Planning Appeals Commission

# Appeal Decision

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| **Appeal Reference:** | 2019/A0068 |
| **Appeal by:** | Greenisland Development Ltd |
| **Appeal against:** | The non-determination of an application for full planning permission |
| **Proposed Development:** | Demolition of existing building and erection of 16 no 2 bedroom apartments in four two storey buildings with associated site works and landscaping |
| **Location:** | Lands to the rear of 103 and 103a Shore Road, Greenisland BT38 8TZ |
| **Planning Authority:** | Mid and East Antrim Borough Council |
| **Application Reference:** | LA02/2019/0332/F |
| **Procedure:** | Hearing on 28 November 2019 |
| **Decision by:** | Commissioner Rosemary Daly, dated 1 May 2020 |

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal relate to:

   - the impact of the proposal on the character of the surrounding established residential area;
   - the impact of the proposal on adjacent land uses including the residential amenity of the surrounding area; and
   - the failure to demonstrate that the development would not give rise to flooding on the appeal and adjoining sites.

3. The Planning Act (NI) 2011 states that determination under this Act must be in accordance with the local development plan (LDP), unless other material considerations dictate otherwise. The appeal site is located along the Shore Road in the settlement of Greenisland. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on the 18 May 2017. As a result the Carrickfergus Area Plan 2001 (CAP) now operates as the local development plan relevant to the location of the appeal site. In the CAP the appeal site is located on unzoned white land. The CAP therefore makes no specific policy provision for the appeal site.

4. Whilst not lawfully adopted it is accepted that the draft BMAP, published in 2004, is a material consideration in the determination of this appeal. In the draft BMAP the appeal site is located within the Settlement limit of Greenisland. It falls within

the BMA Coastal Area. No concerns were raised by the Council or third parties in respect of this provision in the draft plan. The site also falls within the Shore Road ATC (Designation GD06). The draft BMAP states that development proposals within the ATC will be assessed in accordance with prevailing regional policy set out in Planning Policy Statement 6 (Addendum) Areas of Townscape Character. Whilst the proposed ATC designation is a material consideration this designation has no statutory basis. The weight to be attributed to the designation is not determining in this appeal. In any case I consider that if the proposal was found to be acceptable in terms of its impact on the surrounding character of the area it would most likely be acceptable within the specific characteristics of the ATC. Additionally the draft BMAP notes the Shore Road, at this location, as a Protective Route and indicates the indicative line of the A2 Road Proposal. This A2 road is now constructed and by-passes the appeal site.

5. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It 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. No conflict arises between the policy provisions of the SPPS and the retained policy contained in Planning Policy Statement 7 Quality Residential Environments (PPS7), or the addendum to PPS7 Safeguarding the Character of the Established Residential Areas and the Revised Planning Policy Statement 15 Planning and Flood Risk (PPS15).

6. Policy QD1 of PPS7 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. It also states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Given the existing status of the Shore Road ATC the policy provisions for Areas of Townscape Character as set out in the policy headnote of Policy QD1 are not determining in this appeal. The addendum to PPS7, published in August 2010, must be read in conjunction with the policies set out in PPS7. The addendum provides additional planning policies for the protection of local character, environmental quality and residential amenity within established residential areas. Development Control Advice Note 8 'Housing in Existing Urban Areas' and 'Creating Places – Achieving Quality Residential Developments' provide supplementary guidance to be taken into account when considering residential development proposals.

7. The appeal site is located in a residential neighbourhood dominated by medium to low density single family housing with associated private amenity space. The appeal site is therefore located in an established residential area as defined within Annex E of the addendum to PPS7. This document is therefore a material consideration in this appeal. In recognition of the desirability of promoting increased density housing in appropriate locations Annex E of the addendum to PPS7 sets out exceptions to the additional policy considerations, specified by

Policy LC1, set out for protecting local character, environmental quality and residential amenity.

