

**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](mailto:planning@causewaycoastandglens.gov.uk).

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|---|---|
| <b>Planning Reference</b>   | LA01/2023/1053/F  |
| <b>Name</b>   | William Orbinson KC & Matt Kennedy  |
| <b>Contact Details</b>  | <u>Tel:</u><br><br>Email:   |
| <b>Support or Objection – please tick relevant box</b>  | Support <input checked="" type="checkbox"/><br>Objection <input type="checkbox"/> |
| <p><b>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).</b></p> <p>Please see attached.</p> |   |

## **Loughermore Road**

The Planning Department's final response set out in their email dated 24<sup>th</sup> May 2024 is clearly not based on current planning policy and Council is not entitled to require two social houses.

Policy HOU 2 is clear. It only applies to proposals for more than 25 units or on a site of 1 hectare or more. This current application does not exceed either the numerical or spatial threshold as set out in Policy HOU 2 and piecemeal/phasing type development does not constitute any part of the policy.

The Applicant's legal opinion, set out by William Orbinson KC, is clear and unambiguous on this point.

The Council, in terms of planning policy or legally are not entitled to require 2 social dwellings as part of this application which is an entirely separate and distinct proposal.

Council now acknowledge in this email their errors in the original application in that they did not seek social housing in the original proposal and did not make it expressly clear that they would seek social housing in this current application.

The reason why Council are no longer requiring 7 social units rather than 2 units is because Orbinson's legal opinion clearly indicated that it was contrary to planning policy and would be unlawful.

The Council's logic for asking for two social houses is that there is some sort of linkage between the original and current application which justifies their request. However, I see nothing in Policy HOU 2 that supports the approach of the Council.

In terms of Policy HOU 2 the proposal is below the spatial and numerical thresholds and with separate applicants/companies and separate land ownerships I see no policy support for their approach.

The Applicants has indicated they will not provide social housing for the application as their legal opinion indicates it is not required.

The Applicants have indicated that they are willing to pursue any refusal of planning permission to the Planning Appeals Commission.

Considering the previous legal opinion Council run a significant risk of being found to have acted unreasonably at any appeal.

## **Policy QD 1 of PPS 7 – Overlooking**

Refusal reason 2 refers to an unacceptable level of overlooking from the gable bay window on Plot 2 onto an adjacent private drive.

However, there is already an almost identical plot arrangement approved and under construction opposite the application site with the house on Site 20 having a bay window onto the private drive and facing Sites 16/17.

Moreover, it appears that these houses at 12.26m are closer than the arrangement at Site 2 which is 12.57m away.

As this arrangement was acceptable in the 2018 permission on this site I fail to see how this similar arrangement is now no longer acceptable.

However, if the PC believe there is merit in this argument the side window of Plot 2 is not the main primary window for this living room and the Applicant can amend the house type to remove/reduce the bay window if required.

The internal layout of the room means that this bay window faces the fireplace, which means that logically the back of the sofa will be against the window, facing into the room. The level of overlooking from the private drive, through this window would be minimal.