Planning Appeals Commission

Appeal Decisions

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Appeal Reference:	(Appeal 1) 2021/A0091 (Appeal 2) 2021/A0090
Appeal by:	Massereene Developments Ltd.
Appeal against:	(Appeal 1) the refusal of full planning permission (Appeal 2) the refusal of conservation area consent
Proposed Development:	Demolition of existing building and redevelopment of site for residential comprising 34 no. apartments within 3 no. four storey buildings including access, car parking, cycle parking, landscaping and all associated site works.
Location:	Lands to the north of Premier Inn Hotel and East of Rodgers Quay, Carrickfergus.
Planning Authority:	Mid and East Antrim Borough Council
Application Reference:	(Appeal 1) LA02/2020/0802/F (Appeal 2) LA02/2020/0832/DCA
Procedure:	Informal Hearing on 22nd February 2023
Decision by:	Commissioner Laura Roddy, dated 19th September 2023

Decisions

1. The appeals are dismissed.

Reasons

2. The main issues in the appeals are whether the appeal proposal would:
   - Have an unacceptable impact on the Carrickfergus Conservation Area,
   - Provide a quality residential environment,
   - Have acceptable access arrangements and parking provision; and
   - Have an adverse impact on tourism.

3. Section 45(1) of the Planning (Northern Ireland) Act 2011 ('the Act') states that regard must be had 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 requires that, where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful in May 2017. As a result, the Carrickfergus Area Plan 2001 (CAP) now operates as the local development plan for the area. However, a further consequence of the judgement is that the draft BMAP (dBMAP), published in 2004, remains as a material consideration.

4. In the CAP the site is 'whiteland' within the development limit. It also lies within the Town Centre and the Maritime Area. Policy HG1 of the CAP states that major housing development will be accommodated in the town. Policy TC1 states that appropriate uses consistent with maintaining a lively and viable town centre will be acceptable. Policy TC7 states that the design guidance in The Carrickfergus Town Plan Alterations Design Supplement (CTPADS) will be applied within the Town Centre. Policy TC9 relates to the Maritime Area and states that within this area development will be promoted which complements town centre uses and exploits the leisure potential of the waterfront location while respecting its unique historical context.

5. The site is also in the Carrickfergus Conservation Area (CCA). Policy MM ENV1 of the CAP relates to Conservation Areas. It states that in assessing development proposals within the CCA, the Department will continue to apply the policies contained in the published Design Guides. The design guidance in the CTPADS document referred to above supersedes the design guidance in the Carrickfergus Conservation Area booklet.

6. While some third parties referred to the promotion of leisure uses in the Maritime Area, and that the site had not been specifically zoned for housing, the relevant policies in CAP do not exclude residential development. The appeal proposal for residential development would be compatible with a town centre location and thus acceptable in principle in accordance with the CAP. However, as discussed later, the appeal proposal will be assessed against the relevant policies given its location in the CCA.

7. As referred to above, the appeal site is also located within the settlement limit and town centre in dBMAP, Again, this draft plan would support residential development in principle. The site is also within the Carrickfergus Urban Waterfront and located on a Development Opportunity Site which requires a Flood Risk Assessment (FRA) and access to be taken from Rodgers Quay. These requirements of dBMAP have been complied with and therefore the appeal proposal complies with the relevant provisions of dBMAP.

8. The SPPS is material to all decisions on individual planning applications and appeals. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. Whilst Mid and East Antrim Borough Council have published a draft Plan Strategy, it is not yet adopted. Until such times, the SPPS retains the provisions of certain existing Planning Policy Statements including Planning Policy Statement 6: Archaeology and the Built Heritage (PPS6), Planning Policy Statement 7: Quality Residential Environments (PPS7) and Planning Policy Statement 3: Access, Movement and Parking (PPS3). The SPPS sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

9. Section 104(11) of the Act states that "where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not

arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise." The appellant acknowledges that the redevelopment of the appeal site offers an opportunity to enhance the CCA.

10. This statutory duty is reflected in the wording of paragraph 6.18 of the SPPS. The SPPS goes onto say there will be a general presumption against the grant of planning permission for development or conservation area consent for the demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is outweighed by other material considerations grounded in the public interest.