8. The appeal site is located within Greenisland, This settlement is recognised in the CAP as one of the main towns of the former Carrickfergus Borough. In the draft BMAP Greenisland is recognised as one of the small towns in the Carrickfergus District. The appellant stated that in accordance with the 2011 Census the town has a population of 5,486 persons. This population figure was not disputed. When referring to cities and towns Annex E of the addendum to PPS7 specifically mentions populations over 5000. Therefore notwithstanding the definitions contained in the CAP and dBMAP, I accept that given the population of Greenisland it can be defined as a large town in accordance with the provisions of the addendum to PPS7. The Shore Road is part of the A2 transport corridor which runs past the appeal site. From the evidence presented in this appeal and from my site inspection I note the Shore Road accommodates more than 2 lanes of traffic. The road is also lined with footpaths on both sides and bus stops to service pedestrian movements and public transport in the area. Albeit that this section of the Shore Road is now by-passed, by the A2 Road Improvement Scheme, I consider this part of the Shore Road to still be part of the main key transport corridor through the settlement of Greenisland and is also part of the main transport link and corridor to the M2 motorway and Belfast.

9. Notwithstanding that Policy LC1 was applied and considered in detail in appeal decision 2019/A0026, every case must be considered on its own merits and on the evidential basis in which that appeal is made. In this appeal the appellant presented the argument that Policy LC1 is not applicable because it meets with one of the exceptions listed in Annex E of the addendum to PPS7. I have considered the arguments and have reached the conclusion that the location of the appeal site along the Shore Road which is a key and link transport corridor in a large town is one such exception. The approach taking in appeal 2019/A0026 is therefore not determining in this appeal. On this basis I find that the policy provisions of Policy LC1 do not apply to this proposal. The appeal site is located in an area where there is a desirability to promote increased housing density in appropriate locations. However Policy QD1 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to local character, environmental quality or residential amenity. This is therefore the policy tests which must be considered in respect of this appeal.

10. The proposed development involves 4 apartment blocks. Three of the blocks (2, 3 & 4)(block type A) have a footprint measuring 18 metres by 15 metres each with a ridge height of 10.7 metres above ground level. The remaining apartment block (block 1)(block type B), is the smallest apartment. It has a footprint of 14.4 metres by 17 metres with a ridge height of approximately 10.25 metres. All of the individual apartment blocks are similar in design and finishes with side, rear and front projections. Balconies and terraces are proposed on each of the rear apartment elevations. Access to the site is proposed from a single point onto the Shore Road and is positioned almost centrally between Block 1 and Block 2. The access road wraps around the rear of Block 1 leading to front of Block 3 and Block 4. The proposal also involves some 30 car parking spaces provided in two formal parking areas, one to the front of Block 2 at the road side part of the site and the other to the south west part of the site to the front of Blocks 3 and 4. Communal

amenity space has been laid out formally throughout the site but is mainly concentrated to the rear of Blocks 2, 3 and 4 in the south east of the site. Boundary treatment is proposed around the site and consists the retention of construction of walls and fences and planting of new hedges and trees. The appellant has helpfully indicated on drawing 1804 P-15 Proposed Site Layout Drawing, submitted to the PAC on 6 Dec 2019, the extent of the coastal flooding during a Q200 (including climate change =3.400 D) post infilling. The areas include mainly the south east part of the site and a small area to the south west part of the site.

11. The headnote of Policy QD1 states that all proposals for residential development will be expected to conform to all listed criteria (a) to (i). The Council and third parties in their evidence stated that they had concerns with Criteria (a), (c) and (h).

12. Criterion (a) requires that 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, structure and landscaped and hard surface areas.

13. The appeal site is located on land to the south side of the Shore Road along the coastline. Originally two dwellings occupied the appeal site. One has been completely demolished and one remains on the central part of the site. This property is now derelict. Along the road front of the site is a boundary wall around 2 metres high. Internally the site gradually falls down to the coast and shoreline. Mature vegetation and hedgerows exist around the boundaries of the site. To the site's north east boundary is a laneway which provides access to the shore line and divides the appeal site from the neighbouring development at 103b Shore Road.

14. On the 22 July 2009 full planning permission was approved for the demolition of existing buildings and erection of five townhouses and twenty eight apartments and associated car parking and landscaping. Accordingly at one time a significant increase in density was acceptable in principle on the site from the evidence before me I note this permission lapsed. On the 4 March 2019 planning permission, LA02/2018/0603/F, was refused on the appeal site for the demolition of existing buildings and erection of four two bedroom apartments in one two storey building and eighteen two bedroom apartments in three two and half storey buildings with associated site works and landscaping. The reasons for refusal set out on the decision notice related to similar issues as noted the draft reason for refusal. With the submission of that application LA02/2018/0603/F the Council was entitle to review and take an fresh look at the proposed development in current policy context and other material considerations at that time. I note this decision was not appealed. On the adjacent site at 101, 101a and 101b Island Park and application for 6 dwellings was refused permission under LA02/2017/0722/F. This application was appealed (2019/A0026). The appeal was dismissed.

