

## BALLYMONEY BOROUGH COUNCIL

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Consultation Committee Meeting No 18, held in the Council Chamber, Riada House, Ballymoney on Monday 20<sup>th</sup> August 2007 at 2.00 pm.

**IN THE CHAIR**

R Wilson

**PRESENT****Aldermen**

F Campbell  
H Connolly, Deputy Mayor  
C Cousley  
J Simpson

**Councillors**

A Cavlan  
J Finlay, Mayor  
B Kennedy  
M McCamphill  
E Robinson  
I Stevenson

**IN ATTENDANCE**

Chief Executive  
Committee Clerk

**Northern Ireland Fire & Rescue Service**

Mr C Lammey (Chief Fire Officer) – Item 1

**DoE**

Mr G Walker (Planning Officer) – Item 3  
Mr J McCaughan (Planning Officer) – Item 3

**18.1 NORTHERN IRELAND FIRE & RESCUE SERVICE**

The Chairman welcomed Mr Colin Lammey, Chief Executive, Northern Ireland Fire & Rescue Service to the meeting to give an update on its recently reviewed integrated risk management plan. Mr Lammey gave background information on the service, made up of a board of 12 people including four Councillors and six other lay members. Head office is based in Lisburn with 200 support staff and revenue for the current year of £64M from the Government. Further funding is being sought from Government for an infrastructure redevelopment programme to provide more appropriate sites and premises.

\* **Councillor Kennedy arrived at 2.10 pm.**

Mr Lammey presented the Department's Plan for 2007, advising that four evaluations will be carried out in accordance with response standards. These include:

- Risk assessments to buildings, offices, shops, hotels and factories
- Small Fires Units looking at new technology to assist with small fires
- Review of locations of fire services and resources of fire stations in Belfast
- Review of second pump appliances in a number of stations including Ballymoney

\* **Councillor Finlay arrived at 2.17 pm**

During an ensuing discussion, Mr Lammey advised that by March 2008, proposals will be reviewed taking into account all considerations and the Department will issue further documentation for consultation at that time. He confirmed that Ballymoney Station, built on land owned by the Northern Ireland Fire and Rescue Service, will remain in operation but is not on the schedule for redevelopment as the Department remain of the opinion that the siting and structure of the building are adequate for purpose. Further details of the Plan are attached as Appendix A.

The Chairman thanked Mr Lammey for his presentation and he left the meeting at 2.29 pm.

\* **Planning Officers arrived at 2.30 pm.**

**18.2 MINUTES – MEETING NO 17 – 16<sup>TH</sup> JULY 2007**

It was proposed by Alderman Connolly, seconded by Alderman Campbell and **AGREED:**

***that the minutes of Meeting No 17 – 16<sup>th</sup> July 2007, as circulated, be confirmed as a correct record.***

**18.3 PLANNING APPLICATIONS**

Planning Applications 1-42 and 1-8 (deferred) were considered and the opinion of the Planning Service accepted, unless where stated otherwise.

**ITEM NO 1**

APPLIC NO D/2005/0310/F Full Date Valid 09/09/2005  
 APPLICANT Mr Gamble  
 APPLIC ADDRESS 24 Drumlee Road, Ballymoney  
 LOCATION 24 Drumlee Road, Ballymoney  
 PROPOSAL Retrospective - store for existing commercial business and associated yard area  
 REPRESENTATION 2 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION APPROVAL

**Objections related to: Noise and fumes. Following consultation with Environmental Health, the Department were able to approve the application.**

**ITEM NO 8**

APPLIC NO D/2007/0072/O Outline Date Valid 15/02/2007  
 APPLICANT Mrs J Molloy  
 APPLIC ADDRESS C/O GM Gesign, 22 Lodge Road, Colerain  
 LOCATION 100m East of 260 Frosses Road, Cloughmills  
 PROPOSAL Site for retirement dwelling  
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION REFUSAL

- 1 Contrary to CTY1 of PPS14 - Insufficient case of need
- 2 Protected route policy

**It was AGREED: That an Office Meeting be held under Criterion 5 (Councillor McCamphill)**

**ITEM NO 9**

APPLIC NO D/2007/0074/F Full Date Valid 16/02/2007  
 APPLICANT Mr W Hanna  
 APPLIC ADDRESS 74 Glenstall Road, Ballymoney, BT53 7QN  
 LOCATION Adjacent to 74 Glenstall Road, Ballymoney.  
 PROPOSAL Retirement bungalow for farmer.  
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION APPROVAL

**Councillor Finlay thanked the Planning Service for their decision in approving this application.**

**ITEM NO 11**

APPLIC NO D/2007/0093/F Full Date Valid 26/02/2007

APPLICANT M.C O'Mullan

APPLIC ADDRESS 54 Gortahar Road, Rasharkin, BT44 8SB

LOCATION Land approx 120m North of 109b Bridge Road, Dunloy.

