads matters for the determination of planning applications.

7. The access to the appeal site is off the main A49 Saintfield Road. The A49 is a main arterial route carrying approximately 20,000 vehicles per day. The Saintfield Road is identified as an 'other' Protected Route in Annex A to PPS3 - Clarification of Policy AMP 3. Policy AMP 3 of that document is entitled 'Access to Protected Routes' and states that "The Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes …". With regard to 'other Protected Routes within settlement limits the policy states that "planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access: (a) where access cannot reasonably be taken from an adjacent minor road; **or** (my emphasis) (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

8. To comply with policy AMP3 only one scenario, (a) or (b), needs to be met. In this case, scenario (a) is relevant; the site cannot be accessed via the Dobbies Garden Centre business as this is private land, outside the appellant's control. No adjacent minor road exists and I do not consider that AMP3, in referring to 'an adjacent minor road' intends this to mean a private road. The Saintfield Road is the only public road to which the site can take access. In the circumstances, an objection to the proposal based on PPS3

policy AMP3 is not justified, and the objections raised on that basis are not sustained.

9. The reasons for refusal in this appeal case referred to policy AMP2 of PPS3. This policy is entitled 'Access to Public Roads'. It states that "Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: (a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and (b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes". I have already concluded that there is no conflict with policy AMP3. AMP2 goes on to say that "the acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

    - the nature and scale of the development;
    - the character of existing development;
    - the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
    - the location and number of existing accesses; and
    - the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

10. DfI Roads considered that the proposal conflicted with policy AMP2 and would prejudice the safety and convenience of road users in 3 ways. Firstly, it was submitted that, the proposed access is located in close proximity to a busy road junction and roundabout where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction and the roundabout. Secondly, it was argued that the intensification of use of this existing access in close proximity to a busy road junction and roundabout would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access. Thirdly, the Roads authority claimed that it has not been demonstrated that a safe access could be achieved in accordance with current highway design standards.

11. The Council's evidence states that a design check and review of the proposed road layout of the scheme was carried out by Dfl Roads Consultancy and Dfl Roads Network Traffic Section in 2018. This identified a number of issues of concern, including substandard design elements and the need for a Scheme Design Overview for the new access and the associated widening of the Saintfield Road. The Developer subsequently provided a Scheme Design Overview which was considered by Dfl Roads, and, in its opinion, contained sub-standard design elements. Particular safety concerns cited by transportNI relate to :-

(i) the proximity of the proposed access to the heavily trafficked Saintfield Road Roundabout and existing Plantation Road access,

(ii) the introduction of additional turning movements created by the new development, combined with the existing turning movements on this busy section of the Saintfield Road,

(iii) the traffic impact of widening the Saintfield Road to provide new right turning lanes into Plantation Road and the development,

(iv) traffic speed associated with the proximity of proposed access to the 40mph speed limit on the Saintfield Road, and

(v) right turn movements from the development onto the Saintfield Road as a result of limited sightlines due to proximity to the roundabout and constant queueing of traffic during peak times.

12. The application was submitted in 2015 and the Roads authority was consulted as normal. Having examined consultation responses from TransportNI, provided during the processing of the planning application, I can discern no indication, until very late in the process, that the proposal was considered to be unacceptable. A consultation response from DfI Roads dated 30th November 2017 indicated that "the number of dwellings to be permitted at this location was agreed at a pre application discussion to be a maximum of 21 and DfI has resisted any further intensification of the proposed access". The document goes on to state that "the agent should amend the layout to include a maximum of 21 dwellings and DfI will then be able to offer no objections …". Following further negotiations between the Council/DfI and the appellant company, the Council issued a letter to RPP Architects, dated 23rd March 2018, stating that "following a meeting with Transport NI in regard to the above application, I can confirm that they now accept 27 units on this site". The letter went on to state that "they also asked me to inform you that the right turn facility is subject to a design check and all necessary relaxations and departures are in place prior to commencement …". Clearly, at that point, DfI Roads must have been content that the proposal was acceptable in terms of compliance with policy AMP2 and envisaged an approval being granted for the proposal.