15. In order to define the extent of the established residential character the Council submitted a map outlining an area around the appeal site. This is indicated on Map PAC2. The area included land to the south side of Shore Road and along the Shore line in order to define the established residential character for the area relevant to the appeal site.

16. The appellant provided Map PAC3 to illustrate the extent of what they considered the established residential character. The area indicated by the appellant includes development on the opposite side of the Shore Road which mainly comprises road frontage terrace properties set back from the roadside. Some apartment development also exists in the area identified by the appellant.

17. From my site visit and having reviewed of the submissions there is a clear distinction between the established residential characters on each side of the Shore Road. The Shore Road because of its width combined with wide verges differs significantly in character from the residential development along the south shore side of the road. The Shore Road marks a clear delineation in the residential character of the surrounding area. On the opposite side of the road, the density of residential development is higher in the form of terrace properties set back along the side of the road. Whereas along the south side of the road there is a less uniform residential character with larger properties sited on more generous plots. The urban grain and characteristics on each side of the Shore Road are therefore very distinctive in terms of layout, form and character. For this reason I therefore find the area identified by on the map PAC2 to be the most relevant when considering the established residential character in respect of the appeal site.

18. The established residential character of the area around the appeal site is defined by development that aims to take advantage of the shore line more than the road. The plot sizes are generous, with large garden areas, defined boundary hedges and walls and private parking areas. On approach to the site from the north east the existing row of detached dwellings from 105 to 103 Shore Road form a loose but defined building line along this part of the road. The properties are all set back from the road side. The building line is also followed to a similar extent at 99 and 101 Shore Road where the properties are also set back from the road side. The residential development at 101a and 101 be comprises one two storey block. The density and orientation of development alters in the area of Island Park, where development on smaller individual plot sizes share orientation onto a cul-de-sac.

19. The four apartment blocks have been positioned on the site in an L shape layout. The layout respects the site constraints with no apartment development on the area of the site that is more susceptible to coastal flooding. This has resulted in the development being located mainly to the north and west side of the site. The appeal proposal represents a significant increase in the ratio of built form to the plot size. The 4 buildings are laid out at different orientations on the site which only 3 of the buildings having direct views to the area of communal open space in the south east corner of the site.

20. Block 1 is the smallest of the apartment buildings. The building is set tight into the north-west corner of the site and will be positioned between 2 – 3 metres back from the edge of the site boundary. The proposed siting means this building significant protrudes forward of the common building line of development in the area on either side of the appeal site. Page 23 of DCAN8 advises that setbacks from the building line of the street help to contribute to the urban character of an area. In this area development is set back from the roadside and tends to have generous plots with associated boundary walls and soft landscaping. In this case Block 1 is set back around 2-3 metres from the boundary wall. This limited set back combined with the overall height of the building, at 14.250 metres, and width of the building, some 17 metres, means it will appear large and over dominant in

its context forward of the building line in the area. It will appear out of context in its surroundings. Furthermore when viewed by pedestrians and road users in the area, Block 1, will over dominate the street scene, rather than the skyline as suggested by the third parties. Drawing 08 provides a photo realistic image of this view and drawing 06 shows contextual elevation to Shore Road. Whilst such images are only indicative of how the proposal will appear I consider the extent of height, bulk and set back of Block 1 is well demonstrated by this image and contextual drawing. These demonstrate the scale, bulk and layout of the proposed development on the appeal site. Having assessed these drawings I consider they reinforce that Block 1 is particularly dominant within its surrounding context.

21. The landscape proposals show a small area of green space and three large standard trees, this level of landscaping will have limited impact in softening the overall dominant appearance of Block 1 on the surrounding character of the area and when viewed from the Shore Road. Furthermore given such limited space between the front elevation of the building and the boundary wall of the site it is questionable the extent and if there is sufficient space to allow the heavy standard trees along the boundary to grow to make a meaningful contribution to the appearance of the development on the site.

