Appeal Decision

Planning Appeals Commission
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Appeal Reference:	2025/A0033 (Appeal 1)
Appeal by:	Craighill Developments Ltd
Appeal against:	The refusal of full planning permission.
Proposed Development:	Social housing development comprising 45 No. residential units with associated access, car parking landscape and ancillary works
Location:	Lands within the southwest portion of the former Craighill Quarry, east Ballyeaston Road and south of Craighill Park, Ballyclare
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2024/0925/F
Procedure:	Informal hearing on 6th November 2025
Decision by:	Commissioner McCallion, dated 28th November 2025.

Appeal Reference:	2025/A0050 (Appeal 2)
Appeal by:	Craighill Developments Ltd
Appeal against:	The refusal of full planning permission.
Proposed Development:	Extension of road and footpaths and creation of new turning area at Craighill Park, and removal of existing turning area.
Location:	Lands to the south of No. 38 Craighill Park, including existing turning area, public road and footpaths and section of former Craighill Quarry, Ballyclare.
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2025/0273/F
Procedure:	Informal hearing on 6th November 2025
Decision by:	Commissioner Gareth McCallion, dated 28th November 2025

Decisions

1. Appeal 1 is allowed, and full planning permission is granted subject to conditions.

2. Appeal 2 is allowed, and full planning permission is granted subject to conditions.

Preliminary Matters

Conjoined Appeals

3. The appeals before the Commission are intrinsically linked. Following a request from the Appellant, they were conjoined to be heard and decided concurrently. There was no disagreement from any of the parties to the hearing that this

approach was appropriate. Subsequently, there is a read-across in both appeal cases.

Procedural Matter

4. A procedural matter was raised by third parties to the appeal, pertaining to the statutory neighbour notification requirements associated with planning application LA03/2024/0925/F (appeal 2025/A0033). They advised that in line with prevailing legal requirements the Council should have notified 'identified occupiers' within a 90metre (m) radius of the boundary of the proposed development site. They directed that the statutory definition of 'identified occupiers' are individuals who own or reside in properties. They indicated that, whilst there are numerous occupiers who meet the definition within the 90m radius, only eight properties were formally notified about the proposal. Although this formal notification included the resident of No. 1 Rockland View, the remaining third party representatives, all of whom are residents of Rockland View, only became aware of the proposal via social media.

5. The third parties asserted that, although the Council may have met its legal obligations for publishing the planning application, it had discretion under its Statement of Community Involvement to extend notifications. They argued the Council should have done so, given this appeal's nature, citing a previous application (LA03/2022/0813/F) where all Rockland View residents were notified. They considered that broader notification would have increased public awareness and opposition to the application and appeal.

6. Section 41 of the Planning Act (Northern Ireland) 2011 (the Act) directs to the provision of a development order requiring notice to be given of any application for planning permission and provided for publicising such applications. Regarding neighbour notification, Section 8(1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) (the Order) directs that, where an application for planning permission is made, the Council shall serve notice of the application to any identified occupier on neighbouring land.

7. Whilst planning application LA03/2022/0813/F was not before me in full; I recognise, from clarification provided by the Council at the hearing, that the neighbour notification was carried out more extensively with regards to it. However, from the third parties' evidence, eight properties where identified and the occupiers of each was served notice. During the hearing, the Council confirmed that each of these identified occupiers are also found to be on neighbouring land. 'Neighbouring land' is defined within statute as meaning land which directly adjoins the application site, or which would adjoin it but for an entry or a road less than 20metres in width. Thus, the neighbour notification process, pursuant to Article (8)(1)(b), regardless of the proposal's nature in this case, need only to extend to those 8 properties identified by the Council. I was advised by the Council that the planning application was also advertised in a local newspaper as required by Section 8(1)(a) of the Order, directing readers to the Council's online portal for more information.

8. I acknowledge that there was no legal requirement for pre-application community consultation. However, after submitting the application, the Appellant and Radius Housing held a public event on 27th May 2025, with notification leaflets sent to all occupied properties within 90m on 19th May 2025. While some third parties

claimed not to receive leaflets, others confirmed their attendance. Complaints about the event's content and timing were denied by the Appellant and are not relevant to the procedural issues at hand, so I give them no weight. Additionally, it was confirmed that third parties had not discussed the proposal with the wider community within the 90m radius. Therefore, I am not persuaded that additional formal notifications would have increased opposition to the development. Thus, I find that the Council has carried out its statutory requirements pursuant to Section 8(1)(b) planning application and subsequent appeal before me. I also find that, as the planning application was published in accordance with prevailing legislation and the Applicant went to additional lengths to increase its publicity, no prejudice arises.

Reasons

9. The main issues in each appeal are whether the proposal would:

- result in unsatisfactory piecemeal development;
- result in the unsatisfactory delivery of neighbourhood facilities, open space and equipped children's play area;
- result in unsatisfactory delivery of urban design;
- adversely impact on residential amenity; and
- prejudice the safety and convenience of road users.

10. Section 45(1) of the Act requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP) so far as material to the application and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

11. The Antrim and Newtownabbey Borough Council's Local Development Plan 2030, Plan Strategy (PS), was adopted on 3rd July 2025. The PS sets out the strategic policy framework for the Council area. In accordance with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), where the PS is adopted by the Council, a reference to the local development plan in the Act is a reference to the Departmental Development Plan (DDP) and the PS read together. Furthermore, as the Council has now adopted its PS, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs) have now ceased to have effect within this Council area. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is also material to all decisions at appeal stage.

12. The draft Newtownabbey Area Plan 2005 (dNAP) was published in March 1993 but was never formally adopted. The draft Belfast Metropolitan Area Plan (dBMAP) effectively replaced the dNAP in 2004. In May 2017, the Court of Appeal declared the adoption of the 2014 dBMAP unlawful. Consequently, no reliance can be placed on its provisions. However, dBMAP 2004 remains a material consideration despite it not being a Departmental Development Plan (DPP) or LDP. Within the dNAP and dBMAP both appeal sites are located within the proposed settlement limit of Ballyclare. Both appeal sites are located within the dBMAP zoning BE04/03 'Housing Land at Craighill Quarry'. There are several key site requirements (KSR), contained within dBMAP, associated with this zoned

land. Appeal site 2 is located on lands zoned under BE03/04 'Housing Lands east of Ballyeaston Road'. There are several KSR's associated with this zoning also.

13. In line with dBMAP, both appeal sites are located close to a Site of Local Nature Conservation Importance (SLNCI), 'Map No. 3d - Craig Hill Quarry Geodiversity Site'. However, there are no objections pertaining to this designation. There are no other draft policies or zoning which are pertinent to these appeals. However, the guidance documents 'Creating Places: Achieving Quality in Residential Environments (Creating Places) and Living Places: An Urban Stewardship and Design Guide for Northern Ireland (Living Places) are material considerations.

Site Description: Appeal 1

14. Appeal site 1 is situated in the southwest section of the former Craighill Quarry, located east of Ballyeaston Road and immediately south of the established residential area, Craighill Park. The site consists predominantly of scrubland with a mixture of shrubs, bushes, and grassland. Dense vegetation, including mature and semi-mature trees as well as hedgerows, marks its southern and western boundaries. The eastern boundary remains unmarked, providing open access to the adjacent disused quarry.