13. The Council's evidence states that "… the principle of an access onto the Saintfield Road that was confirmed in a letter from the planning authority dated 23rd March 2018 issued before a detailed design review of the proposed road layout was undertaken". The Council's evidence points to a further Dfl Consultation Response dated 17th May 2019 which stated that "Dfl-Roads **is content in principle in terms of road safety** (my emphasis) with the development; however, traffic progression remains a major issue and before offering a positive response, a design check for the associated road improvements is required and any identified departures and relaxations from the current design standards have been completed. Dfl is currently organising a design check of the road improvement works and on

completion, the Agent should ensure, that any necessary departures and relaxations have been agreed and signed off and then submit nine PSD Drawings and four Longitudinal Sections Drawings together with a final design drawing and schedule of the works required through LCCC Planning". The submission goes on to indicate that a detailed design check was completed on behalf of DfI by consultants Amey on 6th June 2018, which identified a number of substandard design aspects of the proposed road layout and the need for the designer to submit a Scheme Design Overview. DfI's subsequent review of the Scheme Design Overview resulted in DfI deeming the application to be contrary to Planning Policy Statement (PPS) 3.

14. I was advised that the proposed access arrangements involve a number of 'departures' and 'relaxations' in respect of aspirational standards normally applied by DfI. I was informed that a 'relaxation' involves a lesser variation from standards contained in the Design Manual for Roads and Bridges (DMRB) than does a 'departure'. A representative from DfI advised that a roads scheme is looked at holistically rather than each 'relaxation' or 'departure' being assessed individually. Notwithstanding this, I consider it useful to look at each 'departure' and 'relaxation' in order to gauge the significance of each.

15. At the hearing I was advised that 'departure' 1 relates to visibility splays to the south side of the proposed access. I was advised by DfI that the appropriate splay would be 2.4m X distance and 120m Y distance and that the proposal provided only 2.4m x 70m. For the appellant company it was submitted that the dimensions proposed comply with table 'B' in Development Control Advice Note 15 (DCAN 15), where traffic speed is up to 30mph; in this instance the measured speed was 26.5mph. Guidance allows for such a 'departure' and I do not consider the lesser standard would result in danger to road users. The 'departure' also relates to the splay to the northern side of the proposed access which, at 2.4m x 39m would be well below the recommended 2.4m x 90m. The DfI concern was that emerging vehicles would not see traffic approach from the north (off the roundabout). The appellant company's representative indicated that the splay is measured to the kerbline north of the access and that vehicles leaving the roundabout would be in full view of traffic emerging from the appeal site; I agree with this analysis.

16. Departure 2, I was informed, is in regard to sightlines at the junction of Plantation Road with Saintfield Road. The proposal involves a realignment of the junction to facilitate widening of the Saintfield Road. The splay to the southern side is proposed to be 4.5m x 73m whilst guidance indicates that 4.5m x 120m would be required. The DfI representative stated that the existing splay of 4.5m x 86m does not meet the guidance standard. In my opinion the splay to the southern side of the junction is less critical as most traffic travelling north will be on the left-hand side of Saintfield Road and thus clearly visible to vehicles emerging from Plantation Road. The presence of a pedestrian island and hatched road markings to the south of the junction would discourage overtaking manoeuvres and I am not convinced that this

element of ‘departure’ 2 would result in any significant increase in danger to road users. ‘Departure’ 2 also includes a reduction in the splay standard on the northern side of the Saintfield Road/Plantation Road junction. Guidance indicates that a splay of 4.5m x 90m would be appropriate but the proposal provides for a splay of 4.5 x 60m. The DfI representative expressed an opinion that this ‘departure’ was less critical than the southern splay. I note that realignment of the junction, and removal of obstacles associated with the car park to the north, would actually represent an improvement on the existing situation by increasing the standard of visibility by 13m and this would assist traffic emerging from Plantation Road turning in both directions. In my opinion the proposal would render the junction less dangerous than at present.

