



Implementation Date: 01 September 2023

Template for Requesting Speaking Rights at the Planning Committee

The Protocol for the Operation of the Planning Committee provides for interested person(s) to register to speak on a planning application that is scheduled to be determined at the next meeting of the Planning Committee. This request must be received by the Planning Department no later than 10am on the Monday before the Planning Committee meeting via email account planning@causewaycoastandglens.gov.uk.

Planning Reference	LA01/2023/0133/O
Name	Colin or Caoimhe O’Callaghan (Agent) O’Callaghan Planning 20 Castle Street Newry
Contact Details	Tel: _____ Email
Support or Objection – please tick relevant box	Support <input checked="" type="checkbox"/> Objection
<p>Written representation summarising key points to be addressed and supplementary information in support of your case (minimum font size 10 and maximum length two sides of A4 page). Please see submission attached</p>	

1. Planning permission is sought for a new dwelling that lies on the periphery of Cushendall. The intention is to round-off and consolidate development that exists within the settlement limit. The site is designated as open countryside, however, unusually in this case, the current limit does not follow a logical boundary such as a wall or natural feature e.g river or hedgerow. It is expressed only by a small post and wire fence that defines the existing curtilage of No.15 (the applicant's parent's dwelling) and appears out-of-sync with the adjoining development that stretches along the opposite (LH) side of this narrow laneway for a distance of 72 metres (incorporating Middlepark Crescent). The recent approval of 35 social housing units will further extend the built-up area to 192 metres leaving a very large discrepancy between the settlement edge on either side of this laneway.
2. This application has been recommended for refusal because it does not comply with rural planning policy however the Council appear not to have given consideration to whether this proposal really results in demonstrable harm to the setting of Cushendall or actually represents an opportunity to improve the current situation by evening up the current mismatched edge. Situations like this **can** be dealt with pragmatically, and dispensation can be given because Section 45 of the Planning Act NI 2011 states: *where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.*
3. Planning policies are material considerations, which cannot be ignored in the planning process. However, failure to comply with a planning policy is not automatically fatal to the prospects of an application, since all other material considerations must also be taken into account. Further, the courts' attitude, as per the *Lamont* judgement in particular, is that planning policies are not to be applied as if they were singular rules with immutable meanings. The basic legal principle is that it is perfectly legitimate to depart from a planning policy where a decision-maker sees fit to do so, provided the departure is acknowledged and provided also the reasons for so doing are made clear.
4. Now it is established that the failure to comply with planning policy is not fatal, and that policy can lawfully be departed from, we must simply ascertain whether there are valid reasons to set aside planning policy in this instance.
5. The rationale behind this application is that a new dwelling would result in a more coherent and legible definition of the settlement limit. The planning department did not state their position on this assertion but did express their concern that approving this application, in these circumstances, would create a precedent for other cases. We have carried out and submitted a robust appraisal of the settlement edge and there are no other opportunities whereby the edge appears incoherent / does not follow a natural boundary or defined edge.
6. Disappointingly the planning department have not documented, in their report, their consideration of the principle of 'rounding off' or indeed the relevance or otherwise of the examples that were cited. The principle is well established and has been successfully applied by the PAC (list of appeals that were allowed on the basis of "rounding off" include: 2017/A0147, 2008/A0342, 2003/A070) as well as various Councils across the north. It facilitates common-sense decision making that adapts to the changes within the townscape that can evolve over the lifespan of a development plan, specifically in this instance I invite you to consider the approval of 35 social housing units (LA01/2020/0510/F) that has significantly altered the defined edge of Cushendall.

7. Following on from our disappointment that the principle of 'rounding off' and the significant amount of supporting documentation submitted was not once referenced within the Council's planning report, we were also surprised that the Council's own Development Plan team were not consulted as part of the application process. It is therefore disappointing not to have their view as to whether the development may or may not be acceptable. In a similar case, handled by this practice LA07/2019/1069/O within Newry Mourne and Down District Council, officers consulted its Local Development Plan team. The Plan Team did not consider that the proposal (also for one dwelling) would undermine the development plan process and in their response confirmed that; *"The principle of rounding off/consolidating development is indeed an appropriate approach in reviewing development opportunities within the District's small settlements"*.
8. Therefore at this point the Council have not offered up any opinion on the acceptability or otherwise of 'rounding off', perhaps we can assume that there is no fundamental objection to applying this methodology. If the Planning Committee satisfies itself that this approach can be implemented, in principle, we ask that we move onto the next part of the assessment which involves consideration of the physical impact of the proposed development.
9. The site is physically and visually well set back from any public viewpoint, it cannot be seen from Kilnadore Road when travelling in either direction given its obscure location off the narrow laneway / beyond the bend at the junction with Kilnadore. Even when viewed from the narrow laneway which is not adopted or often frequented by vehicles, the extensive boundaries are such that views into the site are virtually impossible. A dwelling on this site would occupy a low elevation within the landscape when viewed from the laneway and we do not agree that it would result in any harm to either the setting of the settlement or indeed the rural character of this area.
10. There are simply no critical views upon which it would be reasonable to assert that this development would result in 'harm' and we contend that even if the dwelling were to be visible from some point (eg site frontage) it will read coherently with both the lower density development that lies to the east, including No.15) and the higher density housing to the south.
11. The issue of ribbon development (CTY 8) is not relevant should the Committee be of the opinion that the development can be absorbed within the existing townscape.
12. This proposed development will not mar the distinction (CTY 15) between the development of Cushendall and the surrounding countryside simply because this distinction is not well-defined or obvious on the ground not to mention the fact it is not readily visible to any passing members of the public. Again should the Committee agree that development of this site would create a more logical edge to the limit, this issue is overcome.
13. We contend that the proposed development is appropriate to its site and locality and will not result in any harm to the rural character of this area. Approval will result in a more defined edge to the settlement limit of Cushendall. The applicants' seek a modest family dwelling that is similar in size and scale to the detached properties that lie adjacent along the laneway, ensuring that the development blends with the adjacent development.
14. In the circumstances, given there is an acknowledged potential to round-off the settlement limit and given the PAC is content to adopt this practice, we respectfully ask the Members of this Committee to follow suit and to approve this application.