15. Currently, the site is accessed via Craighill Park. Topographically, the appeal site is largely uneven given the previous quarrying undertakings, but those areas which have been stripped of topsoil and overburden have a clear south to south-westerly gradient. Its northern boundary comprises a steep, inclined embankment which descends towards the former quarry floor. The floor extends to the southern boundary, which rises sharply forming an embankment. Beyond this embankment the land falls away steeply into neighbouring lands to the south. Interspersed throughout the appeal site are ground water wells (piezometers) as well as some residual stockpiles of indigenous materials owing to the site's former use and ongoing restoration.

16. The areas southeast, west, and north of the appeal site are mainly residential, comprising a mix of detached and semi-detached suburban style housing. On the lands directly south of and beyond the appeal site, most vegetation has been removed in preparation for future development.

Site Description Appeal 2:

17. Appeal 2 is sited on the Craighill Park directly south of No. 38 (Craighill Park) and north of the site of appeal 1. It comprises an extant stretch of road, a turning point, the gated access into the disused quarry and beyond this, a dirt road descending into the same. The southern boundary is defined by a modern black mesh fencing. The northern boundary is defined by a grass embankment and hedge associated with No. 38 and an area of open space. Its western boundary is undefined comprising an open interface to connect the development to Ballyeaston Road. Its eastern boundary is also undefined and opens into the disused quarry beyond.

Appeal 1

Concept Master Plan

18. Outline planning permission (LA03/2019/0510/O), for a residential led masterplan, *inter alia*, local community and neighbourhood facilities (including local retail units,

a community hub, children's playground and medical fitness facilities); new access road and associated infrastructure and ancillary works, was granted by the Council in September 2023. This consent established that the land zoned under BE 04/03 of dBMAP could accommodate, amongst other things, 300 residential units.

19. The Council clarified at the hearing that currently, following the subsequent grant of full planning permission, approximately 83 dwellings have been built within the zoning. Furthermore, the decision held in appeal 2023/A0103, dated October 2024, allowed planning permission for an additional 39 residential units within the zoning on the same lands which are the subject of the appeal before me. This appeal, if allowed, would grant planning permission for 45 residential units on the same lands as those considered under appeal 2023/A0103. Thereby, if implemented, increasing the number of approved residential units at the site by six.

20. The planning history of the site indicates that there have been several previous agreed concept master plans relating to zoning BE 04/03. However, all parties acknowledged that, except for the detailed layout contained within the boundaries of the appeal site, the CMP before me, including lands denoted within the wider zoning for BE 04/03, remains the same as that issued in line with appeal decision 2023/A0103. This CMP demonstrates how the appeal site fits into the overall development, including those lands developed under Phases 1, 2A and 2B and the provision of lands for neighbourhood facilities. As such, there was no dispute between the Council and the Appellant that this plan forms the contemporary CMP for the appeal proposal and remaining area zoned in line with BE 04/03.

Neighbourhood Facilities, Open Space and Equipped Children's Play Park

21. Turning to the matters pursuant to, *inter alia*, the PS, Policy DM17 'Homes in Settlements' advises at DM17.1 that the Council will support proposals for quality and sustainable residential development in settlements, where they do not contribute to town cramming, and where several criteria are met. Whilst my own consideration of the PS recognises that criterion (f) of Policy DM17.1 relates to the provision of necessary neighbourhood facilities, no criteria or criterion was identified in the Council's first reason for refusal nor was it confirmed during the hearing. However, they established at the hearing that, whilst no specific criteria are engaged with respect to the requirement of a neighbourhood centre for the appeal site, to date the provision of the neighbourhood centre remains unfulfilled, despite being denoted on several iterations of the CMP. Thus, the Council argues that, in the round, the appeal proposal is contrary to DM17, and the proposal fails to deliver a neighbourhood centre.

22. Policy DM17 at DM17.7 continues that residential development proposals of 25 units or more, or on sites of 1hectare or more will be expected to provide well designed, safe and accessible public open space as an integral part of the overall scheme in accordance with criteria as listed. The Council confirmed at the hearing that the appeal proposal fails to meet with criteria (c), open space provisions and (d) provision of an equipped children's play area, of Policy DM17.7. Consideration of these matters is discussed further below.

23. Strategic Policy 6 (SP) 'Placemaking a Good Design' at SP6.4, of the PS, directs that for larger scale proposals the onus will be placed on developers to demonstrate that there schemes have considered the core principles of

placemaking and will deliver high quality development. It continues that, the Council will therefore require all proposals of 10 dwellings or more and all non-residential development of 500m^2 internal floor space or greater to be accompanied by a Design and Access Statement. The Council raise no objection regarding the design and assess statement requirements. However, they argue that the proposal has not considered the core principles of placemaking due to the under provision of open space, the lack of an equipped children's play area and failure to deliver a neighbourhood centre.

24. The Council also direct, in its first reason for refusal, to Policy DM25 'Urban Design'. This policy states at DM25.1 that it will require development within settlements to demonstrate a clear understanding of the characteristics of the site, its wider context and how the proposal will connect with the surrounding area. Furthermore, it advises that, all development will be expected to deliver high quality design in its layout and appearance and demonstrate that it has considered the criterion listed within the policy.

25. During the hearing, the Council would not direct specifically to which criterion or criteria of Policy DM25 was offended, advising that the appeal development has failed to deliver the Concept Master Plan in line with Key Site Requirement (KSR) (a) as well as requisites for the wider zoning. They argued that the piecemeal form of development is not appropriate as it fails to deliver other aspects of the zoned land, including the required open space, children's play park and neighbourhood facilities, as provided for under KSR (e). These requirements, the Council consider, are all being pressed into future phases of development within the zoning, with no mechanisms in place through previous appeal decisions nor the current appeal to secure their future delivery.

26. Paragraph 4.16 of the SPPS states that the planning process also has an important role to play in the delivery of good quality housing that supports the creation of more balanced communities. Balanced communities can contribute positively to the creation and enhancement of shared spaces and vice-versa. Offering a variety of house types, sizes and tenures in housing schemes will therefore help with meeting the diverse needs of all the community and enhance opportunities for shared neighbourhoods. The aim should be to create well-linked, mixed-tenure neighbourhoods, with opportunities for communities to share access to local employment, shopping, leisure and social facilities.

27. As the Council advised at the hearing, it recognised that neighbourhood facilities, including a centre, are not part of this appeal proposal and would be best located elsewhere to allow access to residential units within the entire zoned lands planned. However, they contended that the "danger" is that applications submitted in an individual manner will not "trigger" the obligation for facilities or community amenities and thus the applicant(s) will "not be compelled" to deliver these requirements. As such, the Council contend that the appeal proposal is contrary to SPPS at paragraph 4.16 as it does not deliver good quality housing.

28. The Appellant indicated that the provision of neighbourhood facilities is planned for on lands within the CMP to be made available to all outlined approved 300 units. This, he advises, is integral to the holistic development concept and not just the appeal site. Additionally, the Appellant directs that, the appeal proposal is located approximately a 10-minute walk from Ballyclare town centre which contains retail,

fitness, medical and community facilities. However, the third parties contend that walking to these facilities is not safe given the lack of pavement on a section of the western side of the Ballyeaston Road and that services such as health clinics, GPs and Dentists could not cope with an increase in numbers.

29. A contemporary case, planning permission LA03/2024/0807/F taken to the Planning Committee and approved by the Council in November 2024, was presented in evidence by the Appellant. The Appellant argues that the decision granted planning permission for 39 residential units on an area of land, similar in size to that of the appeal proposal, which has been zoned for housing. At the hearing, the Appellant directed that, in considering the application under criterion (f) of Policy DM17.1, the Council considered the relevant planning history of the site which included the approval of 260 residential units, a public square and open space. In doing so, the Appellant advised, that the Council found that the principle of development was considered acceptable.