17. ‘Departure’ 3 involves provision of 3 lanes on the northbound section of Saintfield Road approaching the roundabout, each of which would be 2.5m in width. This involves a ‘departure’ from guidance which indicates that lanes should be 3.0m wide. The representative from DfI Roads indicated that this was not a safety concern as the existing lanes are also substandard.

18. ‘Departure’ 4 relates to the length of the proposed right turn lane (RTL) into Plantation Road. I was informed that the deceleration lane proposed of 13.5m was below the standard of 25m. This would be a hazard, in the opinion of DfI Roads, if vehicles were queued to enter Plantation Road, thereby inhibiting free flow of traffic. The representative from DfI accepted that such queues presently occur and currently can impede traffic flow. The RTL, even at a width of 2.5m (where 3.5m is recommended in guidance) would represent betterment of the situation and I do not accept that ‘departure’ 4 would result in an unacceptable hazard.

19. ‘Relaxation’ 1 relates to the width of the RTL into Plantation Road. The Department was concerned that large vehicles waiting to enter Plantation Road could encroach into other traffic lanes. For the appellant company it was argued that the DMRB CD123 allows for reductions and I note that document states that “The width of the right turning lanes for improvements to existing junctions, where space could be limited, shall be a minimum of 2.5 metres”. Given the existing circumstances where large vehicles turning into Plantation Road could already impede traffic, I am not persuaded that ‘relaxation 1 would result in any additional hazard to road users. ‘Relaxation’ 2, in respect of the proposed RTL into the appeal site, at a width of 2.7m, is below the recommended figure of 3.5m but exceeds the 2.5m minimum and I have not been presented with any evidence to demonstrate that this would result in prejudice to road safety or would significantly inconvenience the flow of traffic

20. The DMRB is not a planning policy document; it contains guidance on the construction of roads and accesses. It is not a straightjacket that must be rigidly adhered to and the Department’s previously stated willingness to incorporate ‘relaxations’ and ‘departures’ into the proposals is proof of that. Paragraph 5.17 of PPS3 states that “it is recognised that it may not always

be practicable to comply fully with the appropriate visibility standards. Such standards, like all material considerations, need to be assessed in light of the particular circumstances of the individual case. Exceptionally a relaxation in standards may be acceptable in order to secure other important planning objectives. Visibility standards, however, will not be reduced to such a level that danger is likely to be caused". Reuse of previously developed land in order to provide housing is a long-vaunted and important objective of the planning system and this must weigh in favour of the proposal.

21. I acknowledge that there are issues in respect of existing traffic flows in the immediate vicinity of the appeal site at peak periods and the large number of objections to the proposal is reflective of this situation. A third party quoted from appeal 2003/A359 and cited this as evidence of the dangerous situation at the Plantation Road junction; however, I note that the quotation was taken from objector's evidence and did not represent the Commission's view on the operation of the junction.

22. The DfI Roads evidence referred to a number of specific manoeuvres, which it considered to be critical, and which rendered the proposal unacceptable. It was argued that in peak hours vehicles turning right out of Plantation Road would require to cross an additional lane of traffic in the form of the new RTL into that road. There is no indication that the proposal would alter the quantum of traffic flowing into or out of Plantation Road.

23. I recognise the particular difficulty that currently exists for traffic turning right from Plantation Road onto Saintfield Road, the manoeuvre often taking several minutes at peak periods. An issue before me is whether the proposal would significantly exacerbate this to the extent that there would be conflict with policy AMP2 of PPS3. In my opinion it would not. During the morning peak, traffic flows from Plantation Road northwards towards the roundabout would be facilitated by the creation of the proposed dedicated RTL into that road; as the appellant has pointed out, the RTL, when unoccupied, could act as a refuge for vehicles turning north from Plantation Road. Given that right turns into Plantation Road in the morning peak would represent only a small fraction of the total traffic flows northwards, the RTL should often be vacant.

