Appeal Decision

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Appeal Reference:	2014/A0213.
Appeal by:	Lagan Homes Ltd.
Subject of Appeal	Appeal against the non determination of an application for full permission.
Proposed Development:	Proposed residential development of 42 No Dwellings comprising of 5 No. Detached, 12 No. Semi detached and 25 No. Townhouses with car parking, landscaping and all other associated Site works.
Location:	Lands immediately adjoining the north eastern boundary of Antrim Primary School and immediately adjacent to the rear of Nos 4-10 Vicarage Gardens, Station Road, Antrim.
Planning Authority	Antrim and Newtownabbey Borough Council.
Application Reference:	T/2013/0231/F.
Procedure:	Written Representations and Commissioner's site visits on 21 July**,** 30 July, 9 September and 25 September 2015.
Decision by:	Commissioner Pauline Boomer, dated 3 November 2015.

Decision

1. The appeal is allowed, subject to the conditions set out below.

Reasons

2. The Local Planning Authority (LPA) indicated by letter that it was recommending approval of this planning application, subject to a number of conditions. Objectors have raised concerns about a number of issues including the potential impact of the proposed development on the amenity of local residents and local school children, on road safety and congestion and the presence of Japanese Knotweed. These fall to be considered in this appeal.

3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the settlement limit of Antrim Town as designated in the Antrim Area Plan 1984-2001 and is located just outside the designated Central Area of Antrim Town. Whilst there are no policies relating specifically to the appeal site or its use, the land is unzoned and its use for housing does not conflict with the

Area Plan. The planning context is provided by Planning Policy Statement 7 - Quality Residential Environments (PPS7) and Planning Policy Statement 3 - Access Movement and Parking (PPS3) with the guidance contained in Creating Places and Development Control Advice Note 15 (DCAN15) also material to consideration of this appeal.

4. The appeal site previously contained a single dwelling house which has since been demolished. To the south of the site is the existing Antrim Primary School and to the north is the residential development at Vicarage Gardens which incorporates a day care facility with housing to the west along Menin Road. On the eastern side of Station Road is the former Hospital site which currently provides a GP Health Centre, a community pharmacy, a community special needs centre/day centre and Northern Health and Social Care Trust social work headquarters.

5. Policy QD 1of PPS7 promotes a high quality of design, layout and landscaping in all new housing developments to ensure more attractive and sustainable residential environments for present and future generations. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider townscape of Antrim. Policy QD1 states that development which would result in unacceptable damage to the local character, environmental quality or residential amenity of established residential areas will not be permitted and requires compliance with a number of listed criteria. The LPA considers that the proposed development complies with all of the listed criteria, subject to appropriate conditions, whilst objectors and the local representative consider that it offends criterion (h) with regard to overlooking and loss of privacy.

6. The proposed development comprises a mix of detached, semi-detached dwellings and townhouses, 2-storey in height which is in-keeping with the existing residential development to the north of the site, although the dwellings on the Menin Road vary in height. The density of development is not significantly higher than the existing residential developments already found in the surrounding area. Three mature trees on the frontage of the site are to be retained within an area of proposed open space which will provide an attractive feature on entrance to the site. The development meets the requirements for parking, private and communal space as set out in Creating Places. Existing trees and hedgerows within and around the appeal site are to be retained, protected and augmented with additional planting. There is no distinct traditional form, materials or detailing evident in the area and the design of the proposed dwellings would not be at odds with the mixed character and design of the area. I agree with the LPA and appellant's assessment that the proposed development complies with criteria (a)-(g) and (i). The issue of its impact on residential amenity remains to be considered.

7. Criterion (h) states that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The objectors all reside in properties abutting the site boundaries in Vicarage Gardens and Menin Road and consider that the introduction of two storey dwellings in such close proximity to their properties and boundaries would result in overlooking and loss of privacy. The guidance in "Creating Places" suggests that a separation distance of 20 metres is generally acceptable where there are first floor opposing windows. However account has to be taken of the angle of buildings, number of windows, difference in levels and intervening vegetation in any assessment.