11. Policy BH12 of PPS6 sets out the policy requirements for 'New Development in Conservation Areas'. Criterion (a) thereof requires development to preserve or enhance the character of the area (the 'no harm' test). However, the provisions of the Act and the SPPS, where the guiding principle is to afford special regard to the desirability of enhancing the character or appearance of an area where an opportunity to do so exists, take precedence over criterion (a) of Policy BH12. However, as no conflict arises between the provisions of the SPPS and the remaining criteria of Policy BH12 namely, criteria (b) to (g), these retained policy requirements are also relevant.

12. Section 105 of the Act states that a building in a CA shall not be demolished without Conservation Area Consent. Policy BH14 of PPS6 sets out the policy requirements for 'Demolition in a Conservation Area'. Policy BH14 normally only permits the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted, this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition. This provision is duplicated at Paragraph 6.19 of the SPPS.

13. The proposals for the demolition and the proposed replacement building must be considered together when concluding upon the requirements of Section 104 of the Act. Also, any conclusions on the proposed demolition based on Policy BH14 have to be weighed against the relevant provisions of Policy BH12 relating to the contribution of the new build proposal.

14. As PPS6 advises, each area has its own unique style and character. Local policies and guidance for the conservation and enhancement of the area are set out in the relevant designation documents and design guides.

The Appeal Site and Context

15. The appeal site is located at Rodger's Quay, on the southwestern edge of the CCA and the majority of the appeal site is in the CCA. It is separated from the historic town centre as identified in CTPADS by 'Marine Highway' (the A2) and a large public car park. It sits opposite Carrickfergus Castle which is on the other side of the harbour. Carrickfergus Castle is a Scheduled Historic Monument. The site is also within the Maritime Area (MA) as identified in the CTPADS.

16. The appeal site is an irregular shape and is generally bound to the north and east by the harbour walkway, to the south by the adjacent Premier Inn Hotel and

restaurant and, to the west, by the road at Rodgers Quay. The site currently comprises a one to two storey detached building with a surrounding surface level car park. The building is finished in a mix of materials including render, stone, timber cladding and glazing with a black tile hipped roof and includes a raised terrace facing Alexandra Pier. The frontage of the building is some 39m and it was most recently in use as a public house and restaurant but is now vacant and has been since approximately 2019.

17. To the south and southwest of the appeal site, outside the CCA but also in the MA, are a number of three and four storey buildings with surface level car parking including a hotel, the Marina Administrative Building and residential development. The Premier Inn to the immediate south of the appeal site comprises a single storey restaurant block at its boundary with the appeal site with adjoining three storey hotel accommodation comprising the majority of that development. The building is finished predominantly in painted render and broken up with red brick elements. The hotel element has a pitched roof with the restaurant having a hipped roof, both finished in a black tile. Further southwest of the appeal site, to the east of the Premier Inn, are blocks of residential apartments and the Marina Administration Building. These are predominantly four storeys in height and finished in painted render. The roofs comprise a mix of hipped black tile roofs interspersed with dormer windows and a saw-tooth style roof finished in a dark cladding material. The elevations on the buildings are broken up using either different colour painted render or cladding. All three apartment blocks have balconies and the Marina Administration Building is mainly glazed with balconies across the three storeys at the front entrance.

18. To the northeast of the appeal site, and also within the CCA, is the Carrickfergus Castle/Harbour public car park comprising approximately 250 spaces. To the northwest of the appeal site, on the southern side of the A2, outside of but adjacent to the western boundary of the CCA, is a single storey Sainsburys supermarket. This is finished in a painted render with glazed features and a black tile roof. There is a surface level car park with approximately 300 parking spaces to the south of the building.

The Proposed Development

19. The appeal proposal is for 3 no. four storey blocks of apartments with a total frontage of some 65m. The first three storeys would be finished in a white/grey brick. The flat roof fourth storey element would be set back and finished in a dark metal cladding. The eastern elevation, facing the harbour would be glazed for the most part. Balconies would be on all storeys.

The Impact on the Carrickfergus Conservation Area

20. The CCA was designated in 1977 and includes the historic core, Castle and harbour area. CTPADS was published in 1989 and provides design guidance for development in both the historic town centre and the Maritime Area, much of which is outside of the CCA.

21. The Council consider that the existing building on the appeal site does not make a positive material contribution to the character and appearance of the CCA and the removal of the existing building may have some heritage benefits. However, they consider the appeal proposal is contrary to Policy BH12 stating that the character of the proposed development would not be sympathetic to that of the CCA as it

does not conform with the guidance set out in the CTPADS and that the design draws no reference from the surrounding historical context. Issues were also raised with the scale, massing and style of the appeal proposal, which the Council consider would be out of keeping with its setting specifically. Concerns were also raised in respect of views on approach from Marine Highway, from the Castle and into the CCA from Rodgers Quay.