24. I do not consider that traffic generated by the proposed new housing would, per se, have a direct significant impact on the operation of the Plantation Road junction. During the afternoon peak period, the volume of north-bound traffic would be lower than in the morning peak, and right turns out of Plantation Road are consequently less problematic. A delineated 'Keep Clear' road marking opposite the Plantation Road junction, as suggested by the DfI Roads representative at the hearing, as opposed to the yellow cross hatched box indicated on plans, could assist right-turning traffic flows out of that road by creating gaps in north-bound queues. Improvement of the northern visibility splay at the junction would also assist all traffic leaving Plantation Road.

25. With regard to the operation of the proposed new access itself, I note that traffic movements associated with the new dwellings is anticipated to be approximately 139 per day with around 15-16 trips likely during peak hours. The figures are based on the widely accepted TRICS database and represent markedly less than 1% total additional traffic load on the heavily trafficked Saintfield Road. The DfI representative at the hearing accepted that the proposal would not significantly impact on traffic flows in the locality and acknowledged that the majority of movements out of the proposed development would be northwards in the am peak, and into the site, coming from the north, in the pm peak. DfI Roads considered that the most problematic movements would be turning right across 2 lanes of oncoming traffic when entering the appeal site, and turning right, across 4 lanes of traffic when turning right out of the appeal site. For the appellant company it was submitted that there are predicted to be around 10 right turn manoeuvres into the site in the pm peak and that less than 1% of movements would be right turns from the site onto Saintfield Road. It was also argued that problems with waiting times for right turns out of the site could be dealt with by traffic using the roundabout to avoid the manoeuvre, albeit that it would be less convenient. Whilst this situation is less than ideal, I do not consider that this one aspect of the access arrangements warrants rejection of the proposal. Traffic turning right into the proposed development, using the proposed RTL would benefit from the 'Keep Clear' marking on Saintfield Road, which would help to ensure that any queueing of traffic to enter the appeal site did not back up to the roundabout exit. This marking would also help to create gaps in northbound traffic, assisting right turns out of the proposed housing development.

26. DfI referred to traffic speeds in the area. I note that vehicular speeds approaching the roundabout from Saintfield Road have been measured at an average of 22.3mph, with an 85th percentile of 26.5mph, and a maximum of 34.5mph (wet conditions). A conversion factor of 2% is applied for dry conditions. Leaving the roundabout, the respective speeds are 17.3mph average and 24.5mph maximum (19.8mph and 27mph adjusted for dry conditions). I was advised that these figures were based on a survey outside peak periods as queueing can have a significant impact on speeds. None of the above figures is excessive. There is no empirical evidence to support the DfI claim that realignment of the roundabout off-slip would increase the speed of traffic approaching the Plantation Road junction from the north. In my opinion, traffic movements associated with the new development would not result in any significant additional prejudice to road safety nor significantly inconvenience the flow of traffic.

27. There was some dispute over the accident records in the vicinity of the appeal site. The Council's evidence indicated that "… a review of road traffic statistics made available by the PSNI to Dfl show there were 13 collisions involving injury (3 serious and 10 slight) between 2017 and 2020 on this short section of the Saintfield Road between Dobbies access and the Saintfield Road Roundabout … 3 of these collisions took place at the existing Plantation Road access and close to the proposed access". DfI took the view

that the statistics show that a relatively high number of road traffic collisions already take place on this section of road and that the proposal may contribute to additional road traffic collisions.