- No 78 Menin Road - A block of four 2-storey houses (Units 23-26) are proposed to the rear of No. 78 Menin Road, where a detached dwelling and garage is under construction in the rear garden, positioned gable end to the public road and parallel to the party boundary. These dwellings have a separation distance of 10-11m from the common boundary, defined by a mature hedgerow in-keeping with guidance in Creating Places. The additional dwelling within the curtilage of No. 78 sits more than 10m from the common boundary with the appeal site and the existing mature vegetation is to be retained and augmented to protect residential amenities.

- No. 77b Menin Road represents backland development where a single storey dwelling has been erected in the rear garden of No 77, positioned gable end to the public road in close proximity to the rear gardens of adjacent plots. Three 2 storey dwellings (Units 21-23) back onto No 77b, separated by a distance of approximately 27m with the new units having a back garden depth of 10m, in-keeping with the recommended guidance in Creating Places. Existing vegetation is to be retained and augmented to protect residential amenities.

- No. 70 Menin Road is an end of terrace property with an extensive rear and side garden sharing the party boundary with three two storey dwellings at Units 19-21 following the removal of Units 17 and 18 from the plans. The proposed dwellings are 10m from the common boundary with No. 70 and 30m distant from the existing house at the closest point. I agree with the LPA that these are adequate separation distances and the retention of existing vegetation supplemented by additional planting along this common boundary help protect their residential amenities. Concerns about the maintenance of the existing common boundary within the site has been addressed in the landscaping plan and can be controlled via condition.

- Vicarage Gardens is a development of two storey detached dwellings set on higher ground to the north of the appeal site. Concerns have been expressed by the residents of Nos. 4, 7 and 8 that their properties would be overlooked by the proposed development.

- No 7 abuts the rear gardens of a detached dwelling at Unit 32 and an end of terrace property at No. 31 whilst No 8 abuts the rear gardens of the terrace incorporating Units 29-31. Whilst there is a 9- 9.5m separation distance between the rear elevation of Units 29- 31 and the common boundary with Nos. 7 and 8, the dwellings would be 20m apart . Unit 32 will have a back garden depth of 12m from the common boundary, with a separation distance of 20-23m from the rear elevation of No.7. Given the adequate separation distances presented in line with guidance in Creating Places, the difference in ground level and retention and augmentation of existing boundary vegetation, I do not consider that the proposed dwellings in closest proximity to Nos. 7 and 8 would cause overlooking to an unacceptable degree for either existing or prospective residents or that a significant loss of visual amenity would result.

- No 4 is a detached 2 storey dwelling with a rear conservatory enclosed by approximately 2m high hedge along the party boundary with the appeal site. Concerns have been expressed that the proposed houses have been designed to overlook existing homes resulting in a loss of privacy. A terrace of three properties at Units 33-35 are proposed to the south of No.4, not sited parallel to the rear elevation of No 4 but orientated towards the east in order to protect amenities. Each of the proposed dwellings has a sizeable rear garden with an adequate separation distance of 13-21m from the common boundary. At its closest point the rear elevation of Unit 33 sits 20m distant from the rear elevation of No. 4, in line with guidance in Creating Places and the orientation seeks to minimise any overlooking. Taking account of the orientation of the proposed dwellings, adequate separation distances, difference in level and retention and enhancement of vegetation on the common boundary, I am not persuaded that the appeal proposal would cause a level of overlooking or loss of privacy to justify dismissal of this appeal.

8. The separation distances, angle of view, intervening vegetation and the additional landscaping proposed combine to reduce the potential for an adverse impact from overlooking or overshadowing. Some level of overlooking is to be expected in an urban scenario and there is no justification for a reduction of these units to single storey as suggested by objectors. I find that the proposed development complies with criterion (h) of Policy QD1 and the objectors' concerns in this regard are not sustained in this appeal.