30. Regarding adequate provision for necessary local neighbourhood facilities, the Appellant points that planning application LA03/2024/0807/F did not include these facilities. The Appellant asserted that, based on the appeal sites size and location, and its proximity to Ballyclare town centre, which are comparable to that of decision taken in LA03/2024/0807/F, there is no requirement to provide any neighbourhood facilities.

31. The appeal site forms part of an approved CMP which demonstrates how the comprehensive planning of the entire zoned lands are to be undertaken. Whilst the Council's arguments relate to Policies DM17 and DM25. Neither policies refer to nor discuss piecemeal development, and their justification and amplification (J&A) does not express any additional insight with respect to same.

32. The parties must focus their arguments on relevant policy and material considerations. Based on the evidence advanced at the hearing and site layout, I find the site's characteristics and context are well understood, and that the proposal aligns with the CMP and existing zoning. The Council failed to provide compelling evidence or a policy basis for its concerns about alleged piecemeal development. No provisions in Policies DM17 or DM25 were cited that specifically oppose piecemeal development or individual applications to meet a housing requirement on zoned land with the benefit of an outline approval. Consequently, I am not persuaded that the appeal proposal would result in an inappropriate form of development. Furthermore, given the submission of the agreed CMP and specification therein of the appropriate provision for a local neighbourhood centre, at an alternative location within the zoned land, I find that the proposal complies with the KSR outlined within dBMAP and, in the round, has satisfied the core principles of placemaking.

33. I recognise that Criterion (f) of the Policy at DM17.1 requires that adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. Having visited the site I would concur with the Appellant that extant facilities, including retail units, medical services and other neighbourhood facilities are within a 10minute walk from the appeal site. I was provided with no cogent evidence from the Council nor third parties that these facilities could not accommodate future residents.

34. Whilst a pedestrian footpath is not found along a short section of the Ballyeaston Road at the front of a semi detach dwelling and adjoining laneway, the footpath on the eastern side of the road is continuous at this point all the way into 'the Square' in the town centre. I also found that, with care, the Ballyeaston Road can be crossed on foot at this point. Moreover, there are several other crossing points, demarcated by pedestrian islands in the centre of the Ballyeaston Road, further north near to Erskine Park and Craighill Park, close to the appeal site.

35. The consistent application of planning policy is a key obligation, and planning authorities are required to act reliably in this context. During the hearing, although the Council referenced the broader scheme concerning the approval of 260 houses and the proximity to Junction 1 (Retail Outlet), it did not address the issue in relation to the analogous nature of its decision in LA03/2024/0807/F. I note that from the case appended, the Council determined that "although the proposal does not include the provision of any local neighbourhood facilities, owing to its size and location, the application site is considered to be suitably and sustainably located in order to avail of a number of existing facilities". I find that, like the aforementioned grant of planning permission, the appeal case is also suitably and sustainably located to avail of several existing retail and other services within Ballyclare town centre.

36. As already discussed, the appeal proposal does not include local neighbourhood facilities within its boundary. However, the Council's concerns centre on how to deliver these amenities outside the appeal site, as outlined in the CMP. In my mind, providing them now would be premature. The CMP places these facilities centrally so all 300 approved units have convenient access to them. If built now, they would be located in the undeveloped part of the former quarry before servicing and infrastructure linkages have been provided. Whereas, the CMP allows for mixed housing types with pedestrian and vehicular connections to future neighbourhood facilities, which will create the necessary connectivity when developed.

37. Additionally, the Appellant directed to and provided a copy of the decision held in appeal 2023/A0103. Within this decision the issue of mechanisms for delivery of the CMP was addressed by the Commission. I would concur with the Appellant that the CMP, whilst previously an evolving document, it provides for the strategic development of land zoned for residential housing, including the appeal site and the wider zonings applicable to it, including neighbourhood facilities and other central community amenities.

38. Regarding the specific mechanisms for the delivery of the provisions of the CMP, the Council advise that no reserve matters application has been submitted in relation to the outline permission granted under LA03/2019/0510/O. Moreover, during the hearing, the Council confirmed that the outline planning permission for the 300 residential units and other associated community development denoted on the concept master plan (CMP) and its subsequent iterations, was not the subject of a planning agreement to secure the delivery of the community facilities.

39. Whilst a list of applications pertaining to the planning history was appended by the Council, including that of the outline permission LA03/2019/0510/O, no party to the appeal provided full details of the previous planning permissions. Therefore, within the evidential context of this appeal, I am unable to offer comprehensive

comments regarding the specific delivery mechanisms or the Council's capacity in relation to meeting the broader requirements for the zoned land.

40. While I recognise that planning applications have been submitted, they may not fully address the CMP's commitments. However, as outlined earlier, existing policy does not give the Commission authority to resolve these matters or prevent submission of individual applications for meeting housing needs within the zone. Rather, each planning application and subsequent appeal must be considered on its merits pursuant to, amongst other things, prevailing legislation and policy. In my opinion, it is not appropriate for the Council to seek mechanisms for delivery of the CMP via these conjoined planning appeals. Rather, as cited within the SP6 of the PS at SP6.1, "the Council will seek to ensure that the principles of placemaking and good design are central to the consideration of all new development proposals in our Borough and will work with architects, urban designers, engineers and developers to support and encourage the delivery of high-quality new development". Thus, in my mind, it requires the Council and the developer to multilaterally secure the timely delivery of community facilities.

41. I find that there is no dispute between the parties that the appeal before me offers a variety of house types and tenures in housing scheme. Therefore, it will help meet the diverse needs of the community and enhance the opportunity for shared neighbourhoods. I also find that the proposal is well-linked to opportunities within the community including links to local employment, shopping, leisure and social facilities. Thus, I find that the proposal is not contrary to the provisions of paragraph 4.16 of the SPPS nor Policy DM25 of the PS and aligns with SP6.4 of the same. Consequently, I am not persuaded by the Council's nor third-party evidence that the appeal proposal is contrary to Policy DM17.1. There is adequate provision within the existing local town centre to local neighbourhood facilities and, as per the CMP, additional facilities are planned within the wider development.

42. Policy DM17 at DM17.7 criterion (d) advises that developments over 100 units shall be required to provide a children's play area unless there is access to one within approximately 400m walking distance of the development proposal. The Council states that although the CMP identifies an area designated for neighbourhood facilities, including a children's play park for the entire zone, the current appeal proposal does not include any plans to provide this park. At the hearing, the Council contended that since more than 100 residential units have now been built in the zone, criterion (d) of DM 17.7 applies. The Council also argued that, as the outline planning permission allows for 300 units, the developer should be responsible for delivering three equipped children's play parks within the zoned lands.

43. The Appellant argued that the threshold for the provision of an equipped children's play park is not met, and criterion (d) is not applicable. He directed that a centrally located play park, intended for the entire community, is already provided within the lands zoned for neighbourhood facilities. He contends that the policy does not require neighbourhood facilities, including children's play parks, to be provided on a pro-rata basis. Moreover, he advised that Policy DM17.7(d) also lacks mechanisms to deliver facilities through the CMP or on land outside the appeal site. Additionally, he pointed that there is a Council play park located within 400 meters of the site near Erskine Park.

44. Third parties stated that a new play park within the appeal site would benefit residents. They noted that existing parks, including Erskine Park, are unsuitable for young children due to misuse and associated disorderly behaviour. They advised that access to centrally located parks is limited by busy town roads, making it unsafe for children to cross, including the Ballyeaston Road to reach Erskine Park. Additionally, poor equipment conditions and abuse of the provisions make Erskine Park unsafe for unsupervised young children.