22. The appellant argued that the Historic Environment Division (HED) who are the statutory body responsible for the protection of key historical assets are content that the appeal proposal satisfies PPS6 and that more weight should be given to the views of HED rather than the Council's conservation officer, as they are the relevant statutory authority. In accordance with Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) ('the GDPO'), HED have responsibility for protecting Listed Buildings and Scheduled Monuments where any development is likely to affect the site or setting of any historic monument and the setting of a listed building. However, HED have no statutory responsibility for development proposed within the CA and have not provided specific commentary on Policy BH12 or BH14. The HED consultation responses state that 'HED defer to the Conservation Officer in Mid and East Antrim Borough Council to comment on the impact of the proposal on the character and appearance of the conservation area'. The impact on the CA is one for the decision maker and, in this case, jurisdiction has passed to the Commission.

23. The appellant considers the guidance in CTPADS is out of date because development in the Marina Area has moved on since the adoption of the CCA. They also consider the CTPADS clearly comprises two separate and distinct character areas, being the historical town centre to the north of the A2/Marine Highway and the Marine/Harbour Area to the south, in which the appeal site is located.

24. While the guidance in CTPADS does not have to be slavishly followed, it is a material consideration in the determination of this appeal and is given relevance by both CAP and PPS6. Noting it is somewhat outdated, and the immediate context of the appeal site has evolved since its publication, the guidance within it is still relevant with the overarching aim for the MA being to harmonise old with new. CTPADS describes the characteristic built form in the town centre as being two to three storey terraces finished with painted plasterwork and with pitched roofs finished in natural slate. It goes on to describe the architecture as having a vertical emphasis which is strongly demonstrated in the fenestration which is of 'Scottish Georgian' proportions. Victoria Place/Market Place is identified as offering a central focus to the area and providing and important link between the commercial centre and the seafront.

25. The guidance document CTPADS notes the MA offers a unique opportunity to extend the facilities and built form of the town centre whilst realising the potential of the attractive seaside setting. It goes on to say that the design guidance provides a framework for developments in the area to establish a uniform level of good quality design with the aim being to harmonise old with new in such a manner that the area from the Marina to North Gate reads as an entity. In terms of design guidance, CTPADS states that the overall scale of development should relate to the existing town centre and external finishes will reflect the local

vernacular. It continues that housing should be two to three storeys with three and a half storeys allowed occasionally, roof pitch should be in the range of 35° to 45° and terminated by gables which may be expressed by parapet walls. Depths of dwellings should be a maximum of 9m to retain a vertical emphasis, but greater depth can be achieved by expressing a gable. Georgian proportions for fenestration are also recommended. Large windows are permitted if they will provide access to balconies, private patios or gardens but should be broken up where used. Flat roofs are to be avoided and roofs should be finished in natural slate or blue/black concrete slate.

26. The justification and amplification of Policy BH12, at paragraph 7.7, notes that the development of new buildings in a conservation area should be a stimulus to imaginative, high quality design and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, rather that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.

27. The appeal site is within the Marine Area and is physically separated from the historic town core and its built development. However, it is also within the CCA so care must be taken to ensure that the character and appearance of the CCA is preserved or enhanced by the proposal. Paragraph 7.12 of the justification and amplification to Policy BH12 indicates that great weight should be attached to the need for proposals for new development to accord with the specific guidance drawn up for each particular conservation area.

28. CTPADS is clear that the guiding principle for development in the MA should harmonise old with new and that the overall scale of development should relate to the existing town centre. While this does not mean that the design should replicate that observed in the town centre, it should be sympathetic with it.