9. Policy AMP 2 of PPS3: Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access onto a public road where such an access will not prejudice road safety or significantly inconvenience the flow of traffic. The acceptability of access arrangements, including the number of access points onto the public road, are assessed against the Departments published guidance. Consideration will also be given to other factors including the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

10. The development accesses onto the Station Road via a single access point and footway provision is to be provided on both sides of the estate road along with a footway along the front of the site. Individual parking spaces are provided for each dwelling unit which meet the parking standards and Transport NI are satisfied that the proposed development meets the standards laid out in DCAN 15 and Creating Places

11 Public safety, traffic impact and congestion on Station Road were primary concerns of the objectors who consider that the additional traffic generated by this residential development would increase the potential dangers to all using this busy cul-de-sac. I acknowledge that the volume of vehicular traffic using Station Road is considerable especially at peak times as it serves not only the adjacent primary school but also the numerous health facilities, other residential development as well as providing pedestrian access to the Church and Tesco superstore. The Principal of Antrim Primary School considers that the introduction of 42 dwellings here in such close proximity will create additional dangers for pupils and parents coming to and from the school, along with those other pupils going to and from the bus/train station using the footpath extending along the western side of the road. Other objectors have expressed concerns about the knock-on effect of congestion on Station Road, extending to other parts of the town, especially when the level crossing is closed on the approach of trains.

12. The Police Service for Northern Ireland (PSNI) were consulted on the proposal, advised of the objections raised, and whilst acknowledging that the area is congested at times when it "floods" with school children and that the development would displace parking for the primary school, did not object to the proposal. The presence of a large number of school children in the area is not unique to Antrim and is a common issue in all major towns. Speed bumps have been introduced along Station Road to reduce speeds and whilst double yellow lines have been installed along both sides of the cul-de-sac abutting the school, I note that many parents parked on the road regardless and on the footpath when dropping off and collecting their children. Many more parents parked in the Tesco carpark and collected their children by foot with some others parking inside the NHSCT site opposite. Transport NI considered the concerns raised by objectors and concluded that Station Road has capacity to carry 3500 cars per day with the road currently operating well below that figure and remaining so even if the proposed development were to be approved. Taking account of the location and number of existing accesses, the standard of the existing road network and footpaths, together with the speed and volume of traffic using Station Road and any expected increase, Transport NI found that the proposed development will not prejudice safety of those accessing Station Road by car or by foot or significantly inconvenience the flow of traffic.

13. Whilst the proposed development will bring additional traffic into the area, there are a number of factors which would ensure that it does not add to congestion. The proposed development is in very close proximity to Antrim Town Centre, Antrim Primary school and the bus and rail stations all of which are within a five

minute walking distance of the appeal site. I agree with the LPA that the proximity of such services is likely to reduce the dependency on car usage and reduce the potential to conflict with existing traffic or pedestrian movements. Account must also be taken of the following factors:

- Station Road has spare capacity;
- Access and parking standards are met in accordance with PPS3, DCAN15 and Creating Places;
- Accessibility to the site is likely to reduce reliance on the car; and
- Footway provision is to be provided on both sides of the estate road with the footway along the frontage of the site largely unaltered.

I note that, having taken account of the concerns raised, Transport NI have no objection to the proposed development at this location or the potential impact of the additional traffic generated on the safety of pedestrians and road users. I acknowledge that Station Road is busy at school times but road safety issues are due to illegal parking where there are double yellow lines and the appeal proposal will not exacerbate that existing problem. Taking all matters into consideration, I find no conflict with Policy AMP2 and conclude that the concerns of the objectors and their local representative in this respect are not sustained.

14. Northern Ireland Environment Agency (NIEA) Natural Heritage had identified an issue with Japanese Knotweed in the western corner of the host site. The appeal site was reduced to remove the area of land where Japanese Knotweed was present in the area bounding Menin Road properties where the appellant is engaging in a treatment programme to eradicate the Knotweed. As there is no development proposed within this area, there is limited risk of the Knotweed spreading as a result of the proposed development works. NIEA have raised no objections to the appeal site currently presented and concerns with regard to its potential spread to the adjoining properties are not therefore sustained.