45. I have previously addressed the mechanisms for delivering neighbourhood facilities, including an equipped children's play area within the broader zoning, and do not intend to repeat my conclusion here. Turning to criterion (d) of Policy DM17 and DM17.7, this provision applies specifically to developments exceeding 100 units, which require an equipped children's play area. The proposal under appeal comprises 45 units within the site, and therefore, I find, that criterion (d) does not apply. Furthermore, as I ascertained during my site visit, there is an equipped children's play area (Erskine Park) located within 400 metres walking distance of the proposed development.

46. Whilst relevant policy does not specify standards regarding the condition of these play areas, I observed during my visit that signage indicated that the park is managed by the Council. Therefore, any issues regarding misuse should be referred to them. At the time of my inspection, surface renovation works were underway, but the play equipment was intact and generally in good condition. No evidence of unacceptable antisocial behaviour was noted, and the park is fenced and gated separately from the adjacent open space. Therefore, based on the above, I find that the concerns raised by the Council and third parties regarding Policy DM17.7 criterion (d) are not substantiated.

47. Policy DM17.7(c) states that proposals over 200 units must provide 20% open space. The Appellant argues this does not apply since the appeal proposal falls under criterion (a), which requires 10% open space for 25-100 units. The Council notes that previous development phases provided less open space than required, as each phase should have contributed 15% according to Policy OS2 'Public Open Space and New Residential Development' from Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation'.

48. The appeal proposal before me demonstrates that more than 10% of the total site area is given over to open space in line with the provisions of criterion (a) of the Policy. I also acknowledge that, as denoted on the CMP, each of the previously approved phases (1, 2A and 2B) of development have provision for 10% of open space defined within them. Thus, whilst I have already identified that PPS's including PPS8 are no longer pertinent to the appeal, I consider the Council's position with respect to open space provisions being undersubscribed, in the evidential context of this appeal, is not substantiated. Consequently, I find that criterion (c) of Policy DM17 at DM17.7 is not engaged in this appeal, and the Council's concerns are misplaced.

49. For the reasons stated above, I find that the appeal proposal aligns with the CMP and complies with local planning policies DM17 and DM25. The Council's concerns about piecemeal development and neighbourhood facilities lack specific policy support, and relevant policies do not prohibit phased applications if housing is already permitted. In my mind, there are adequate accessible neighbourhood

facilities provided locally, including an equipped children's play area. Existing amenities nearby are sufficient, and concerns over open space and play parks are unsubstantiated. The site's planning history calls for future neighbourhood facilities, including pedestrian greenways. Requiring these provisions to be included in the appeal development would not be appropriate, as they are planned, in line with the contemporary CMP, for a central area of the former quarry. Currently, this land is not prepared for development. Thus, delivering these provisions at this stage would be premature for the current proposal. Consequently, for the reasons provided above, the Council's first reason for refusal is not sustained.

Urban Design

50. Draft BMAP, Zoning BE 04/03, KSR (g) states that housing layout shall be designed to ensure that dwellings front onto the Ballyeaston and Ballycorr Road. Paragraph 6.137 of the SPPS advises that in preparing Local Development Plans planning authorities must deliver increased housing density without town cramming. It continues that within the established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

51. The Council contends that the appeal proposal is contrary to KSR (g) of the dBMAP, paragraph 6.137 of the SPPS and Policy DM25 of the PS as there are several house types which face onto the Ballyeaston Road, and the proposed internal estate road, which are not dual frontage. Although the refusal reason mentions Creating Places, the Council did not explain how the proposal conflicts with this guidance, either in writing or during the hearing. The Council did not specify which criterion or criteria of Policy DM25 were engaged, either in its written evidence or when questioned at the hearing.

52. However, through discussion at the hearing, it became evident that their concerns involved ensuring active frontages overlooking open spaces and buildings facing streets to help reduce antisocial behaviour and foster sufficient interest, activity, and interaction between the dwellings and the public road. The Council also directed that the policy provisions seek to achieve a high standard of quality, as opposed to a quality and sustainable residential environment as required under former Policy QD1 'Quality in New Residential Development' of the PPS7 'Quality Residential Environments'. At the hearing, the Council identified plots 1, 43, 31, 36 and 37 which they argue will not make a positive contribution of the character of and appearance of the surrounding area, thus failing to accord with Policy DM25.

53. The Appellant contends that Council's concerns about the design features of the dual frontage and internal plot layouts are comparable to those considered under appeal 2023//A0103. The Appellant expressed frustration that the Council disregarded the Commission's findings and revisited, in their opinion, an already resolved issue. They note the Commission previously found these features acceptable, and the revised designs display similar features found on the approved house types. Although the Council disagreed with the Commissioner's findings on design and layout at the hearing, whether a square bay window on the ground floor is an 'active' frontage, the Appellant referenced the appended judgment, *ABO Wind NI Limited and Energia Renewables Company 1 Limited*

[2021] NIQB 96 (NIQB 96), highlighting the precedent value of Commission decisions. The judgment also stated that any objections to the Commission's decision should be addressed through the Courts.

54. While I recognise the Commission's decision in 2023/A0103 and the judgment delivered in NIQB 96, to ensure thoroughness, I plan to first examine the house types and designs associated with plots 1 and 43, before moving on to assess plots 31, 36, and 37.

55. Plots 1 (type H) and 43 (type G) sit north and south of the proposed access road into the appeal site. The Council noted that both have three frontages, which they consider unacceptable. Plot 1 faces Ballyeaston Road in two directions and fronts the internal road; Plot 43 similarly faces Ballyeaston Road twice and fronts the internal road without a front door or active elevation. The Council says that while the elevations facing Ballyeaston Road appear "dressed up", they are essentially side elevations, and the 1.2m high metal railing along the boundary makes all these elevations clearly visible from the road. Therefore, the Council argues that these plots do not offer an attractive façade to the public.

56. The Appellant asserts that none of the dwellings on the respective plots possess three frontages, and that the site layouts reflect 'turn the corner' design akin to those approved under appeal decision 2023/A0103. Comparative examples between the approved house type H and the proposed house types G and H were included in the Appellant's evidence. He points that these demonstrate that high-quality and key features have been maintained to ensure robust frontages for the dwellings. Furthermore, during the hearing, the Appellant argued that the Council failed to properly evaluate plot sizes, incorrectly interpreted the orientation of the dwellings, and did not account for existing vegetation or its enhancement, which would provide screening for the development, including plots 1 and 43, from Ballyeaston Road. He also contended that the Council had misinterpreted the wall heights as indicated on the submitted plans.

57. Initially, I note that the Commissioner's remarks in the appended appeal decision 2023/A0103 concerning strong active frontages focused on corner plots within the appeal site and their connection to the proposed internal road. While Plots 1 and 43 are both proposed to occupy corner sites and have elevations facing the internal proposal road, as previously mentioned, they also front externally onto existing Ballyeaston Road. In my view, this distinction makes the current situation, with respect to these two plots and proposed dwellings within them, different from the earlier appeal decision.

58. Proposed housing type H in plot 1 has a typical front elevation, orientated towards the proposed internal road, comprising of a reception room window and front door at ground level, with corresponding bedroom windows above. The flank elevation, which is orientated towards the Ballyeaston Road has a ground floor bay-window and bedroom window. Both elevations are rendered in brick. The bay window serves as a design element that creates active frontage, allowing both facades to address the adjacent streets. The rear elevation features a doorway flanked by two windows on the ground floor; one providing access to a shower room, and a single bedroom window on the first floor, all oriented towards the private amenity space rather than Ballyeaston Road. Therefore, I find that the proposed dwelling for plot 1 adequately responds to its corner position.