22. Apartment Block 1 is also bounded on three side by road ways. The edge of the site access is some 3 metres from the edge of the side elevation of the apartment block. The space around the apartment block is so restricted that road users will be walking/driving along the north and south elevations of the apartment block. Furthermore the position of Block 1 mean it benefits very little from the appearance of the open space on the site. As a consequence the layout gives rise to Block 1 being shoehorned into the north-west corner of the site. Such over development is an unacceptable form of residential development and one which is not characteristic in this area where residential properties are on generous plots with reasonable levels of private amenity space.

23. Block 2 is position some 14 metres back from the front boundary of the site. The positioning of this building broadly follows the common building line of development established in the area. The position of the front elevation of this apartment block, by itself, would not be uncharacteristic of the building line in its surrounding context. It is sited some 14 metres back from the road site boundary which is broadly similar to the neighbouring properties.

24. Block 3 and 4 are sited almost side by side on the lower part of the site. There is minimal separation between each, of around 2.5 metres. Block 4 is some 2 metres from the boundary of the site and Block 3 is some 2 metres from the edge of the access through the site. This layout leads to limited and restricted circulation space around the properties. This is another example of overdevelopment that is not characteristic in this area.

25. Having looked at the site from the Coastal Path, located to the south, I do not consider the proposal would have the same over bearing impact, as it does from the Shore Road, given it would be set back behind the large area of open space. I do not find the Council's concern sustained in respect of these views.

26. The overall layout of the development gives rise to appear of hard landscaping and built development through the site. When viewed from the Shore Road there

is little appreciation of the green areas and landscaping on the site as it is dominated by the appearance of built development. The proposed access layout flanked by parking bays on both sides further adds to the appearance of over dominance of hard surfaces through the site. This is uncharacteristic in this area. The use of permeable paving for some of the car parking bays to the west side of the site is not sufficient to soften the cumulative appearance of the access road and car parking areas. This all gives rise to the appearance of a very overdeveloped and built up site. Such overdevelopment is out of character with the established residential area and furthermore does not lead to the creation of a quality residential environment.

27. The design and appearance of each of the apartment blocks appear as large two storey detached blocks. The use of pitched roofs and projections is in keeping with the eclectic mix of residential design, use of finishes and materials and scale of residential development in the area. Given the eclectic mix of modern and traditional house design in the area, the massing and appearance, finishes, height and scale and general overall design of the buildings, of themselves, would not be unacceptable in the area. Nonetheless it is the cumulative effect of four of these buildings sited so close to each other that raises concerns in respect of the overall bulk, scale and massing of the development when seen together.

28. All in all the proposed layout gives rise to the appearance of over development with restricted circulation; over use and dominance of hard surfaces and built development to the west part of the site. This is reinforced by the built development forward of the common building line giving rise to an over dominant built form in this area when viewed from the Shore Road. These elements of the layout are uncharacteristic in the surrounding area of residential development. The layout is not in keeping with the grain or pattern of development on the seaward side of the Shore Road. The proposal does not sit favourably with criterion (a) of Policy QD1.

29. Criterion (c) requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in it integration with the surroundings. The appellant provided an updated landscape plan at the appeal hearing (PAC1). The plan shows existing trees and hedgerows along the site south west and south east boundaries. It also shows close boarded fencing and metal railings being erected around the site. The cross sections of the site show gentle grading up from the edge of the site to the level of finished floor level for each of the blocks. The landscaping details the communal open space provision concentrated to the south east part of the site. It is proposed to be formally laid out with circulation pathways and overall should give rise to an attractive area for the development.

30. Third parties raised concerns about the proposed landscaping given the sites shore line location where harsh weather can impact the viability of the vegetation. However, I noted when I was on site, it was over grown with grass and vegetation. Likewise a number of surrounding properties in this area were surrounded by mature hedgerows and vegetation. I am therefore not persuaded that the proposed landscape measures would not be entirely viable for this reason. Nonetheless the implementation of the landscape and planting plan can be

conditioned as detailed on the submitted drawing. In the event that the plants do not grow or die it will be responsibly of the landscape management company on behalf of the land owners to ensure the landscaping is carried out in accordance with the approved plans. Accordingly I do not find these objections to be sustained in respect of the landscaping proposals.