15. A certain degree of noise nuisance may impact the adjacent residents during the construction period of the new properties. However, this will be a relatively short period and any short term inconvenience for existing residents is not sufficient grounds to dismiss this appeal, nor does the additional noise generated by increasing the population density in the area which is to be expected close to the Town Centre. There is no evidence that property values in the area would be adversely affected if this development were to proceed. I do not consider that concerns about visual amenity warrants dismissal of this appeal.

16. Some objectors raised concerns that there is no need for further residential development as there are empty dwellings/unimplemented approvals in other parts of the town and also suggested that a “Fold” sheltered housing scheme would be a better form of development here. Whilst this land is unzoned, the principle of housing is acceptable here within this edge of town centre site close

to all amenities, transport links and schools. There is no policy to restrict housing in the Antrim Area Plan at appropriate locations even if there are other unimplemented approvals or unoccupied developments elsewhere. There is no restriction on the type of housing provided, subject to meeting all policy requirements and no restriction to provide only sheltered housing close to the town centre. Whilst others suggested the site was more suitable for retail development and that the school should be moved to another part of town, this appeal can only consider the proposal as submitted rather than alternative uses for this or adjoining sites.

17. An objector at Menin Road raised concerns that a drain within the appeal site parallel to their party boundary had been blocked and not maintained causing problems in the past. DARD Rivers Agency have advised that their maps do not show the drain in question and they considered the drainage plan and drainage assessment commissioned by the appellant raising no issues. Whilst objectors also raised the potential presence of bats on the site, the findings of the bat survey submitted were assessed by NIEA Natural Heritage who raised no objections to the proposed development. These objections are not sustained.

18. None of the issues raised by the objectors and their local representative are of such significance as to warrant dismissal of this appeal.

19. Turning to conditions, in order to ensure that the residential amenities of existing and proposed residents are protected, existing vegetation around the site boundaries is to be retained with all hard and soft landscaping indicated in the landscaping scheme submitted to be introduced within the first available planting season following commencement of the development or before occupation of the first residential unit in the development, whichever is the later. Adequate protective fencing should be provided around retained trees during construction. To ensure the establishment and maintenance in perpetuity of the open space and amenity areas, these areas shall be managed and maintained in accordance with the landscape management plan. In the interest of road safety and the convenience of traffic and pedestrians, no development shall commence until the improvements to the public road have been completed in accordance with the Private Streets Order. To ensure that adequate car parking is available within the appeal site, the allocated spaces for each dwelling shall be provided prior to its occupation and permanently retained. The LPA requests that details of an estate entrance feature based on the design of the existing County Antrim gate pillars at the existing entrance to the appeal site are submitted to them and agreed in writing. As the existing pillars represent an important vernacular and heritage feature I consider it necessary to attach such a condition to ensure that these features be reflected in the proposed entrance and so secure linkage with its past. As NIEA concur with the findings of the Bat survey that the proposed development is unlikely to significantly affect the local bat population, I do not consider there is any need to attach a condition requiring that the removal of any mature trees on site be assessed by a suitably trained ecologist.

20. The appeal is allowed, subject to the conditions set out below.

Conditions

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

(2) No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on the approved Private Streets Determination Drawing P228/R05d bearing the date stamp received by the Planning Authority on 25 September 2014.

(3) Car parking shall be provided in accordance with Drawing 2927-050-04-03-003 REVG before the dwellings are occupied and shall be permanently retained.

(4) All boundary trees and vegetation shall be strengthened, allowed to grow on and permanently retained as indicated on Drawing No. 13-020(1)L101B date stamped received by the Planning Authority on 25 September 2014.

(5) No development shall take place until measures have been agreed in writing with the Planning Authority to protect those trees to be retained within the site from damage during construction works. The agreed measures shall be put in place before the commencement of development and retained throughout the construction period.

(6) The proposed landscaping scheme as detailed in the landscape plan, Drawing No. 13-020(1) L101B bearing the date stamp received by the Planning Authority on 25 September 2014 and the Landscape Management Plan date stamped received on 3 March 2014 shall be implemented in full during the first available planting season after the first dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within 5 years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

(7) The open space and amenity areas indicated on Drawing No. 13-020(1)L101B bearing the date stamp received by the Planning Authority on 25 September 2014 shall be managed and maintained in accordance with the Landscape Management Plan date stamped received on 3 March 2014.