59. Furthermore, I also note proposed boundary treatments and landscaping associated with Plot 1 and Plot 45. The site layout plan (Drawing No. 02A, received on 7 May 2025) proposes a 1.8m high brick wall along the northern part of plot 1's western boundary to separate its rear area from Ballyeaston Road. A 1.8m high double boarded fence is also planned for the rear boundary of plot 1 and the southern boundary of plot 45. The landscaping plan (Drawing No. 29, received 20 December 2024) includes a woodland planting screen at plot 45's boundary and extra heavy standard trees in its front space. These boundary treatments and landscaping, along with the dwelling orientation of plot 1 will effectively screen its rear elevation from pedestrians and road users from Ballyeaston Road.

60. Like plot 1, plot 43's rear amenity space extends south from the proposed dwelling, enclosed along its southern and southwestern boundary by a 1.8m high brick wall and double-boarded fencing, with woodland planting planned along the southern boundary. From the proposed layout plan (Drawing No. 02A), the proposed house (type G) faces both Ballyeaston Road and the new internal road, while its rear elevation overlooks its proposed private amenity space and No. 92 Ballyeaston Road. Both street-facing elevations feature active frontages; a bay window facing Ballyeaston Road, and kitchen, door, and reception room windows overlooking the internal road. Whilst one of the windows on the ground floor along the eastern flank of this proposed unit opens into a shower room, and the first-floor windows are all bedroom windows, I find that there are two active frontages associated with the dwelling.

61. The Council questioned the inclusion of a single bay window but offered no cogent evidence against considering both house types as active frontages. My review of the site and surrounding area shows such frontages are common in the locality, with entrance doors and windows on one side and feature windows on another, all facing public roads. In my mind, the proposed 'turn the corner' layout for plots 1 and 43 adds design interest and offers informal surveillance. Proposed planting beyond the plot boundaries will maintain partial views of both plot frontages. Landscaping and subsequent maintenance can be addressed as planning conditions if approval is granted. The dual street-facing elevations ensure active frontages at these corner sites, and I do not consider the facades unattractive or the single bay window inadequate for visual interest. Overall, the designs provide active frontages for plots 1 and 43, orienting the buildings toward the streets, including Ballyeaston Road.

62. Turning to the remaining internal plots, 21, 36 and 37. The Council advised that these occupy corner plots and the front elevations for each is acceptable. However, they argued that the plots second elevation being presented into the proposed internal road is a 'side elevation' and the inclusion of a ground floor bay window does not make it a dual frontage dwelling. During the hearing, the Council also express concerns regarding the position of a proposed 1.8m high brick wall being positioned in front of bay windows associated with each dwelling.

63. As found for plots 1 and 43, the bay window adequately responds to corner site plots. Therefore, I am satisfied that the house types for plots 21, 36 and 37 provide active frontage. The layout shows that plots 36 and 37 have 1.2m high metal railings in front of their bay windows, while plot 21 features 1.2m high defensible

planting. These boundaries allow views from the windows into adjacent open spaces or roads. Thus, the Council's concerns are unfounded.

64. Overall, I find that the proposed dwellings on plots 1, 43, 21, 36, and 37 successfully provide active, visually engaging frontages to both the public road and internal estate road. The inclusion of bay windows, entrance doors, and other fenestration, combined with thoughtfully designed boundary treatments such as metal railings and defensible planting, as plainly denoted on the layout plan, ensures that these plots offer appropriate informal surveillance, provide outlooks and accesses from the buildings different orientations and positively contribute to the proposed development. The landscaping and boundary proposals further enhance the character and visual amenity of the development. Accordingly, I am satisfied that the proposed layouts and elevations respect local character and environmental quality, in line with the relevant policies and guidance. The Council's concerns regarding insufficient active frontage of the dwellings and the lack of high-quality design are not substantiated on the evidence before me. Therefore, I conclude that the proposal complies with Policy DM25 of the PS, aligns with paragraph 6.137 of the SPPS and KSR (g) of zoning BE 04/03 of dBMAP, and the Council's second reason for refusal is not sustained.

Residential Amenity

65. Criterion (e) of SP 6.3 directs that proposals should ensure that new development does not cause unacceptable amenity impacts. Criterion (c) of Policy DM 25 at DM 25.1 asserts that proposals should be designed to be compatible with adjacent land uses and not have a detrimental effect on the amenity or character of any adjoining properties and the surrounding area. Policy DM 28 at DM 28.2 advises that the following issues, which may result from the development, will be a material consideration in the assessment of proposals:
    - Overlooking and/or loss of privacy;
    - Dominance or overshadowing;
    - Noise, vibration and other forms of disturbance;
    - Odour, fumes and other forms of environmental pollution.

66. Guidance contained within Creating Places advises that well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy. The amount of space considered appropriate will vary according to the location, context and characteristics of the site, and will generally be set by the overall design concept for the development. It adds that, where smaller separation distances are employed, the design should include mitigating measures to help promote privacy, for example, through the location of bathrooms and the use of high level windows on upper floors to minimise the overlooking of living room windows and gardens of buildings opposite. The guidance continues that, where the proposed development abuts private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking.

67. The Council advise that the proposal is unacceptable as it will result in overlooking, loss of privacy and dominance in relation to approved development on lands directly south of the appeal site. They contend that the proposed dwellings on plots 35 and 36 back onto approved development of plots 54 through to 58, whilst dwellings on proposed plots 37 through the 41 back onto the approved plots of 48 through to 50.

68. During the hearing, the Council confirmed that whilst the approved development on neighbouring lands sites sits at a significantly lower level than the appeal site, the boundary between the two sites is "defined mostly by mature, dense trees and hedgerows some 7 – 8m in height". Furthermore, the Council indicated that the landscape drawing shows this boundary "being planted out with shrubs and some…trees" and delineated by a 1.8m high "close boarded fence". The Council also corroborated that the appeal development can achieve a separation distance of 20m between the proposed and approved opposing rear elevations. However, they argued that a greater separation distance is required "given the vast differences" in finished floor levels between the approved and proposed plots within the appeal site.

69. The Appellant directed that the finished floor levels were like that considered under appeal 2023/A0103 and that the issue had been resolved previously. During the hearing, the Appellant provided a comparison between the finished floor levels approved under 2023/A0103 (approved drawing appended to the evidence) and those levels within the layout plan proposed for the plots identified by the Council within the appeal site. The figures presented and my own reading of the plans show very little differences between the approved and proposed levels within the appeal site. Whilst the Council did present a different set of figures, when pressed they could not clarify what plans these figures had been taken from. Following an adjournment, the Council confirmed that they had reviewed the plans used to determine appeal 2023/A0103 and offered no further disagreement with the levels proffered by the Appellant. I also note that the 1.8m high fencing along the southern boundary of the appeal site is to be double boarded and not close boarded, as per the key on the layout plan.

70. At the hearing, I was directed by the third parties to the proposed dwellings associated with plots 44 and 45 which both front onto the Ballyeaston Road, opposite the junction with Rockland View. The third parties expressed concerns regarding overlooking and dominance, with the proposed dwelling being sited at a topographical level which is higher than any of the dwellings within Rockland View. Concerns were also raised with respect to the same issues and impacts on Nos. 125, 127, 85, 83a and 83 Ballyeaston Road, opposite plots 1 and 43, and the dwelling at No. 92 Ballyeaston Road, located on lands south of plot 43.

