Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2020/A0048
Appeal by:	Mr Billy Quinn (Craighill Developments Ltd).
Appeal against:	The refusal of full planning permission.
Proposed Development:	Residential development consisting of 32 No. dwellings and associated and ancillary works.
Location:	South-east portion of the former Craighill Quarry, 110m south-west of No. 155 Ballycorr Road, 105m west of No. 156 Ballycorr Road and 230m north-east of Nos. 1, 3, 5 & 7 Ballycorr Road, Ballyclare.
Planning Authority:	Antrim and Newtownabbey Borough Council.
Application Reference:	LA03/2020/0117/F
Procedure:	Informal Hearing on 11th March 2021.
Decision by:	Commissioner Damien Hannon, dated 15th April 2021.

Decision

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

Reasons

2. At the Hearing, the Council withdrew it draft reason for refusal and confirmed that its outstanding concerns could be addressed through the imposition of appropriate conditions. I consider conditions to be necessary to secure not only the satisfactory landscaping of the site, but also the provision and maintenance of policy compliant Open Space. Measures to safeguard against any unacceptable impact arising from the construction process or risk to human health resulting from land contamination are also necessary. Conditions are required to ensure the provision of adequate sewerage infrastructure and to ensure that the development complies with the relevant provisions of the Private Streets (Northern Ireland) Order 1980 (as amended). Control of hedgerow removal and the implementation of the Biodiversity Management Plan is necessary to both mitigate and compensate for the impacts of the proposal on priority and protected species and habitats.

3. The Council did not advance a reason for refusal on road safety grounds and a full Transport Assessment (TA) was not required in respect of the scheme. I accept that new development renders the traffic situation in the area fluid, as evidenced by the fact that a Ballyclare Relief Road is under consideration. However, based on the totality of the evidence submitted, including the Transport Assessment Form (TAF), I am not persuaded that the implementation of a scheme of traffic

signals and road markings at the Rashee Road / Ballyeaston Road junction, as suggested by the Council, would be required on road safety grounds, to accommodate this 32 dwelling scheme. Consequently, I do not consider a condition, requiring such works, to be necessary.

Conditions

(1) As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

(2) If, during the development works, a source of contamination which had not been previously identified is found, works shall cease and the Council's Planning Section shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR 11) and / or the Land Contamination: Risk Management (LCRM) guidance available online at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted to the Council and carried out as agreed.

(3) The existing hedgerows on the north-western and north-eastern boundary of the site shall be retained and protected. Appropriate fencing shall be provided, in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations, to protect these hedgerows prior to any works commencing. No retained hedgerow tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place on any retained hedgerow tree other than in accordance with the approved plans and particulars, without the prior written approval of the Council.

(4) The scheme of planting as illustrated in the 1:500 scale Planting Plan numbered 01 rev. 3 submitted post hearing and received by The Commission on 24th March 2012 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 Council gives written consent to any variation. No dwellings shall be occupied until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space.

(5) The open space and communal amenity areas indicated on the 1:250 scale Proposed Block Plan received by the Council on 28 September 2020 shall be provided prior to the occupation of the 25th dwelling hereby approved.

(6) The Biodiversity Management Plan (BMP) dated December 2020 shall be implemented and managed thereafter in accordance with the approved details, unless otherwise approved in writing by the Council.

(7) No development activity, including ground preparation or vegetation clearance, shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved

CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the planning authority.

(8) No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

(9) Except as otherwise agreed in writing with the Council, all works, including storage of machinery and materials, shall be confined within the red line boundary of the application site.

(10) No dwellings 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 Council in consultation with NI Water. If required, drawings and specifications of the package treatment 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 Council before any development commences. No dwellings to be served by the package treatment plant shall be occupied until it has been installed as approved and is operational. The package plant shall be managed and maintained in accordance with the approved arrangements.

(11) Any required package treatment plant shall be decommissioned and the development connected to a public sewer within twelve months of the planning authority notifying the appellant that the wastewater treatment plant has been upgraded, or within such extended period as the planning authority may agree in writing. The package treatment 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) No development shall take place until a determination has been made under Article 3 of the Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The development shall be carried out in accordance with that determination.

(13) No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

This decision approves the following drawings:-

01	1:1250 scale Site Location Plan Received 19 February 2020
01rev.3	1:500 scale Planting Plan numbered submitted post hearing and received by The Commission on 24th March 2012.
02	Site Analysis – Existing Sections Scale as indicated Received 19 February 2020
03	Site Analysis – Scale as indicated Received 19 February 2020
04	1:500 scale Topographical Survey Received 19 February 2020

05 Concept Site Plan Scale as indicated Received 19 February 2020
06 Concept Masterplan Scale as indicated Received 19 February 2020
7/2 1:250 scale Proposed Block Plan Received 28 September 2020
08 Proposed Site Elevations Scale as indicated Received 19 February 2020
9/3 Proposed Site Sections Scale as indicated Received 28 September 2020
10/3 Proposed Site Sections Scale as indicated Received 28 September 2020
11/1 1:50 scale House Type F1.2 Received 28 September 2020
12/**1** 1 1:50 scale House Type G2.5 Received 28 September 2020
13/1 1:50 scale House Type H1.2 Received 28 September 2020
15/1 1:50 scale House Type J1.0 Received 28 September 2020
17 1:50 scale Single Garage-Plans & Elevations received 15th April 2020
18 1:20 scale Estate Fence Elevation & Detail received 15th April 2020
19 1:250 scale Phase 2a Existing Site Layout received 15th April 2020
20 1:250 scale Phase 2a Proposed Chainage Layout received 15th April 2020
21 1:250 scale Phase 2a Proposed Levels Layout received 15th April 2020
22 1:250 scale Phase 2a Road Long Sections received 15th April 2020
23 1:250 scale Phase 2a Proposed Drainage Layout received 15th April 2020
24 1:250 scale Phase 2a PSD Layout received 15th April 2020
25 1:10 scale D Rail Elevation & Detail received 22 June 2020.
26 1:50 scale House Type F1.2H Received 28 September 2020
27 1:50 scale House Type H1.3 Received 28 September 2020
28 1:50 scale House Type H1.4 Received 28 September 2020
29 1:50 scale House Type G2.5H Received 28 September 2020
30 1:50 scale House Type J1.0H Received 28 September 2020

COMMISSIONER DAMIEN HANNON

2020/A0048

List of Appearances

Planning Authority:-	Mr Kieran O'Connell Mr Chris Perry Mr Gerry Lynch Mr David McQuitty
Appellant:-	Mr Stewart Beattie QC Mr Chris Bryson (Gravis Planning) Mr Sean Foy (Atkins Global) Mr Karl Hamilton (Blackstaff Ecology)
Observers:-	Mr David Worthington (Pragma Planning) Mr David Craigan (Blue Horizon Developments)

List of Documents

Planning Authority:-	COU 1	Statement of Case
	COU 2	Rebuttal
Appellant:-	APP 1	Statement of Case
	APP 2	Rebuttal incorporating a revised Biodiversity Management Plan