29. The height of the appeal proposal, while taller than the recommended number of storeys for the MA provided in CTPADS, would not be dissimilar to the overall height of the buildings in the immediate vicinity. However, while these buildings would read with the proposed development and form part of its immediate context, they are outside of the CCA and no four storey buildings within the CCA were drawn to my attention. There is a statutory duty to enhance the character or appearance of the Conservation Area where there is an opportunity to do so. Therefore, I do not find it appropriate to rely on buildings outside the CCA to help inform the height and scale of proposals within the Conservation Area. Further, the use of a flat roof design would be out of character with the CCA and contrary to the guidance in CTPADS. The flat roof would appear incongruous as there are no other buildings exhibiting such a roof profile in the CCA or MA. Even if I were to rely on the more modern residential blocks in the vicinity of the appeal site, which are of a larger scale than that observed in the CCA, they retain an interesting variety of roof types and the resulting roofscape respects the character and appearance of the CCA. The four-storey height of the appeal proposal, when combined with the flat roof design, would result in a proposal that appears bulky and thus incongruous in its context. Its scale and massing would be greater than the surrounding buildings and those in the CCA. This would not be mitigated by the set back of the fourth floor.

30. The appellant argued that the height is key and the height has been physically tested against the Carrickfergus Castle, with HED confirming that the castle will not be negatively impacted on. I accept and agree with the conclusions of HED in relation to the impact of the appeal proposal on the setting of the Scheduled Monument. However, the castle comprises only a small part of the CCA. The castle does not set an overall scale for the conservation area as a whole. The predominant scale of development in the CCA is more domestic in nature. While development in the MA of the CCA could be higher than the two and three storey development observed in the historic core, and this is recognised in CTPADS, it should relate to the domestic scale of the town centre and the CCA as a whole. Any development on the appeal site must ensure a satisfactory design response not only in relation to the castle, but also to the CCA. HED's acceptance of the height of the proposed development does not overcome my conclusions, as set out above, in relation to the height, scale and massing of the appeal proposal.

31. Paragraph 7.6 of the justification and amplification to Policy BH12 notes that the use of materials should generally match those which are historically dominant in the area. The external finishes of the proposed development including materials such as white/grey brick, dark metal cladding and extensive amounts of glazing, do not reflect the local vernacular and would be out of keeping with the character and appearance of the CCA. They would also be out of keeping with the buildings in the immediate vicinity in the MA which are predominantly finished in render with black sloping roofs. Although parties have referred to these as being poor reference points, and not of particularly good design, they are sympathetic to the design, roof style and materials observed in the CCA. While the proposed building would be of good quality using high quality materials in its design, the materials would not respect the buildings in the area.

32. I note the design rationale for the proposed development, but the proposal must address its location within the CCA. Overall, I find that the proposed development, due to a combination of its height, design, materials and detailing would not respect or be sympathetic to the built form in the CCA. Consequently, the building would appear visually incongruous in its context and within the CCA. I therefore find the appeal proposal would be contrary to criteria (b) and (c) of Policy BH12. For the reasons stated, the appeal proposal would also not conform with the guidance set out in CTPADS particularly in relation to the height, roof and materials. It would therefore also be contrary to criterion (g) of Policy BH12.

33. Concerns were also raised regarding views into the site and within the site, views along Marine Highway, views of the castle from around Premier Inn and views towards the MA from Market Place. Criterion (e) of Policy BH12 requires that important views within, into and out of the area are protected.

34. In relation to views of and from the castle, in accordance with Schedule 3 of the GDPO, HED have statutory responsibility for protecting Scheduled Monuments where development is likely to affect the site or its setting. Given that views from and of the castle have been verified by HED using a cherry picker, I place significant weight on their response and accept that the appeal proposal would not detract from or compete with the castle or views of the castle.

35. Regarding views along Marine Highway, I do not consider this to be an important view into the CCA as the majority of the CCA sits to the north of Rodgers Quay

and Marine Highway rather than to the south where the appeal site lies. In any event, along Marine Highway views of the appeal site are screened by the existing development along the road including Sainsburys and the Omniplex on approach from the west and Carrickfergus Castle on approach from the east. While there would be views of the appeal proposal along Marine Highway, such views would be limited primarily to the area at the roundabout leading to Rodgers Quay. Important views into the CCA from Marine Highway would be protected.

36. However, CTPADS notes that Victoria Place/Market Place offers a central focus to the CCA and provides an important link between the commercial centre and the seafront, forming a key entrance to the town centre. For this reason, and given my own observations, I consider the view from Market Place to be an important view from the CCA. From Market Place, the appeal site is visible and the appeal proposal, due to its scale and bulk, would be prominent and incongruous from this location. As I have found the appeal proposal would be out of keeping with the character and appearance of the CCA, I find this important view within the CCA would not be protected by the proposed development. The appeal proposal would therefore be contrary to criterion (e) of Policy BH12.