71. From my site visit, I observed that the nearest extant property to plots 44 and 45 is that of dwelling No. 1 Rockland View. The appeal proposal's site layout plan shows that both dwellings within these plots would be set back some 14m from the pavement along the eastern side of the Ballyeaston Road, to allow for a degree of front amenity space and off-street parking. Given the width of the road and the pavements on both sides, which I estimate to be around 15m and taken with the amenity space comprising the front garden of 1 Rockview Road, I find that the required distance of 20m is more than met.

72. Regarding Nos. 125, 127, 85, 83 and 83a, I have already estimated that the width of the Ballyeaston Road including the pavements is around 15m. The fronts of the proposed dwellings, in Plots 1 and 43, which face onto the Ballyeaston Road are to be set back by a minimum of 3m from the boundary of the pavement. From my site visit, I observed that each of the properties from No.125 through to No. 83a have at least 5m of amenity space between the western pavement along the

Ballyeaston Road and the existing dwellings. Thus, the layout of plots 1 and 43 meets with the standards set out in Creating Places. As already outlined, there is landscaping treatments proposed to be carried out within the amenity spaces of plots 1 and 43, which directly adjoin the Ballyeaston Road. Thus, in my mind, this landscaping will enhance amenity.

73. Regarding No. 92, I observed that the distance between the boundary of the appeal site and the gable wall of the dwelling of No. 92 to be around 7m. There are no windows found along this gable. The distance between the proposed dwelling in plot 43 and the proposed 1.8m high double boarded fencing which its to be erected along the appeal sites southern boundary, behind this dwelling, is some 7.5m with a gap between this fence and the boundary of No. 92 Ballyeaston Road. Currently, this boundary comprises of mature, dense trees which are to be retained and augmented with additional planting. Whilst the minimum 20m is not met here, the rear windows of plot 43 will not by virtue of existing and proposed boundary treatments and the orientation of existing dwelling, overlook No. 92 Ballyeaston Road.

74. The landscape proposals show the western and southern boundaries of the four plots being planted out with woodland screen, further augmenting the degree of separation between the proposed plots and properties referred to by third parties. As noted above, implementation of the landscaping scheme can be conditioned if approval is forthcoming. Whilst I recognise that there are topographical differences between the plots and the existing dwellings in Rockland View, I find this to be acceptable. In any event, given the degree of separation and landscaping proposals, I am not persuaded that the proposed dwellings in these plots will give rise to adverse impacts to residents of Rockland View or those occupied Nos. 127, 85, 83, 83a and 92 Ballyeaston Road by virtue of overlooking or dominance.

75. I find that the evidence presented demonstrates that the proposed development largely adheres to the guidance set out in Creating Places regarding privacy and overlooking. The separation distances between the new and existing dwellings generally meet or exceed the accepted standard of 20 metres, and the variations in finished floor levels do not substantially alter the relationship between the approved and proposed dwellings within the appeal site. Furthermore, the presence of mature trees, dense hedgerows, and additional landscaping, alongside a 1.8m high boarded fence, provides a robust physical and visual buffer, reducing any potential for overlooking or dominance. The Council's and third parties concerns about these particular amenity impacts have not been substantiated, and the boundary treatments and landscaping proposed will provide further enhancement. Accordingly, the proposal is considered compatible with adjacent land uses and does not result in unacceptable impacts on residential amenity, and does not offend Policies DM25, DM28 and prevailing guidance. Consequently, the Council's third reason for refusal is not sustained.

76. I recognise the concerns about additional amenities raised by third parties regarding the proposed social housing component of the appeal development. Third parties referenced several local social housing projects, such as Charles Drive, Elizabeth Gardens, and Erskine Park, and suggested that behaviours observed in the latter, like territorial markings, flags attached to lampposts, and allegations of public disputes, and general antisocial conduct, might also occur at the appeal site. They further pointed out that a flag was recently placed on a

lamppost in Rockland View and there is no recourse to remove it. They expressed concerns that disruptive behaviour could harm young children and vulnerable persons living in the area.

77. Third parties expressed disquiet that the appeal proposal could result in lower local property values, advising that dwellings in Rockland View currently valued at between £220,000 and £290,000. Additionally, they argued that Radius's information regarding the proposal only outlines the delivery of minor benefits to the site itself without improving Ballyclare as a whole.

78. The Council confirmed that prevailing planning policy promotes affordable housing and raised no concerns about the social housing aspect of the proposal. The Appellant rejected the third parties' comments and questioned whether they were relevant to the appeal.

79. No substantial evidence was provided to support the allegations of anti-social behaviour. Matters concerning flag displays and street markings on public property fall under the jurisdiction of the police and the Council. While I acknowledge the importance of local knowledge, there was no supporting evidence such as police reports to corroborate these concerns. Regardless of the circumstances, the anecdotal accounts provided at the appeal do not demonstrate that the proposed social housing will lead to anti-social behaviour. Thus, I am not persuaded that the appeal proposal threatens children, vulnerable individuals, or current residents.

80. Turning to third parties concerns regarding the impact on property values, I was again provided with no credible evidence to support this claim. Furthermore, there was no evidence before me to demonstrate how existing social housing developments close to the appeal site and Rockland View have impacted on property values in this area. As such, I am not persuaded that the appeal proposal would significantly impact on property values in the area. Therefore, I find that allegations of antisocial behaviour and negative impacts on property values are not substantiated.

Safety and Convenience of Road Users

81. Strategic Policy SP 3 'Transportation and Infrastructure at SP 3.10 'Access and Parking' advises that the Council seek to ensure that all new development provides safe access arrangements that will not significantly inhabit the free flow of traffic and that sufficient car and cycle parking is provided. Policy DM10 'Access and Parking' advises that the Council will support development proposals where it is demonstrated that it meets with criterion (a) through to (c).

82. During the hearing, the Council advised that the general access arrangements are acceptable, and their concerns centred on the removal of a turning head on Craighill Park. As the Council indicated within its written evidence, this matter is the subject of appeal 2 and the removal of this turning head would prejudice the safety and convenience of road users. This matter will therefore be considered under appeal 2.

83. The third parties also raised road safety concerns regarding the proposed main access to the appeal site and plots 44 and 45; all having to cross the turning lanes associated with the existing accesses into Erskine Park and Rockland View. They advised that these junctions are used daily by existing residents and the new

access points associated with the appeal development would significantly increase the risk of traffic collisions, prejudicing road safety. I was advised that traffic concerns were explicitly raised through planning application LA03/2022/0813/F and contributed to its refusal and therefore this inconsistency between applications raises serious questions about the adequacy of the current traffic impact assessment and whether the safety of existing residents is being considered.

84. Based on my site observation, the main access to the proposed development is southeast of Erskine Park, where there is no dedicated right-turn lane. The existing turning lane at Rockland View and Ballyeaston Road serves Craighill Park, so northbound vehicles will already be slowing down and signalling to turn right. In my mind, the shared driveway for plots 44 and 45 will use this lane without significant safety concerns. However, the greater safety risk appears to be an extant one, with southbound vehicles potentially using the same existing lane to turn right into Rockland View.

85. During the hearing, the Appellant directed to the consultation from the Department for Infrastructure (DFI). The Appellant advised that, whilst DFI have concerns regarding the removal of a turning head, they have no objections to the proposal per se. The Appellant's Road Engineer also commented that whilst access to plots 44 and 45 will require crossing the right turning lane, it serves Craighill Park. He further contended that, the access arrangements are in line with prevailing geometrical parameters and guidance, closely based on the approved layout for the extant planning permission and associated Private Streets Determination plan. I was provided with no substantive evidence which countered the Appellant's and DFI's position with regards to the geometry and safety matters. If permission were to be forthcoming, the access arrangements could be conditioned to ensure that they are provided in accordance with the appropriate geometrical requirements as per prevailing private streets legislation.