28. For the appellant company it was submitted that data sourced from the PSNI for the period 2014 - 2018 indicated that within this period no collisions occurred at the Saintfield Road and Plantation Road junction. It was further stated that two minor collisions had occurred in 2014 and 2016 on the roundabout circulatory carriageway at the traffic signals before the M1 westbound arm of the junction, being unrelated to traffic movements on the Saintfield Road arm. The appellant company took the view that the collision figures, in the context of proximity to a junction which experiences around 20,000 vehicle movements per day, could be considered negligible.

29. As the appellant company's representative pointed out at the hearing, in order to understand the cause of a traffic accident, it is necessary to be aware of vehicular movements when it occurred. DfI, I was advised, had access to more road traffic collision information than did the appellant company. A plan submitted by the latter showed 3 accidents at the Plantation Road junction, one each in years 2017, 2018, and 2019. No vehicle movement details were available in relation to these accidents and they could have been caused by any number of factors. Similarly, photographs of incidents submitted by objectors offered no explanation as to the exact causes. It is not practical to account for bad or dangerous driving. I agree with the appellant company that accident incidences represent negligible numbers in comparison with the traffic load on Saintfield Road and I am not convinced that the data weighs significantly against the proposal.

30. Concern regarding the lack of a pedestrian link from the development to the existing controlled crossing on the Saintfield Road was raised by DfI Roads. It was submitted that this conflicts with PPS3 policy AMP1. Objectors also considered that the proposal was contrary to Planning Policy Statement 7 – Quality Residential Environments (PPS7) and criterion (e) of policy QD1. In response, drawing no. 5129855-ATK-110-SK-D-0005 rev P01 was prepared for the appellant company. At the hearing a representative of DfI Roads indicated that the pedestrian island, which can be achieved within the current design proposals and positioned approximately 40 metres south of the proposed development access, would be acceptable. Another DfI representative indicated that a 'better' solution would be to install a pedestrian crossing at the traffic lights at the roundabout to the north of the site access. As the appellant company's representative indicated, if the proposed pedestrian crossing is acceptable in design terms, it should be deemed to meet the Department's requirements. I agree with this analysis and consider that the pedestrian crossing shown on the aforementioned drawing number deals with the matter adequately. A suitable condition can secure provision of the facility.

31. Objectors considered that the presence of the public car park north of the Plantation Road junction resulted in traffic conflict and congestion in the

vicinity. It was submitted that the car park should be removed and a direct access from Plantation Road to the Saintfield Road roundabout created. Whilst I acknowledge that this may appear to be one way to resolve current difficulties at the Plantation Road junction, it is a matter outwith the ambit of this appeal.

32. Concern was raised regarding the suitability of the access to the proposed development to facilitate entry/exit by large vehicles. The Council claimed that the "… vehicle tracking analysis undertaken by the developer's designer for a refuse vehicle and articulated vehicle highlighted a number of encroachments into adjacent lanes and kerb lines for turning movements into and out of the proposed access and the reconfigured Plantation Road access". The appellant company submitted that the "… access to the site by an articulated HGV was undertaken in error as this type of vehicle would not be expected to access a residential street". I accept the appellant's argument that the junction configuration included in the access design will perform as many other similar junctions and can satisfactorily accommodate a refuse vehicle.

33. Third parties considered that parking along Saintfield Road could occur, due to delivery drivers stopping to serve properties in the new housing; this would add to congestion and create risk to drivers. I do not consider this to be a major issue and it could be precluded by marked parking restrictions such as double-yellow lines. I note that no dwelling takes access directly to Saintfield Road. A wall is also indicated on plans bounding the gardens of sites abutting the latter. A suitable condition could ensure that no pedestrian accesses directly to Saintfield Road are taken from sites 1 and 2.

34. Objectors raised concerns regarding the impact of the proposal on trees and vegetation in the area. A condition is suggested by the Council, requiring retention of existing vegetation on the appeal site. I note that the widening of the A49 would result in some tree loss at the car park to the north of the Plantation Road junction. This must be weighed against the benefits in providing better visibility looking northwards from that junction and I do not regard the loss of vegetation to be significant in this context. I note that the proposal would involve the car parking becoming more visible; however, the appellant company offered to undertake a landscaping scheme to 'soften' the visual impact. This can be secured by condition. The appellant company also recognised that appropriate conditions should be applied to deal with bats present at the site.