37. The redevelopment of the appeal site represents an opportunity to enhance the character and appearance of the CCA. For the reasons stated, I find the appeal proposal fails to comply with criteria (b), (c), (e) and (g) of Policy BH12 of PPS6. Consequently, it would also fail to enhance the character and appearance of the CCA and therefore would not comply with s104 of the Act or paragraph 6.18 of the SPPS. The Council's first reason of refusal, and third parties' concerns in relation to the impacts on the CCA are sustained.

38. The appellant pointed to a recent decision in the MA for 2 no. four storey blocks of residential accommodation, which is close to the appeal site (LA02/2016/0918/F). This is outside the CCA so it is distinguishable to the appeal proposal. Also, it does not have a flat roof design and has different materials. That approval does not justify an alternative conclusion to that set out above.

A Quality Residential Environment

39. PPS7 policy QD1 is entitled 'Quality in New Residential Development' and states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. The policy goes on to state that "in Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance". The policy goes on to say that all proposals for residential development will be expected to conform to a number of listed criteria. The Council considered that the proposal failed to meet criteria (a) and (g). These are: (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas; (g) the design of the development draws upon the best local traditions of form, materials and detailing.

40. Given my conclusions as stated above, I judge that the proposal fails to maintain or enhance the distinctive character and appearance of the CCA and it does not draw on the positive aspects of the character and appearance of the surrounding area. Even taking into account the more modern residential development adjacent, the appeal proposal through the choice of design, materials, the flat roof and the overall scale, massing and appearance of the buildings would not respect its surrounding context. I therefore concur with the Council that the development would fail to accord with criteria (a) and (g) of Policy QD1.

Access and Parking

41. The Council stated that the appeal proposal would be contrary to Policy AMP7 of PPS3, and criterion (f) of Policy QD1, as the proposed level of parking provision is substandard and therefore it would also prejudice the free flow of traffic and general safety. Third parties also raised concerns regarding insufficient parking provision. Creating Places – Achieving Quality in Residential Developments (CP) provides relevant supplementary planning guidance and is also a material consideration in the appeal.

42. Policy AMP7 of PPS3 requires that development proposals provide adequate provision for car parking with the precise amount of car parking to be determined according to the specific characteristics of the development and its location having regard to the Department's published standards. Reductions are acceptable in an area of parking restraint designated in a development plan or in other circumstances, including where the development is in a highly accessible location well served by public transport; or where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking. Criterion (f) of Policy QD1 requires adequate and appropriate provision is made for parking.

43. The appeal proposal includes provision for 39 parking spaces, in undesignated parking spaces. The Council consider that 57 parking spaces are required, whereas the appellant pointed to a requirement for 34 parking spaces. While the appellant pointed to the appeal site being located with an Area of Parking Restraint in dBMAP, the plan is not adopted, nor is it likely to be, and there is no such designation in CAP. Therefore, the appeal site is not within a ***designated*** (my emphasis) area of parking restraint whereby a reduced level of parking provision is acceptable in accordance with Policy AMP3.

44. CP provides guidance on the number of parking spaces to be provided within new residential development. Table 7 sets out the parking requirements for apartments that only have communal provision. As the proposed development is for 7 no. two bedroom apartments and 27 no. three bedroom apartments, and based on the guidance in guidance in table 7 of CP, I consider that 57.75 parking spaces would be required for the appeal proposal. However, the appellant put forward a number of reasons they consider justifies a lower parking provision.

45. The appeal site is located within Carrickfergus town centre, in close proximity to a numbers of shops and service and it is well served by public transport with bus service within a 3 minute walk (200m) and the train station within an 8 minute walk (650m). Further, there are a number of parking spaces available nearby including over 250 parking spaces in the public Castle car park. Third parties and the Council noted that this car park closes at times to facilitate public events and

filming. However, these closures are infrequent and this does not override the fact that the car park could provide spare capacity, if needed, for the appeal proposal during the majority of the year. While the appellant also referred to parking nearby at Sainsburys and the Premier Inn, I find these to be private car parks and do not lend support to a reduction in parking spaces as policy only includes public and on street parking. Car parking was easily available during my site visit.

46. While the proposed parking provision falls below the level required by CP, I find the sites location within a town centre, with good access to public transport and with spare capacity in nearby carparking to, in combination, justify a lower level of parking provision. Therefore, I find the provision of 39 parking spaces would be adequate for the proposed development. I am reinforced in this view by the lack of objection from the Department of Infrastructure (DfI) Roads.