(8) None of the dwellings hereby permitted shall be occupied until details of an estate entrance feature, based on the design of the existing County Antrim gate pillars located at the site are submitted to and agreed in writing by the Planning Authority and subsequently constructed within 6 weeks in accordance with those details.

This decision relates to the following drawings received by the Department on 9 December 2013:

Drawing 2927-010-10-07 Rev B 1:100 floor plans;

Drawing 2927-010-10-08 Rev B 1:100 elevations;

Drawing 2927-010-10-09 Rev C 1:100 floor plans;

Drawing 2927-010-10-10 Rev C 1:100 floor plans;

Drawing 2927-010-10-11 Rev C 1:100 elevations;

Drawing 2927-010-10-12 Rev C 1:100 elevations;

Drawing 2927-010-10-13 Rev C 1:100 floor plans;

Drawing 2927-010-10-14 Rev C 1:100 floor plans;

Drawing 2927-010-10-15 Rev C 1:100 elevations;

Drawing 2927-010-10-16 Rev C 1:100 elevations;

Drawing 2927-010-10-17 Rev C 1:100 floor plans;

Drawing 2927-010-10-18 Rev C 1:100 floor plans;

Drawing 2927-010-10-19 Rev C 1:100 elevations;

Drawing 2927-010-10-20 Rev C 1:100 elevations;

Drawing 2703-010-10-21 1:100 floor plans;

Drawing 2703-010-10-22 1:100 elevations;

Drawing 2927-010-10-23 Rev A 1:100 floor plans;

Drawing 2703-010-10-24 Rev A 1:100 elevations;

Drawing 2927-010-10-25 Rev A 1:100 floor plans;

Drawing 2927-010-10-26 Rev A 1:100 elevations;

Drawing 2927-010-10-27 Rev A 1:100 floor plans;

Drawing 2927-010-10-28 Rev A 1:100 elevations;

Drawing 2927-010-10-29 Rev B 1:100 floor plans and elevations;

Drawing 2927-010-10-30 Rev B 1:100 elevations;

Drawing 2927-010-10-31 Rev B 1:100 floor plans and elevations;

Drawing 2927-010-10-32 Rev B 1:100 elevations;

Drawing 2927-010-10-33 1:100 floor plans and elevations;

Drawing 2927-010-10-34 1:100 elevations;

Drawing 2927-010-10-35 1:100 floor plans and elevations;

Drawing 2927-010-10-36 1:100 elevations;

Drawing 2927-010-10-37 1:100 garage floor plans and elevations;

Drawing 2927-010-10-38 1:100 garage floor plans and elevations;

Drawing 2927-010-10-39 1:100 garage floor plans and elevations; and

Drawing 2927-010-10-40 1:100 garage floor plans and elevations; .

A Landscape Management Plan date stamped received on 3 March 2014

and the following drawings received on 25 September 2014:

Drawing 2927-050-01-001 Rev D 1:1250 site locations plan;

Drawing 2927-050-04-003 Rev G 1:500 parking layout;

Drawing 2927-050-04-03-001 Rev G 1:500 site layout;

Drawing 2927-050-03-004 Rev G 1:500 site layout;

Drawing P228/R05d 1:500 road layout; and

Drawing 13-020(1) L101B 1:500 landscape proposals.

COMMISSIONER PAULINE BOOMER

2014/A0213

LIST OF DOCUMENTS

LPA1 - Planning Authority's Statement of Case.

APP1 - Appellant's Statement of Case.

APP2 - Appellant's Rebuttal.

OBJ1 - Statement of Case from Mr I. Gourley.

OBJ2 - Statement of Case from Ms J. McKeown.

OBJ3 - Statement of Case from Mr R. Dickson.

OBJ4 - Statement of Case from Mr Drew Ritchie.