86. The full details of planning application LA03/2022/0813/F, were not append in evidence. Therefore, I am unable to contextually compare it to this appeal. However, I do have information about appeal 2023/A0103, which determined the outcome of that proposal. Consequently, whilst parking standards were considered, there were no matters raised with respect to traffic movements, turning lanes or potential collisions.

87. For the reasons outlined above, I am satisfied that the concerns raised by third parties regarding road safety have not been substantiated by persuasive evidence. Furthermore, while concerns about access and traffic safety have been voiced, the proposed arrangements align with established guidance and reflect the previously approved site layout. The Department for Infrastructure, despite reservations concerning a turning head, has not objected to the proposed development. Notwithstanding matters pertaining to the turning head, which will be considered under appeal 2, I find that the development, as proposed, provides safe and suitable access without materially compromising the safety or convenience of road users.

88. However, in addition to the conditions already referred to, if planning permission were to be forthcoming, there will be a requirement for conditions to ensure the orderly development of the site and roadworks necessary to provide satisfactory access to each dwelling. A verification report for remediation and monitoring

works will also be required to ensure that works undertaken are in accordance with the mitigation and applicable standards. Whilst the site is largely devoid of topsoil and overburden, the Appellant advised that a programme of archaeological works was underway, and he had no objection to conditions requiring its submission and subsequent implementation. Additionally, adequate sewage disposal will need to be provided.

Appeal 2

89. The existing turning head was approved and developed under the planning permission U/2003/0376/F which granted, inter alia, 59 dwellings in Craighill Park. If approved, the implementation of the development, subject to appeal 1, would see this turning head being removed to facilitate the rear amenity space associated with proposed plots 13 and 14. There was no disagreement between the parties that the appeal proposal seeks to remove this turning head, extend the length of public road in an easterly direction into a section of the disused quarry and provide a replacement turning head.

90. As outlined earlier, SP 6 'Placemaking and Good Design of the PS at SP 6.1 states that the Council will seek to ensure that the principles of placemaking and good design are central to the consideration of all new development proposals. It continues at SP 6.2 that "all development proposals will be expected to respond to and enhance local character, help create a sense of place and reflect the distinctiveness of the unique Places of the Borough and assist in the promotion of biodiversity [sic]". The strategic policy resumes at SP 6.3 advising that the matters outlined will be achieved by:

    (a) Encouraging high quality new development through the application of detailed management policies which promote quality in both urban design and rural development;
    (b) Ensuring new development reinforces those areas which exhibit a distinctive character within the Borough;
    (c) Ensuring new development respects, protects and where possible enhances our historic environment and natural heritage assets;
    (d) Applying the key principles and best practice contained within relevant supplementary planning guidance documents; and
    (e) Ensuring new development does not cause unacceptable amenity impacts.

91. The Council content that the proposal is for a roadway, nothing else and it does not serve any approved development. The Council direct that the SPPS highlights the importance of placemaking, with it being a people centred approach to planning, design and stewardship of new developments and public spaces. The Council states that Creating Places recommends considering not only the design of buildings, but also their layout, landscaping, access, and relationship to their surroundings when assessing the quality of living environments. They also note that Living Places emphasises the importance of developments not being dominated by roads and reaffirms the key principles of good placemaking. According to the Council, the appeal site lies within a housing zone (BE 04/03) and should be evaluated as part of the overall development for that entire area. However, as confirmed during the hearing the Council's concerns came down to two principle issues:

- that the Appellant has not submitted a CMP for the current appeal to demonstrate how the wider zoned land will be fully developed, including the provision of a children's play area, neighbourhood amenities, and adequate public open space and, there is no information detailing how such a masterplan would be implemented.
- the access road that does not serve any development and the failure to provide a CMP is contrary to SPPS, dBMAP and SP6 of PS.

92. Although I acknowledge their concerns related to the CMP, the Council did not provide me with convincing evidence explaining why these provisions would be required for a road proposal. While concerns regarding the provision of open space, neighbourhood facilities, and a children's play area have been raised, there is no explicit requirement for these within SP6 in relation to the relocation of a turning head for a road scheme. Indeed, SP6.1, 6.2, and 6.3 do not specifically address requirements for neighbourhood facilities or children's play areas, nor specify amounts of open space. Evidence confirms that a contemporary CMP exists for the appeal sites and the zoned area BE 04/03, countering the Council's assertion to the contrary.

93. On inspection, the appeal site concerns a section of road which extends eastwards from Craighill Park, beyond the existing northern branch that serves all dwellings within the approved housing development. The appeal site itself does not serve any residential units and instead provides vehicular access to the disused quarry, which is currently undergoing land restoration and groundwater management. The proposed extension of the road and relocation of the turning head is modest in scale and maintains access to the quarry, fulfilling a functional purpose. Although the removal of the existing turning head necessitates an abandonment order, which may take some time to finalise, I was advised at the hearing that the process is well advanced, contingent on the outcome of this appeal. In any event, if planning permission was forthcoming, the proposal would be subject to a determination in line with private streets legislation.

94. Given the absence of direct policy requirements for additional neighbourhood amenities or open space for this specific road proposal and considering the ongoing CMP and the functional necessity of the road extension, I find that the proposal does not offend the applicable provisions of dBMAP nor the SPPS and the Council's reliance on SP6.1, 6.2 and 6.3 is misplaced. Accordingly, the Council's first reason for refusal is not sustained.

95. Policy DM25 at DM25.1 advises that the Council require development within settlements to demonstrate a clear understanding of the characteristics of the site, its wider context and how the proposal will connect with the surrounding area. It continues that all development will be expected to deliver high quality design in its layout and appearance and demonstrate that it has considered the criteria listed within the Policy.

96. Criterion (l) requires that proposals incorporate an appropriate landscaping scheme which includes proposals for the treatment and retention of existing trees an other landscape features. Whilst the appeal site is largely devoid of existing trees, and a landscaping scheme did not accompany the planning application, the Council confirmed that these details could be provided prior to the

commencement of development by a planning condition, if approval was forthcoming.

97. However, at the hearing, the Council maintained that a landscaping plan would not overcome its concerns with how the proposal would deliver a high-quality design and address the impact on the character of the area. They also raised issues with respect to proposed levels and lack of details in relation to retaining walls.

98. The Appellant confirmed that the levels of the proposed road are consistent with those required for private streets with no objections being raised by DFI. Outer slopes, along the southern boundary of the appeal site will be graded to tie into the topographical levels denoted in appeal site 1,negating the requirements for retaining walls. The site is to be tied into the existing road at Craighil Park, retaining the character of the road provisions already extant and those proposed in appeal 1.

99. As confirmed by the Council at the hearing, residents adjacent to the eastern boundary of Craighill Park currently face a disused quarry. While restorative measures are underway, including the creation of a lake, this area remains predominantly characterised by ongoing development.

100. It is my assessment that a brief section of road construction, occupying less than half a hectare, particularly when enhanced by a comprehensive landscaping scheme, is unlikely to adversely affect the area's character. The proposal integrates well with its surroundings, and the planned landscaping will encourage biodiversity, which is presently lacking due to the absence of trees and the exposed rock, typical of the part of the appeal site's former use. Therefore, the design is of high quality within its defined parameters. As such, the Council's second reason for refusal is not sustained.