47. The Council and third parties also raised generic concerns with regards to the impact of the proposal on the free flow of traffic, and general road safety. Anecdotal references to cars parking on the pavement along Rodgers Quay at busy times, including school pick up times from 2-3pm, were not backed up by any evidence. Overall, no persuasive evidence was provided that the appeal proposal would cause, or add to, any traffic congestion in the vicinity of the appeal site. Given I have found the appeal proposal would provide adequate car parking for the proposed development, I do not consider it to be likely that the appeal proposal would result in cars parking dangerously along the public road.

48. For the reasons given, the Council and third parties' concerns in relation to insufficient parking, impacts on the free flow of traffic and general safety are therefore not sustained. The Council's second reason for refusal, insofar as it relates to parking provision is not sustained.

Impacts on Tourism

49. Third parties referred to negative impacts on tourism as a result of the proposed development. While Carrickfergus Castle has been used as a filming location in recent years, and the harbour area could be considered to be a tourist asset, no persuasive evidence has been submitted to demonstrate that the appeal proposal would result in any adverse impact on tourism, water based activities or the filming potential in the area. There is other residential development in the vicinity of the appeal proposal, along the harbour and marina area, demonstrating that these uses are not incompatible. Further, the appeal proposal would have no impact on the existing walkway around the harbour, retaining existing pedestrian access around the site. While reference was made to noise from maintenance work on fishing boats, I note that the Environmental Health Department of the Council raised no concerns in respect of the appeal proposal. In any event, should permission be granted it would be reasonable to add a condition could be added to ensure that suitable glazing is installed to minimise noise within the apartments.

Other Issues

50. The Council and a third party referred to the Carrickfergus Masterplan Brief (CMB), a development brief prepared by the Maritime Area Partnership, and identifies the site as bring part of the retail and commercial core of the area which seeks to provide such uses on the site. This document has no statutory basis and, whilst it is a material consideration in the determination of the appeal, I do not consider that it outweighs the provisions of CAP, which I have already found

supports the principle of residential development on the appeal site. Concerns in relation to the CMB are therefore not sustained.

51. Concerns have also been raised in respect of the impact of the appeal proposal on the City Deal which aims to promote and enhance the towns heritage assets including the Castle, Harbour Square, Marine Highway and the Town Walls. It has been stated that the appeal proposal would prejudice the Council's regeneration plans for the town. While I have found the appeal proposal would have an unacceptable impact on the CCA, I am not persuaded by the evidence presented that it would have any impact on the City Deal or regeneration plans in the town. Further, no persuasive evidence has been provided that the use of the site for residential development would result in the displacement of leisure uses in the harbour area or that it would stifle recreational activities or investment opportunities.

52. Third party concerns in respect of these issues are not sustained.

Conclusion Appeal 1 (2021/A0091)

53. I consider the redevelopment of the appeal site offers an opportunity to enhance the character and appearance of the CCA. However, due to the height, scale, massing, materials and flat roof design, I find the appeal proposal would not enhance the character or appearance of the Carrickfergus Conservation Area. It also fails to protect views from Market Place and does not conform with the guidance in CDTAPS. Consequently, it fails to comply with s104 of the Act as well as the policies in CAP in relation to the CCA. For the reasons given, the appeal proposal would not comply with paragraphs 6.18 and 6.19 of the SPPS or Policy BH12 of PPS6 in relation to the impacts on the Conservation Area. The Council's first reason for refusal is therefore sustained, and the second reason for refusal, in relation to design, is sustained to the extent specified.

54. The second reason for refusal, insofar as it relates to the parking provision and traffic concerns, and other third party concerns are not sustained. There are no material considerations which outweigh the failure to comply with policy, therefore the appeal must fail.

Conclusion Appeal 2 (2021/A0090)

55. I agree with the parties that the existing building does not make a material contribution to the character or appearance of the conservation area. As such, the principle of demolition is acceptable, subject to the criteria listed in Policy BH12 of PPS6 and as reiterated in paragraph 6.19 of the SPPS. However, for the reasons stated in appeal 1, I consider the proposed redevelopment of the site would not preserve or enhance the character or appearance of the Carrickfergus Conservation Area and also fails to comply with s104 of the Act. The appeal proposal therefore fails to comply with Policy BH14 of PPS6.