PROPOSAL Variation of condition 02 (ridge height) of outline approval D/2005/0573/O to provide 2 storey dwelling.

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
OPINION REFUSAL

1 CTY10 - prominent and lack of integration of PPS14

2 CTY11 - Erosion of rural character of PPS14

It was **AGREED:**

**That an Office Meeting be held under Criterion 5 (Councillor McCamphill) but that the meeting be deferred for one month due to unavailability of Agent in August.**

**ITEM NO 16**

APPLIC NO D/2007/0119/O Outline Date Valid 18/05/2007

APPLICANT Mr R Pollock

APPLIC ADDRESS C/o 2020 Chartered Architects, 9a Linenhall Street, Ballymoney, BT53 6DP

LOCATION Off Cabra Lane and at rear of No.26 Bendooragh Road, Ballymoney

PROPOSAL Proposed replacement dwelling

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
OPINION REFUSAL

1 Contrary to CTY5 of PPS14 - residential use abandoned

It was **AGREED:**

**That an Office Meeting be held under Criterion 5 (Councillor Finlay) but that the meeting be deferred for one month to enable applicant to provide further information.**

**ITEM NO 36**

APPLIC NO D/2007/0285/F Full Date Valid 07/06/2007

APPLICANT Mr & Mrs O' Mullan

APPLIC ADDRESS 41a Killagan Road, Glarryford  
 LOCATION 41a Killagan Road, Glarryford  
 PROPOSAL Construction of a new access to existing dwelling.  
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION REFUSAL

- 1 The proposal is contrary to Policy CTY1 of Draft Planning Policy Statement 14, Sustainable Development in the Countryside and the accompanying Ministerial Statement in that there is a presumption against development throughout the countryside and it does not merit being considered an exception to the policy and does not justify a relaxation of the strict planning controls in the countryside.
- 2 The proposal is contrary to Policy CTY10 of Draft Planning Policy Statement 14, Sustainable Development in the Countryside, and the accompanying Ministerial Statement in that the proposed access relies primarily on the use of new landscaping for integration and therefore would not integrate into this area of the countryside.
- 3 The proposal is contrary to Policy CTY11 of Draft Planning Policy Statement 14, Sustainable Development in the Countryside, and the accompanying Ministerial Statement in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

It was **AGREED:** **That an Office Meeting be held under Criterion 5 (Councillor McCamphill).**

## APPLICATIONS DEFERRED FROM PREVIOUS MEETING

### ITEM NO D 1

APPLIC NO D/2005/0434/O Outline Date Valid 19/04/2005  
 APPLICANT Mrs I Boyle  
 APPLIC ADDRESS C/O Diamond Design Studio, 2d The Diamond, Ballycastle  
 LOCATION East of 77a Bregagh Road, Armoy  
 PROPOSAL Domestic dwelling and garage  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION REFUSAL

- 1 The proposed development would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide adequate sight lines where the proposed access joins Bregagh Road
- 2 The proposed development would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance is not available on the public road at the proposed access.

**Councillor Kennedy questioned the decision of Planning Service in refusing this application based on approval of previous applications in the vicinity and requested that the matter be deferred for one month to enable Roads Service issues to be further investigated. The Planning Officers were unable to agree with this request and suggested that Council write to the Divisional Manager of Planning Service outlining their views.**

It was proposed by Councillor Kennedy, seconded by Alderman Connolly and **AGREED:**

***that Council write to the Divisional Manager of Planning Service outlining their objections to the decision to refuse this application.***

**ITEM NO D 2**

APPLIC NO D/2005/0998/F Full Date Valid 21/12/2005  
 APPLICANT Ms K King  
 APPLIC ADDRESS 39 Raceview Drive, Ballymoney, BT53 7UE  
 LOCATION 39 Raceview Drive, Ballymoney  
 PROPOSAL Domestic garage (retrospective application).  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION APPROVAL

**ITEM NO D 3**

APPLIC NO D/2006/0125/F Full Date Valid 02/03/2006  
 APPLICANT Mc Alister Construction Ltd  
 APPLIC ADDRESS C/o Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL  
 LOCATION Tullyview, Corkey Road, Loughguile  
 PROPOSAL Construction of 11 No. dwellings and garages (Re-advertisement - amended plans received).  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION APPROVAL

**Alderman Connolly thanked the Department for their decision in approving this application.**

**ITEM NO D 4**

APPLIC NO D/2006/0300/F Full Date Valid 12/06/2006  
 APPLICANT Mrs D Mc Quillan  
 APPLIC ADDRESS C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY  
 LOCATION Adj. to 308 Townhill Road, Rasharkin  
 PROPOSAL Change of use of existing garage to dwelling, together with alterations.  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION REFUSAL

- 1 The proposal is contrary to Policy CTY1 of Draft PPS 14, Sustainable Development in the Countryside and the accompanying Ministerial Statement and does not merit being considered as an exceptional case, as the stated need for this dwelling does not justify a relaxation of the strict planning controls in the countryside.
- 2 The proposal is contrary to Policy CTY10 of Draft Planning Policy Statement 14, Sustainable Development in the Countryside, and the accompanying Ministerial Statement, in that the large garden area between the new dwelling and the Townhill Road will be a prominent and unnatural feature in the countryside.