31. The open space located on one part of the site means the outlook from Block 1 would be visually limited. The outlook from this apartment block would be towards the gable end of Block 3 and the car parking and access road. Whilst a small area of green space is located to the west side of Block 1 it is limited and of little use to the residents of this apartment block. Paragraph 4.30 of the justification and amplification of Policy QD1 states that open space is vital to the overall design quality of the development.

32. Private open space for each of the apartments is contained to the large balcony and terrace areas at ground floor and first floor levels. There is no dispute that the quantum provision of open space is adequate for the scale of the development. However its layout and provision is not very integral to the overall use of the development especially in respect of the residents of Block 1. Nonetheless I don't find this matter to be so unacceptable that would justify refusing permission on the basis of a failure to meet the requirements of criterion (c) as my concerns relate to the overall layout of the development which have been addressed above.

33. Criterion (h) requires the design and layout will not create a 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 proposed layout gives rise to apartment block 3 and 4 looking towards the rear garden areas of the amenity space associated with 101a and 101b Shore Road. From the apartment blocks, of themselves, they are set back some 28 metres behind the area of landscaped open space of the site boundary. This allows for sufficient distance to offset the level of overlooking from these blocks to an acceptable level.

34. Block 2 is broadly in line within the neighbouring property at 103b Shore Road. Given the distance of around 7 metres from the boundary of the neighbouring site combined with the height of the balcony, at some 3 metres, means that positioning of Block 2 would give rise to a level of unacceptable overlooking onto the neighbouring property. At the appeal hearing the appellant submitted a drawing (PAC2) showing the use of balcony screens. Given the overall width of the balcony, some 10 metres wide, the proposed balcony screens would have limited impact on the level of unacceptable overlooking from Block 2 onto the neighbouring property at 103b Shore Road. Furthermore the proposed landscaping provisions on this part of the site offers little potential to screen views onto the neighbouring site.

35. In respect of the proposed properties pedestrians and vehicular traffic will be coming and going on the site and would have direct views into the rear glazed terrace doorways and windows of the ground floor apartments at Block 1. The proposed small hedge planted along the front elevation of these properties would have limited impact in screening open views into these apartments. Likewise traffic and pedestrians would also have direct views into the side elevation of Block 1 which has no screening and is set only 3 metres back from the road side.

36. Blocks 3 and 4 are sited almost adjacent to each other and are position around 2 metres apart. The ground floor and first floor windows, which relate to dining areas, look almost directly into each other. Such overlooking as proposed by the layout is unacceptable and does not amount to a quality residential environment.

37. Third parties raised concerns about the location of the open space in respect of the overlooking and noise nuisance. The proposed boundary treatment in terms of fences finished at a height of 1.8 metres is sufficient to filter views from the area of open space onto the neighbouring properties. I do not find the concerns in respect of overlooking from the open space area to be determining. In respect of noise nuisance, the appeal site is located in a coastal urban area where there would already be a level of background noise akin to the levels on the site. In respect of noise I have not been persuaded that the level of usage at this location would give rise to noise levels that would be so unacceptable to justify refusing the development for this reason.

38. The Council raised concerns relating to the lack of details relating to bin storage. I note three areas of bin storage located throughout the site. These areas are not central to the site and not very accessible to the residents of blocks 3 & 4. Nonetheless I do not find this matter to be determining in respect of the overall layout of development on the site.

39. Third parties raised concerns relating to overshadowing and over dominance onto neighbouring properties. Block 2 is positioned almost 16 metres west of the gable end of the neighbouring property at 103b Shore Road. A laneway runs between the appeal site and this property. Block 4 is some 6 metres north of the gable end of the two storey building at 101b and 101a Shore Road and to the west side of the appeal site a laneway and front garden areas separate the appeal site from the proposed built development. Having assessed the impact of the development in this regard and given its urban context I consider the proposal offers sufficient separation distance between the location of each of the apartment blocks so that overshadowing and dominance caused by the proposal would not be at an unacceptable level. Furthermore concerns were raised in respect of a lack of security gates for the development. I have not been persuaded by the submitted evidence that such a requirement is necessary given the level of occupation and potential surveillance that could be achieved by the number of residents occupying the site. Accordingly I find these third party concerns not to be sustained.

40. Overall the proposed layout gives rise to an unacceptable adverse effect on existing and proposed residents in terms of overlooking. For this reason I find that it conflicts with the requirements of Criterion (h) of Policy QD1.