56. The appellant argued that as the existing building makes no material contribution to the character and appearance of the CCA then its removal would enhance the CCA and therefore be acceptable. Whilst the existing building makes no material contribution to the character and appearance of the CCA, it does not have a negative impact on the CCA. The existing low profile building is of a scale that is appropriate to its location and the materials are consistent with those observed within the CCA. As a result, it is not incongruous within the CCA. This is consistent

with the view of HED who noted that whilst the building is not of particular architectural merit, it nonetheless respects the historic setting and sits as a well-mannered neighbour. Although the building is currently vacant and boarded up, I am not persuaded that the removal of the building of itself, without an acceptable redevelopment proposal, would preserve or enhance the character and appearance of the CCA.

57. As there is no acceptable redevelopment proposal in place, the demolition of the existing building fails to comply with Policy BH14. There are no material considerations which outweigh this conclusion and therefore conservation area consent is refused.

These decisions relate to the following drawings:-

Appeal 1 (2021/A0091)

Drawing No. (agent ref)	**Title**	**Date Received by Council**
01 109-18AL(PLG)01	Site location plan	2nd November 2020
02/1 109-18AL(PLG)02B	Site layout	7th April 2021
03/1 109-18AL(PLG)03B	Contextual elevations and sections	7th April 2021
04/1 109-18AL(PLG)11A	Site access details	7th April 2021
05 109-18AL(PLG)12	Site context and analysis	2nd November 2020
06/1 109-18AL(PLG)010A	Proposed elevations – block c	7th April 2021
07/1 109-18AL(PLG)09A	Proposed floor plans – block c	7th April 2021
08/1 109-18AL(PLG)08A	Proposed floor plan and- section block c and reveal details	7th April 2021
09/1 109-18AL(PLG)07A	Proposed elevations – block b	7th April 2021
10/1 109-18AL(PLG)06A	Proposed floor plans and section – block b	7th April 2021
11/1 09-18AL(PLG)05A	Proposed elevations – block a	7th April 2021
12/1 109-18AL(PLG)04A	Proposed floor plans and section – block a	7th April 2021
13 SK950	Kingspan klargester BM biodisc layout/compound	7th April 2021
14 DS0721P	BH-BL biodisc general arrangement	7th April 2021

Appeal 2 (2021/A0090)

Drawing No.	Title	Date Received by Council
01 109-18AL(PLG)01	Site location plan	2nd November 2020
02/1 109-18AL(PLG)02B	Site layout	27th April 2021
03/1 109-18AL(PLG)03B	Contextual elevations and sections	27th April 2021
04/1 109-18AL(PLG)04A	Proposed floor plans and section block a	27th April 2021
05/1 109-18AL(PLG)05A	Proposed elevations block a	27th April 2021
06/1 109-18AL(PLG)06A	Proposed floor plans and section block b	27th April 2021
07/1 109-18AL(PLG)07A	Proposed elevations block b	27th April 2021
08/1 109-18AL(PLG)08A	Proposed floor plan and sections block c and reveal details	27th April 2021
09/1 109-18AL(PLG)09A	Proposed floorplans block c	27th April 2021
10/1 109-18AL(PLG)010A	Proposed elevations block c	27th April 2021
11/1 109-18AL(PLG)11A	Site access details	27th April 2021
12 109-18AL(PLG)12	Site context and analysis	9th November 2020

COMMISSIONER LAURA RODDY

List of Appearances -

Planning Authority:-	Ms D Kerr, Mid and East Antrim Borough Council Mr P Kerrigan, Mid and East Antrim Borough Council
Appellant:-	Mr S Beattie KC Mr T Stokes, TSA Planning Ltd Mr N Jones, Nigel Jones Architects Ltd. Mr G Moore, Consarc Design Mr R Agus, MRA Partnership
Third Parties:-	Cllr R Stewart

List of Documents

Planning Authority:-	"A1" Statement of Case by Mid and East Antrim Borough Council "A2" Rebuttal by Mid and East Antrim Borough Council "A3" Post Hearing Evidence from Mid and East Antrim Borough Council
Appellant:-	"B1" Statement of Case by TSA Planning "B2" Rebuttal by TSA Planning "B3" Post Hearing Evidence from TSA Planning
Third Parties:-	"C1" Statement of Case from Alderman B Ashe "C2" Statement of Case from Cllr R Stewart