101. Since neither of the Council's reasons for refusal have been upheld, the appeal is granted subject to the conditions outlined below. Accordingly, my assessment finds that the proposed development under appeal 2025/A0050 is satisfactory, and therefore the Council's objections regarding the removal of the turning head are not upheld. As such, the fourth reason for refusal under appeal 2025/A0033 is also not sustained, and planning permission is also granted for appeal 1, subject to the conditions stated below.

Conditions 2025/A0033 (Appeal 1)

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

2. 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.

3. 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.

4. The open space and communal areas indicated on Drawing 2A dated stamped the 7thMay 2025, shall be provided prior to the occupation of the 25th dwelling hereby approved.

5. The proposed landscaping as shown on drawing No. 29, date stamped the 20th December 2024, shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained for the lifetime of the development at a minimum of 2metres for hedging and a minimum height of 4 metres for trees, unless necessary to prevent danger to the public in which case a full explanation shall be provided to the planning authority in writing prior to the their removal.

6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

7. Prior to the occupation of any dwellings hereby approved, a landscape management and maintenance plan relating to the approved drawing No. 29, date stamped 20th December 2024, shall be submitted to and approved in writing by the planning authority, setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all landscaped areas. The landscape management plan shall be carried out as approved.

8. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by an Archaeologist, submitted to and approved in writing by the planning authority. The POW shall provide for:
   - The identification and evaluation of archaeological remains within the site;
   - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
   - Post- excavation analysis sufficient to prepare an archaeological report, to publications standards if necessary; and
   - Preparation of the digital, documentary and material archive for deposition.

9. No site works of any nature or development shall take place other than in accordance with the programme of works submitted to and approved under condition No. 8.

10. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the POW approved under condition 8. These measures shall be implemented, and a final archaeological report shall be submitted to the planning authority within 12 months of the completion of the archaeological site works, or as otherwise agreed in writing with the planning authority.

11. No approved dwelling associated with the development hereby permitted shall be occupied until the remediation measures as presented within the Remediation

Strategy Report, Document No. 3, date stamped 20th December 2024, have been fully implemented and verified to the satisfaction of the planning authority.

12. If during the development works, a new source of contamination and risk is found, which has not been previously identified, works shall cease, and the planning authority will be notified immediately. A new contamination source shall be fully investigated in accordance with the Land Contamination: Risk Management Guidance – available on line at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to be agreed with the planning authority before being implemented.

13. There shall be no amendments or deviations from the remediation and verification recommendations contained within the Remediation Strategy Report, Document No. 03, date stamped 20th December 2024, unless a risk identified pursuant to condition No. 12 is encountered and only following prior written approval of the planning authority.

14. After completing the remediation works, referred to in condition 11 and any subsequent amendments if applicable, as referred to in conditions 12 and 13, a verification report shall be submitted in writing and agreed by the planning authority. This report shall be completed in accordance with the guidance referenced in condition No. 12.

15. 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 planning authority 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 planning authority 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.

Conditions 2025/A0050 (Appeal 2)

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

2. 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.

3. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme of planting as finally approved 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.

These decisions are based on the following drawings: -

2025/A0033 (Appeal 1)

Plan	**Council No.**	**Date Stamp**
Site Location	1	20th Dec 2024
Proposed Layout	2A	7th May 2025
Proposed Conceptual Master Plan	3	20th Dec 2024
Existing Site Analysis	4	20th Dec 2024
Proposed Concept Plan (indicative purposes – ask?	5	20th Dec 2024
Proposed Plans HTA/A1	6	20th Dec 2024
Proposed Plans HTB/B1	7	20th Dec 2024
Proposed Plan HTC/C1	8	20th Dec 2024
Proposed Plans HTE	9	20th Dec 2024
Proposed Plans HTD	10A	7th May 2025
Proposed Plans HTF	11	20th December 2024
Proposed Plan HTG	12A	7th May 2025
Proposed Plan HTH	13A	7th May 2025
Proposed Apartment Plans	14	20th Dec 2024
Proposed Elevations (Brick) HTA/A1	15	20th Dec 2024
Proposed Elevations (Render) HTA/A1	16	20th Dec 2024
Proposed Elevations HTB/B1 (Brick)	17	20th Dec 2024
Proposed Elevations HTB/B1 (Render)	18	20th Dec 2024

Proposed Elevations HTC/C1 Render	19	20th Dec 2024
Proposed Elevations HTD (Brick)	20A	7th May 2025
Proposed Elevations HTE (Render)	21	20th Dec 2024
Proposed Elevations HTF (Render)	22	20th Dec 2024
Proposed Elevations HTG (Render)	23A	7th May 2025
Proposed Elevations HTH (Brick)	24A	7th May 2025
Proposed Apartment Elevations	25	20th Dec 2024
Proposed Sections (AA &BB)	26A	7th May 2025
Phase 3 Longitudinal Sections (Road)	27	20th Dec 2024
Private Streets Drawing	28	20th Dec 2024
Landscaping Proposals	29	20th Dec 2024
Boundary Treatments (sheet 1) Ballyeaston Road	30A	7th May 2025
Boundary Treatments (sheet 2) Ballyeaston Road	31A	7th May 2025
Proposed Elevations HTI/1 (Brick)	32	7th May 2025
Proposed Elevations HT/I 1 (Render)	33	7th May 2025
Proposed Section (CC)	34	7th May 2025
Proposed Plans HTI/1	35	7th May 2025

2025/A0050 (Appeal 2)

Plan	**Drawing No.**	**Date Stamp**
Location Plan	01	16th April 2025
Proposed PSD Layout	02	16th April 2025

Proposed Road Long Sections	03	16th April 2025
Existing Site Layout	04	16th April 2025

COMMISSIONER GARETH McCALLION

List of Appearances

Planning Authority: -	Mr Barry Diamond (Antrim and Newtownabbey Borough Council) (r).
Appellant: -	Mr Chris Bryson (Gravis Planning); Mr Billy Quinn (Craighill Developments Ltd); Mr Michael Martin (LIKE Architects)*+; Mr Adam Heaney (Taylor Boyd Civil Engineers); Ms Denise Quinn (Radius Housing); Ms Claire McGowan (Radius Housing – observing); and Mr Scott Cackett (Radius Housing - observing).
Third Parties: -	Ms Iris Boyd (Resident & Objector- 4 Rockview Lane)+; Ms Wendy Luke (Resident & Objector – 2 Rockview Lane)+; Ms Louise Ball (Resident & Objector – 5 Rockview Lane) (r)*; Mr Colin Montgomery (Resident & Objector- 1 Rockview Lane) (r)*+; Mr Christopher Marcus (Resident & Objector – 3 Rockview Lane) (r); and Councillor Stephen Cosgrove - no stated position (observing)*+

(r) - denotes remote attendance
* - denotes partial attendance during appeal 1
\+ - denotes those participates who choose to leave the discussions before the hearing moved onto appeal 2.

List of Documents

2025/A0033 (Appeal 1)

Appellant: -	Statement of Case, Gravis Planning.
Planning Authority: -	Statement of Case, Antrim and Newtownabbey Borough Council.
Third Parties: -	Statement of Case submitted by the Residents of Nos. 1 through to 5 Rockview Lane, Mr Montgomery, Ms Luke, Mr Marcus, Ms Boyd and Ms Ball respectively.

2025/A0050 (Appeal 2)

Appellant: -	Statement of Case, Gravis Planning.
Planning Authority: -	Statement of Case, Antrim and Newtownabbey Council.