

# Addendum

## LA01/2017/0331/F

### Full Planning

#### Update

One further submission dated 23<sup>rd</sup> February 2018 has been received from the applicant. A number of points have been raised:

1. It is argued that the approach in the application of Policy COU 4 of the Northern Area Plan 2016 is unduly inflexible. To make this point, Justice Kerr is quoted, “the nature of planning policy is to provide general guidance... it is not a set of immutable rules.” A further argument is made that Policy COU 4 is silent on proposals which seek to change the use of a building. It is underlined that as the proposal does not involve a new building, it will have no impact. It is argued that if this approach is followed, it would prevent all proposals for change of use within the Distinctive Landscape Setting.

The subject application has been assessed against the provisions of Policy COU 4 and the proposal is not permitted by the specific terms of that policy. The policy is clear that “no development” shall be permitted except for the specified exceptions. Nowhere in text of Policy COU 4 does it state that the policy is limited to new buildings. As set out in the Planning Committee Report, the ancillary development associated with a change of use will have an effect of the visual amenity of the area.

2. It is argued that policy is not prescriptive about amenity space provision for such proposals and that there is plenty of outdoor amenity provision nearby.

It is accepted that there is no specific space standard for the provision of amenity space for such proposals. However, the provision of private amenity space of approximately 7 sqm is so limited that it would not provide a quality residential environment.

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3. It is argued that the SPPS should not be used as the basis to assess integration issues. Furthermore, it is argued that planning conditions can be used to regulate domestic paraphernalia outside the building.

The SPPS is a valid policy document which is material to the assessment of planning applications. If the application were to be approved, the need for further supporting domestic paraphernalia outside the building would likely and to some extent necessarily follow. While the detail of this could be considered in the context of a further planning application, any such development would fail to integrate.

### **RECOMMENDATION**

That the Committee notes the content of this addendum and agrees with the recommendation to refuse as set out in paragraph 9.1 of the Planning Committee Report.