41. All in all, whilst I accept that the appeal site is located in an area where there an increase in density would be acceptable I have found the proposal to be contrary to Criteria (a) and (h) of Policy QD1. For these reasons I consider the proposal does not create a quality residential development that is in keeping with the local character, environmental quality and residential amenity of the surrounding area. Accordingly the Council draft reason for refusal 1 and 2 and third parties objections are sustained in this regard.

42. The Council's third draft reason for refusal raised concerns relating to the site location within the 1 in 200 year coastal flood plain and that it had not been

demonstrated that flooding would not occur at the appeal site and adjoining sites. It was noted at the appeal hearing that the same issue had arisen in the context of appeal 2019/A0026 and that the Commissioner had not sustained this concern. Nonetheless each case must be considered on its own merits. In this case the Council stated that to date insufficient information had been submitted to conclude on the matter.

43. At the appeal hearing the representative from Rivers Agency outlined the necessary information that was required and post hearing evidence was permitted and submitted. The information included longitudinal sections; coastal flood plain events; sub-surface drainage infrastructure; exceedance flow management; cover/invert levels; discharge point at the Foreshore and management of drawing in the amenity space. Having looked at these measures the appellant stated that a detailed assessment of flooding mechanisms affecting the site have determined that the proposed development does not lie within the $Q_{100}$ flood event, and can be constructed in a manner which mitigates coastal/pluvial/ exceedance flow flood risk and will also not increase flood risk with the general area of the site.

44. The Council and DFI River Agency considered the proposal in line with the current revised Planning Policy Statement 15 'Planning and Flood Risk' dated September 2014. Having reviewed the submitted information the DFI Rivers Agency had no reason to disagree with the appellant's conclusions. Subject to a condition requiring the development to be carried out in accordance with the submitted drainage information the Council stated they had no longer objections to this aspect of the development. To safeguard the site and adjacent land against flooding such a condition is necessary and reasonable. I consider this matter adequately addresses the third party concerns in respect of drainage and flooding from the site. I have been presented with no other information from the third parties to persuade me otherwise. Accordingly the Council's third draft reason for refusal and third party concerns in respect of flooding is not sustained.

45. At the appeal hearing the Council stated they were satisfied subject to conditions relating to the provision of the necessary visibility splays that a safe access to the site can be achieved. Such measures are detailed on the submitted drawing 14 received by the Council on 18 July 2019. These measures could be implemented with the use of a planning condition. For this reason the Council had withdrawn the fourth draft reason for refusal.

46. The third parties raised concerns relating to the gradient of the access; the standard of the turning circles and the availability of parking for the users of the site. Firstly I note that the statutory consultees or the Council do not share these concerns. The DFI consultation response note that the access way and parking areas associated with the development are, and will remain private. Some 27 standard spaces and 3 accessible spaces have been provided for the 16 no 2 bedroom apartments. Such levels of parking meets the Department's published standard of 1.5 spaces for the 2 bedroom apartments. Furthermore I have not been persuaded that gradient of the access which falls from 4.580 metres to 4.065 metres over the distance of 10 metres would give rise to an excessive steep drive. As the proposal relates to a private drive I do not find any justification to provide excessive areas for turning circles or that the proposal warrants auto tracking information. Problems relating to weather conditions and the access is a matter for the appointed management company for the development. Accordingly I am not

persuaded that these third party concerns justify the refusal of the proposal for this reason. These objections are not sustained.

47. Third party raised concerns regarding the impacts on the development on wildlife and bats in the area. Natural Environment Division considered the impacts of the development on designated sites and other natural heritage interests including bats. No concerns were raised in respect of these matters. Their consultation response noted that no bat roosts were identified on the site during the survey period and that the demolition of the existing structures on the site is unlikely to have a significant impact on bats. The third parties provided no persuasive information to lead me to conclude contrary to the professional opinion of the statutory consultees. Accordingly these concerns raised by the third parties are not sustained.

48. All in all, whilst I acknowledge and consider that the appeal site is in an area where an increased density of residential development would be acceptable, the proposed layout, form and scale of the development is not in keeping with the established residential character of the area. The proposal gives rise to a form of development that would lead to an unacceptable damage to the local character and residential amenity of existing and proposed properties. The appeal development therefore fails to meets the requirements of the SPPS and Policy QD1 of PPS7. The Council's and third party concerns in respect of these issues are sustained and the appeal is dismissed.