35. Third parties referred to conflict with policies AMP9 and AMP10 of PPS3. These policies relate to proposals for car parking or extensions to existing car parks and I am not convinced that there is any conflict between the appeal proposal and those policies. I do not consider that the additional 27 dwellings would result in any significant additional noise or air pollution in the area.

36. At the hearing, a DfI Roads representative queried the procedure following the appeal decision; in particular, would DfI be required to process PSD

drawings if it disagreed with approval of the development? Jurisdiction fell to the PAC upon the lodgement of the appeal and the decision of the Commission cannot be challenged except through the courts. The roads authority is obligated to comply with the Commission's decision and to determine the private streets and other relevant roads approvals.

37. Some objectors raised concerns about impact on the local roads and the environment during construction of the proposal. As any disruption or impact would be temporary and I do not attach determining weight to the matter.

38. I have judged that the proposed development does not conflict with policies contained in PPS3, nor any of the other policy documents referred to by the third party objectors. The Council's reasons for refusal are not sustained; nor are the objections raised by third parties fatal to the proposal. The appeal is allowed and full planning permission is granted, subject to the conditions outlined below.

Conditions

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

2. No works or operations of any kind shall take place on the site until a determination has been made for the development hereby approved under the Private Streets (Northern Ireland) Order 1980.

3. No development shall commence within the site until all works to the public highways have been completed in accordance with the drawings approved under the Private Streets Determination for the development.

4. The yellow cross-hatched road marking shown on drawings detailing works to the public highways shall be replaced with a 'Keep Clear' road marking and all drawings submitted for approval for the purposes of the Private Streets Determination or other relevant approvals for works to the public roads shall include this alteration.

5. The vehicular access to the housing development, including visibility splays and any forward sight distance, shall be provided in accordance with the design approved by the planning authority prior to the occupation of any dwelling hereby permitted.

6. No work on the public highway adjacent to the development site hereby permitted shall be commenced until drawings in general conformity with Atkins drawing reference 5129855-ATK-110-SK-D-0005 Rev P01 dated 01/04/2020 have been submitted to and approved in writing by the planning authority of a detailed design for the road works in accordance with the Design manual for Roads and Bridges.

7. In line with the site layout plan 02/3 received by the Council on 27th November 2017, a 2.1 - 4.5 metre high acoustic barrier shall be erected to the rear and sides of sites 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 and retained thereafter. The barrier shall be constructed of a suitable material (with no gaps) and shall have a minimum self-weight of 25 kg/m2.

8. In line with site layout plan 02/3 received by the Planning Unit 27 November 2017 a 2.1 metre high acoustic barrier shall be erected to the sides of sites 2 and 26 and retained thereafter. The barrier shall be constructed of a suitable material (with no gaps) and should have a minimum self-weight of 25 kg/m2.

9. The facades to sites 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20 - 26 as detailed in drawing number 02/03 received by the Planning Unit 27 November 2017 shall be acoustically treated. The window systems and acoustically attenuated ventilation to be installed shall have a minimum sound reduction of 40dB as detailed in Table 5 of the Noise Impact Assessment dated November 2016. The inlet for all ventilation systems shall be on the quietest facade, downward facing and acoustically treated.

10. Subsequent to the completion of the development (including all noise mitigation measures), an acoustic verification report shall be forwarded to the Planning Unit. The report shall demonstrate that the design mitigation measures incorporated into the buildings, e.g., glazing units, frames, window seals and ventilation, have achieved the desired sound reduction performance in compliance with BS8233:2014 as detailed in Table 1 of the Noise Impact Assessment dated November 2016.

11. The development shall be constructed in line with the construction phase mitigation measures as detailed in section 5 of the Noise Impact Assessment dated November 2016.

