

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	LA01/2021/0777/O
Name	Mark Cairns
Contact Details	Tel: Email:
Support or Objection – please tick relevant box	Support <input checked="checked" type="checkbox"/> Objection <input type="checkbox"/>
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).	

Points of clarification

The Council have noted receipt of five objections from two addresses. They have not disclosed the fact that four objections are from the same person, or that the content of each objection is broadly identical, and therefore considered repetitious and irrelevant. The Council have also failed to advise within the Planning Committee Report that copies of Land Registry maps were not received from the abovementioned person in support of their objection, nor that relevant Land Registry maps were in fact provided by the applicant on 13th October 2022 in validation of their ownership of the application site. A statement from the agent confirming that the application drawings were prepared truthfully and accurately in accordance with these maps was also provided at that time.

~~The report incorrectly notes that NI Water have recommended refusal. NI Water have in fact recommended approval subject to standard planning conditions.~~ The applicant agrees with paragraph 8.26 of the Planning Committee Report which notes that there are no instances of fluvial or surface water flooding on NI flood maps, and refers to drawing MiL-PL-001 submitted as part of this application. This drawing is based on a land survey which was carried out in March 2014, and which identifies a 'bank' along the entire boundary with no. 126 Dunlade Road. This bank prevents any displacement of surface water from the application site, and has existed for over 20 years – long preceding the submission of this planning application. No evidence of flooding has been submitted within this period, and any objection in relation to such is considered to be non-factual and irrelevant.

The Planning Committee Report refers to 'vacant' outbuildings on the application site – however these are garages which continue to be used by the applicant and residents of the dwellings within the existing site.

Response to Planning Committee Report in relation to CTY 2a

Further to paragraph 8.6 within the Planning Committee Report, the applicant did in fact provided **five** examples of successful applications / appeals to the Planning Inspectorate – the first of which was PAC Decision 2010/A0202. In subsequent examples, the applicant or their agent referred to this previously successful PAC Decision in support of their own successful applications / appeals.

The Council has attached Appeal Decision 2021/A0119 to this Planning Committee Report as Appendix 1, within which the Appeal Commissioner notes that although previous PAC Decisions are referenced, they have not been submitted in evidence, and cannot therefore be considered as part of the Appellant's case. No reference is made to these previously successful applications / appeals in Appeal Decision 2024/A0021, which the Council also attaches as Appendix 2. Contrary to the Council's comments in paragraph 8.6 that the appeals appended to the Planning Committee Report "*represent the settled position of the Planning Department and Appeals Commission*", the PAC does not operate a doctrine of binding precedent, and more recent decisions do not overrule previous decisions unless they expressly analyse and displace them. In both examples presented by the Council, the respective Appellants have missed an opportunity to bring relevant examples of successful applications / PAC Decisions to the attention of the Appeals Commission. The Council are therefore misleading in their suggestion that this failure by the Appellants can be construed as the Appeals Commission having rejected the same principles which have been put forward in support of this application. It is requested that the Planning Committee consider the relevance of the larger quantity of successful examples submitted by this applicant, instead of the two poorly prepared examples presented by the Council, when considering this application.

Response to Planning Committee Report in relation to CTY 8

Paragraph 8.9 of the Planning Committee Report refers to Policy CTY 8, noting that a gap site is acceptable within a "*substantial and continuously built-up frontage*." The report also notes that a "*substantial and built-up frontage is defined as a line of 3 or more buildings along a road frontage*." (Note that PPS 21 advises that a road frontage includes a private lane). Paragraph 8.11 of the Planning Committee Report notes that nos. 124B, 124, 124C and 124A "*front onto the laneway*", adding that as 126 Dunlade Road does not have frontage onto the laneway, it "*cannot form part of a substantial and continuously built-up frontage*."

The below diagram was presented to the Planning Officers during a Zoom call to discuss the application on 1st December 2021. The applicant, through their agent, has repeatedly reminded the Council of paragraph 5.33 of PPS21 which notes that "*A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked*." Please refer to letter from the applicant's agent dated 9th August 2022, as well as 'Statement Outlining Material Planning Reasons for Referral,' as submitted to the Council by email on 2nd September 2024, for further information. (Both documents were belatedly uploaded to the planning portal on 29th April 2025). However, it is quite obvious that the dwelling at 126 Dunlade Road has a strong visual link to the rest of the dwellings i.e. nos. 124B, 124, 124C and 124A Dunlade Road. There is a defined gap site within this existing ribbon, as identified by the yellow dot

below. The Council's argument in paragraph 8.17 that new development would "*add to ribbon development*" is therefore incorrect.



The Council have attached PAC decision 2021/A0119 to the Planning Committee Report as Appendix 1. Interestingly, the proposed dwelling subject of the original application to which that appeal relates (LA01/2020/0614/O) is also located along a private laneway. The Council argue that the proposal should be rejected as "*the application site is visually linked to another dwelling*" (LA01/2019/0868/F) (sic), which would therefore "*create a ribbon of development,*" (despite the fact that the other dwelling was still under construction at the time, and has its own entrance directly onto the adjacent road). This conflicts with the Council's interpretation of Policy in relation to this application, whereby they specifically note in paragraph 8.11 of the Planning Committee Report that 126 Dunlade Road "*does not have a frontage onto the laneway and therefore cannot form part of the substantial and continuously built-up frontage along the laneway for the purposes of infilling*". The Council have consistently ignored paragraph 5.33 of PPS 21 in relation to this application, despite it being brought to their attention several times, and they are not being consistent with their interpretation of policy.

Furthermore, and contrary to the Council's statement in the Planning Committee Report, no. 124C has its own private laneway (as highlighted in yellow above) and is not therefore accessed via the laneway which is referred to within the applicant's site (i.e. that highlighted in red). No. 124C is the only dwelling which utilises this new laneway, however, the Council would still appear to agree that 124C is a gap site along a substantial and continuously built-up frontage. The Council therefore appear to have accepted that a 'visual link' to an existing frontage is deemed acceptable in this instance. The established precedent should also be used to rule in favour of this application, on the basis that no. 126 Dunlade Road has a strong visual link to other development on the applicant's laneway, to the extent that it forms an infill gap site.

Response to Planning Committee Report in relation to CTY 14

In paragraph 8.18 of the Planning Committee Report, the Council note that development would "*further add to the built-up character of the area and would further erode the rural character through contribution to suburban style build-up, contrary to CTY 14, criteria (b)*". However the applicant notes the contradiction with paragraph 8.4 where the Council also acknowledge that the proposed site is "*within a group of buildings which appear as a visual entity in the landscape*" and that the proposed dwelling would be located within a 'cluster' of 10 dwellings. It seems entirely illogical that a proposed dwelling within the confines of an established cluster could 'tip the balance', and result in "suburban development" when it is not extending beyond the perimeter of the existing cluster .

Conclusion

The Council have not been consistent with their interpretation of Policy, as evidenced by information submitted in support of their recommendation to refuse. The proposals subject of this application are considered to be compliant with CTY8, and on the basis of previous successful applications / appeals referred to by the applicant; also compliant with CTY 2a, and therefore CTY 14. It is reasoned that the Planning Committee should vote in favour of approving this application.