***Habitats Regulations Assessment***

49. The application site is in close proximity to the boundary of to a number of designated sites including the Belfast Lough and East Coast Marine SPA; Belfast Lough SPA/Ramsar site and the Belfast Lough Open Water SPA. The Department of Agriculture, Environment and Rural Affairs were consulted in respect of the appeal proposal and its likely impacts on these designated sites. Subject to recommendations the Natural Environment Division raised no concerns in respect of the impacts of the proposed development on these designated sites. Having reviewed the submitted information and the consultee responses I have no reason not to accept the opinion of the statutory consultees on the likely effects of the development on the noted Natura Sites. Nonetheless in view of the above decision to refuse this proposed development it is not necessary to consider this matter further.

This decision is based on the following drawings:-

- Drawing 01/1 – Proposed Site Layout and Block Plan Received by Mid and East Antrim Council Planning on 31 May 2019
- Drawing 02 – Proposed Plans and Section Received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 03 – Proposed Elevations Type B Received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 04 – Type A Proposed Elevations Received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 05 – Proposed Plans and Sections Received by Mid and East Antrim Council Planning on 02 May 2019

- Drawing 06 Contextual views and elevation received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 07 Site Sections Received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 08 View 1 from north east received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 09 View 2 from north east received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 10 View 1 from south west received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 11 View 1 from south west received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 12 Photomontage View 2 from south west received by Mid and East Antrim Council Planning on 02 May 2019
- Drawing 13 existing site layout received by Mid and East Antrim dated 10 June 2019
- Drawing 14 Site Entrance Visibility Splays received by Mid and East Antrim on the 18 July 2019
- Drawing 15 Foul Drainage Document
- Drawing 08 (P100) – Site Layout Capacity Plan
- Drawing 09 (010) – Foul Drainage Schedule

**Post hearing drawings:**

- L0-01A Soft Landscape Proposals (B Moore) received by PAC on 6 Dec 2019
- 1804 (P-) 56A Site Section (Calico) – updated to show existing levels in line with project engineer's design work received by PAC on 6 Dec 2019
- 1804 (P-) 50B Proposed Site layout and Block Plan (Calico) additional levels and Q200 flood area shown post infilling received by PAC on 6 Dec 2019
- DRA001 Drainage Plan received by PAC on 6 Dec 2019
- DRA002 Drainage Sections received by PAC on 6 Dec 2019
- Drainage Calculations received by PAC on 6 Dec 2019
- RIV1 Rivers Proposed Flow Pattern and Contour Plan received by PAC on 6 Dec 2019
- RIV2 Shore Road Catchment Plan received by PAC on 6 Dec 2019
- RIV3 Proposed and Existing Site Sections received by PAC on 6 Dec 2019

**COMMISSIONER ROSEMARY DALY**

**List of Appearances**

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| Planning Authority:- | Denise Kerr, Mid and East Antrim Borough Council<br>Julie Blue, Mid and East Antrim Borough Council<br>Ciaran Fearon, DFI Rivers Planning Advisory Modelling Unit |
| Appellant:- | Stuart Beattie, Barrister<br>David Donaldson, Donaldson Planning<br>Peter Stewart<br>Michael O Sullivan, O'Sullivan Macfarlane Environmental<br>Mr Gowdy and Ms Crutchley, Solicitors<br>Clive Jones |
| Third Parties:- | Ms J Rainey<br>Mr G Lyons, MLA Mid and East Antrim<br>Mr B Patterson<br>Mr Y Hogg |

**List of Documents**

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|---|---|
| Planning Authority:- | "A" Statement of Case, Mid and East Antrim Borough Council<br>PAC1 – Soft Landscape Proposals Scale 1:250<br>PAC2 – suggested Established Character Area (Council)<br>PAC4 - Map of adjacent site<br>PAC6 – Flood Risk Management Maps |
| Appellant(s):- | "B" Statement of Case, Donaldson Planning<br>PAC3 – Established Residential Area<br>PAC5 – Glazed Balcony Detail Scale 1:50 |
| Third Parties:- | "C" – Residents, Statement of Case<br>"C1" – Gordon Lyons MLA, Statement of Case |