12. The existing natural screenings of this site, as indicated on approved plan No. 02/3 bearing the date stamp 27th October 2017, shall be retained. If any retained tree is removed, dies, or is seriously damaged within 5 years from the date of the occupation of the first building, another tree or hedge of a native species shall be planted during the next planting season.

13. All hard and soft landscape works shall be carried out in accordance with the approved details as shown in Drawing No. 16 bearing the date stamp 27th July 2018 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any dwelling.

14. No dwelling shall be occupied until:- (1) a plan detailing the location of 8 bat boxes has been submitted to, and agreed in writing with, the Council, and (2) the bat boxes have been installed. The bat boxes shall be permanently retained thereafter.

15. No dwelling shall be occupied until a lighting plan (including lux levels and potential light spill) has been submitted to, and agreed in writing with the Council. The lighting plan shall be implemented in accordance with the approved scheme and no changes to the scheme shall take place without the written approval of the Council.

16. No dwelling shall be occupied until:- (1) a scheme of hard and soft landscaping for the public car park opposite the development site has been submitted to, and agreed in writing with, the Council, and (2) the landscaping has been implemented in accordance with the approved scheme.

17. No pedestrian access to Saintfield Road shall, at any time, be provided from sites 1 and 2 as shown on drawing no. 5129855-ATK-110-SK-D-0005 Rev P01.

This decision is based on the following drawings as numbered by the Council:-

Drawing 01 stamped received 5th August 2015 - Site location at scale 1:1250

Drawing 02/3 stamped received 27th October 2017 - Site layout at scale 1:250

Drawing 03/2 stamped received 27th October 2017 – House type A1 elevations and floorplans at scale 1:100

Drawing 04/2 stamped received 27th October 2017 – House type D elevations at scale 1:100

Drawing 05/2 stamped received 27th October 2017 – House type C – floorplans and section at scale 1:100

Drawing 06/2 stamped received 27th October 2017 – House type C - Elevations at scale 1:100

Drawing 09/3 stamped received 7th February 2019 - Internal roads layout road 2 cross section at scales1:500 and 1:250

Drawing 10/3 stamped received 7th February 2019 - Internal roads layout road1 cross sections at scales 1:500 and 1:250

Drawing 11/4 stamped received 7th February 2019 - Typical construction details at ‘as shown’ scale

Drawing 12/4 stamped received 7th February 2019 - General arrangement at scale 1:250

Drawing 13/3 stamped received 7th February 2019 - Internal roads layout longitudinal profiles at scale 1:500 vertical and 1:100 horizontal

Drawing 14/3 stamped received 7th February 2019 - Article 3(4)c works within highway boundary at scale 1:1250

Drawing 15/3 stamped received 7th February 2019 - Proposed storm and foul drainage layout at scale 1:250

Drawing 16 stamped received 27th July 2018 - Proposed landscaping layout at scale1:250

Drawing 17 stamped received 7th February 2019 - Proposed departures and relaxations at scale 1:250

Drawings 18 and 19 stamped received 7th February 2019 - Vehicle tracking at scale 1:250

COMMISSIONER A SPEIRS

List of Documents

Council:- Doc A - Statement of case with appendices
Doc A1 – Rebuttal comments with appendices

Appellant:- Doc B - Statement of case with appendices
Doc B1 – Rebuttal comments with appendices

Third Parties:- Doc C – Statement of case
Doc C1 – Rebuttal comments

Appearances

Council: - Ms S McCloskey, Planning Department
Mr S Cash, DfI Roads
Mr L Walsh, DfI Roads

Appellant: - Mr W Orbinson, QC
Mr S McKee, Turley
Mr S Foy, Atkins
Mr A Owens, Atkins
Mr J McClay, Appellant Company
Mr R Ayre, Ayre Consulting

Third Parties: - Mr K Trimble, Resident at Mount Royal, Lisburn