

Addendum 2

LA01/2023/0133/O

Update

- 1.1 Application LA01/2023/0133/O was presented to Planning Committee in May, with a recommendation to Refuse. Committee deferred the application for a site visit. The site visit took place on 22nd August. The application was presented to Planning Committee in September and deferred for consideration of additional information.
- 1.2 Ahead of the Planning Committee in October, the agent for the application contacted officers and requested that the application be deferred for one month to afford members additional time to consider important material considerations, that were not referenced within the case officer report or the agenda papers.
- 1.3 The additional information was submitted in February 2023 and September 2023 and has been available to view on the Planning Portal from the date of submission. The Planning Committee report provided a link to the additional information and a separate pack including the additional information was also provided.

2.1 Assessment

- 2.2 At the time of submission the additional information was given full consideration, however, officers were not persuaded of the relevance of the arguments put forward, as there is no policy context for the proposed justification and the examples provided were materially different to the current application.
- 2.3 The supporting planning statement submitted in February 2023, highlights that the site forms part of a larger agricultural field that stretches to the south-west and acknowledges that the surrounding area has a more rural feel. The report identifies that the site is outside the settlement development limit and that the application does not meet any of the exceptions outlined in CTY 1 of PPS21; advocating for the adoption of a different approach, - “one in which

planning theory and practice combine to outweigh policy failures on the ground – site specific considerations”.

- 2.4 The argument put forward is that this application provides a more logical and natural edge to the settlement and that rounding off or consolidating development limits leads to a better defined edge on the ground.
- 2.5 In considering this approach, officers set aside this argument as there is no provision under existing planning policy to permit the rounding-off of a town. Settlement development limits are defined through the Local Development Plan process, following careful consideration of detailed evidence and in consultation with key stakeholders and local communities.
- 2.6 If this application were to be approved, it would set a damaging precedent and would fundamentally undermine the purpose and function of the planning system and would potentially hamper the future expansion of the settlement.
- 2.7 The settlement limit for Cushendall has been through due democratic statutory process, including public consultation and has been scrutinised at the examination in public.
- 2.8 The application site was put forward for consideration during the Northern Area Plan 2016 process. In considering the site the PAC at the examination in public concluded that “The inclusion of this flat area of land to the outside of the southern boundary of the conservation area, would give rise to a significant outward expansion to the west side of the settlement. Its inclusion would therefore fail to provide a compact urban form at this location.”
- 2.9 The planning statement outlines a series of decisions by the PAC which it argues are consistent with the rounding off approach. These were set aside as they are fundamentally different from the current application. In each of the cases put forward, the site specific characteristics are not comparable. The examples, which date back as far as 2003, and are taken from across Northern Ireland, represent rare exceptions, where site specific characteristics have led to appeals being allowed for development where the proposal did not meet with any planning policy.

2.10 Whilst the PAC in their reports may have referenced the term “rounding off” or “consolidation”, this does not establish this as a principle of planning.

2.11 In each case it is also clear from the physical constraints of the site, that a continuing precedent would not be set by the grant of planning permission. It is also worth noting that none of the examples are within a sensitive environmental setting, whereas, the current application is within the AONB, a Local Landscape Policy Area and is adjacent to the Cushendall Conservation Area.

2017/A0147 Tallaghans Road, Dunloy

2.12 In considering 2017/A0147 the PAC concluded that given the build up of development on and surrounding the site, that it already had the appearance of an integral part of Dunloy and “while the proposal would offend policy, if constructed no detriment to rural character would be visually apparent”. It is also noted that the surrounding pattern of development would limit precedent in this case.

2008/A0342 The Burren

2.13 In considering 2008/A0147 the PAC made reference to “a logical rounding off” in their report. However, this is in the context of the planning history and the physical characteristics and constraints of the site. Half of the site was within the development limit, the site had planning permission and was in active use as a storage yard and as such was of low environmental quality. The development to the immediate north of the site would also limit any precedent.

2003/A070 The Straits

2.14 The example provided at No.12 the Straits is not comparable as the development was on the edge of a hamlet which didn’t have a defined settlement limit. As such the example is not relevant to the case. The PAC in their report stated: “the appeal site lies on the edge of Lisbane, a hamlet settlement designated in the North Down and Ards Area Plan 1984-1995. The Plan does not define limits for hamlet settlements but indicates that small scale housing development, which is principally rounding off and infilling in nature, will be permitted development, which is principally rounding off and infilling in nature, will be permitted.”

S/2014/0910/F & LA07/2016/0307/O

- 2.15 These applications are not comparable due to the nature of development which includes, 123 dwellings to the south of Maghaberry Prison and the Erection of a new multi-franchise car showroom to include a car workshop and 3 adjoining showrooms.

Mullartown/Glassdrum

- 2.16 No reference number was provided for this example. However, weight is attached to the consultation response from the LDP team who referenced rounding off in their response. Again, this is in the context of the existing development pattern. The first line of their response states: "There would appear to be only scope for the provision of a single dwelling with no further extension of the ribbon being feasible." This is due to the physical constraints of the site which limits the precedent and sets this site apart from the current application.

2021/A0068 Tullyroan Corner

- 2.17 In this case the vast majority of the site is within the settlement limit and there is development to either side which limits potential precedent.
- 2.18 The addendum to the planning statement which was submitted in September 2023 seeks to address officers' concerns with the proposal, specifically in relation to precedent.
- 2.19 The addendum highlights alternative sites in Cushendall where the settlement limit is deemed to be contrived. The arguments put forward are not relevant in the consideration of a planning application. The LDP is the appropriate mechanism for the consideration of strategic extension of a settlement limit. Boundaries are not drawn on best fit lines but are based on detailed analysis of evidence and environmental criteria.
- 2.20 Image 1 and image 2 provide indicative adjustments to the site boundary. It should be noted that these do not reflect the boundary defined as part of the application.
- 2.21 The application seeks to develop one third of a larger agricultural field. If approved this development would set a clear precedent for the remainder of the field but also development on the edge of

settlements across the borough. Given the environmentally sensitive nature of this site, the precedent would be broad ranging and would seriously undermine the integrity of the planning process.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraphs 1.1 and 9 of the Planning Committee report.