**The Planning Service remains of the opinion to refuse this application.**

**ITEM NO D 5**

|                 |   |            |            |            |   |                       |   |                   |
|-----------------|---|------------|------------|------------|---|-----------------------|---|-------------------|
| APPLIC NO       | D/2006/0345/O   | Outline    | Date Valid | 19/07/2006 |   |                       |   |                   |
| APPLICANT       | Mr & Mrs Gamble   |            |            |            |   |                       |   |                   |
| APPLIC ADDRESS  | C/o Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL     |            |            |            |   |                       |   |                   |
| LOCATION        | Site of Moneycannon Road, 65m north of 87 Finvoy Road, Ballymoney |            |            |            |   |                       |   |                   |
| PROPOSAL        | Site for dwelling & garage  |            |            |            |   |                       |   |                   |
| REPRESENTATIONS | 0   | Objections | 0          | Support    | 0 | Petition of Objection | 0 | Support Petitions |
| OPINION         | REFUSAL   |            |            |            |   |                       |   |                   |

- 1 The proposal is contrary to Policies CTY1 of Draft PPS 14, Sustainable Development in the Countryside and the accompanying Ministerial Statement and does not merit being considered as an exceptional case and does not justify a relaxation of the strict planning controls in the countryside.
- 2 The proposal is contrary to Policy CTY11 of Draft Planning Policy Statement 14, Sustainable Development in the Countryside, and the accompanying Ministerial Statement in that the dwelling and garage would, if permitted result in a build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.
- 3 The proposal is contrary to Policy CTY12 of Draft Planning Policy Statement 14, Sustainable Development in the Countryside, and the accompanying Ministerial Statement in that the development would, if permitted, adversely affect the visual amenity and character of the countryside, by adding to the sense of ribbon development along Finvoy Road.

At the request of Councillor Finlay, Planning Officers advised that the application had been considered under all policies and that the Department remained of the opinion to refuse the application.

It was proposed by councillor Finlay, seconded by Councillor Wilson and **AGREED:**

***that Council support the application in the event of an appeal.***

**ITEM NO D 6**

APPLIC NO D/2006/0487/O Outline Date Valid 16/10/2006  
 APPLICANT Mr & Mrs P Mc Aleese  
 APPLIC ADDRESS 44 Finvoy Road, Ballymoney, BT53 7JE  
 LOCATION Site to the rear of 44 Finvoy Road, Ballymoney  
 PROPOSAL Site for single storey dwelling and garage  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION REFUSAL

- 1 The proposal is contrary to Policies CTY1, CTY2 & CTY4 of Draft PPS 14, Sustainable Development in the Countryside and the accompanying Ministerial Statement and does not merit being considered as an exceptional case as the stated need for this dwelling does not justify a relaxation of the strict planning controls in the countryside, nor are there any overriding reasons why this development is essential and could not be located within a settlement.

**The Planning Service remains of the opinion to refuse this application.**

**ITEM NO D 7**

APPLIC NO D/2007/0025/F Full Date Valid 16/01/2007  
 APPLICANT Mr & Mrs G & L Scullion  
 APPLIC ADDRESS Clarkes Court, Gulladuff  
 LOCATION Existing dwelling and lands adjacent to 97 Bridge Road, Dunloy.  
 PROPOSAL Proposed replacement dwelling on site adjacent to existing dwelling with a one and a half storey dwelling and single storey garage.  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions  
 OPINION APPROVAL

**Councillor McCamphill thanked the Department for their decision in approving this application.**

**ITEM NO D 8**

APPLIC NO D/2007/0155/F Full Date Valid 27/03/2007  
 APPLICANT Mr & Mrs A Jamison  
 APPLIC ADDRESS C/o Moore Design, 63 New Row, Coleraine, BT52 1EJ  
 LOCATION Land adjacent to No.12 Mostragee Road, Stranocum, Ballymoney.

PROPOSAL Proposed changes to approved house type / site plan (to supersede previous approval D/2006/0073/RM).

REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions

OPINION APPROVAL

**Councillor Robinson thanked the Department for their decision in approving this application.**

### **APPEAL DECISIONS NOTIFIED**

|                         |   |               |                   |
|-------------------------|---|---------------|-------------------|
| <b>ITEM NO</b>          | <b>1</b>  |               |                   |
| <b>APPLIC NO</b>        | <b>D/2003/0740/O</b>  | <b>PAC NO</b> | <b>2006/A0582</b> |
| <b>RESULT OF APPEAL</b> | <b>Upheld</b>   |               |                   |
| <b>APPLICANT</b>        | M Mcalonan  |               |                   |
| <b>LOCATION</b>         | Approx 40m south of 106 Coolkeeran Road, 'Ballyknock', Ballymoney |               |                   |
| <b>PROPOSAL</b>         | Site for dwelling house   |               |                   |

### **APPLICATION NO'S D/2006/0575 AND D/2006/0577**

At the request of Councillor Finlay, the Planning Officers agreed to look into when Office Meetings will take place relating to these applications and will advise accordingly.

### **ADDITIONAL APPLICATION NO D/2005/0882/F PROPOSAL FOR A WOOD CHIPVFUEL (BIOMASS) POWER PLANT TO GENERATE 2.5 MW 54 GARTAHAR, RASHARKIN**

Planning Service advised that no third party objections have been raised in relation to the proposal and Council's opinion was being sought.

It was proposed by Alderman Connolly, seconded by Councillor Stevenson and **AGREED:**

***that Council are in agreement to the Department approving this application.***

**OFFICE MEETINGS:** **Friday, 31<sup>st</sup> August, am  
to be attended by Planning Officer Mr Graham Walker.**

\* **Planning Officers left the meeting at 2.40 pm.**

**18.4 PROPOSED HOUSING DEVELOPMENT AT 64 MARKET STREET, BALLYMONEY  
PLANNING APPLICATION NO D/2007/0377/F**

Council, as owner/occupier of 44 Knock Road received a 'neighbour notification' dated 7<sup>th</sup> August from Planning Service in respect of the following proposal:

**Proposal:** Proposed 5 no. dwellings (comprising 1 no. detached and 4 no. semi-detached)

**Location:** 64 Market Street, Ballymoney.

**Applicant:** Mr. J. Traynor, 3 Cloneen Manor, Maghera.

The Director of Borough Services has commented on this issue and requests members to consider the following points.

Planning Service state: "Any relevant comments/ representations you make will be considered in assessing this application..... If you feel you need to make representations these should be submitted to this office in writing as soon as possible."

It is necessary to point out to Council that the five proposed homes are to be in close proximity to the Council's depot. It is the case that when the development now known as Tudor Oaks was occupied for some time comment (as some Members would be aware) was received from certain residents that Council was not a 'good neighbour'. Annoying noise it was stated emanated from the use made of and the operations undertaken at the Council's depot. It is the case that in order to undertake Council business there are at its depot: lorry, plant and vehicle manoeuvring and movement; vehicle maintenance and repair operations; use of joinery machinery; and dogs kept temporarily at the dog pound may bark. Certain of the aforementioned activity is not confined to 'normal working hours'. Street cleansing for example necessitates personnel and vehicles working from 5.00am daily every day of the week. Evening work (including weekends) is also undertaken as required.

It is considered that Council ought to comment on the proposed planning application which would lead to homes being built very close to its depot in order to safeguard its business interests. It is the case that some individuals are more noise sensitive than others. It is known that those purchasing property or indeed coming to live in a particular home don't always take into account, when making their decision, what is adjacent and its possible implications.

Council as the statutory body, which enforces nuisance legislation, is in a particularly sensitive position and needs therefore to ensure that Planning Service does not abdicate its important responsibilities and thereby possibly place Council in some difficulty.

The effects of noise are lessened by distance. The present proposal, which in effect intensifies the use of the site for housing changes markedly in so doing the status quo.

Planners need to carefully consider whether the adjoining land uses are now compatible. Notwithstanding, Council should insist that Planning Service fully consider all the possible impacts of this proposal and require the developer by condition, were it minded to approve the application, to properly mitigate both by design and necessary measures any potential noise nuisance which could arise due to the proximity of additional housing and the extant use both by Council and other commercial enterprises in its vicinity.

It was proposed by Councillor Stevenson, seconded by Alderman Simpson and **AGREED:**

***that Council write to Planning Service to request full consideration of all possible impacts of the proposal and require the developer by condition, were it minded to approve the application, to properly mitigate, both by design and necessary measures, any potential noise nuisance which could arise due to the proximity of additional housing and the extant use both by Council and other commercial enterprises in its vicinity.***

#### **18.5 HOUSING DEVELOPMENT AT RASHARKIN**

Committee made representations at its meeting on 18 December 2006 in relation to the capacity of the sewage / storm drainage systems in Rasharkin to dispose of effluent etc for planning application D/2005/0845/F (4 No. dwellings north of Church Road Rasharkin refers). The Planning Officer undertook to liaise with Water Service in relation to the matter.

Water Service advises that the waste water treatment system capacity is not available for the proposed development. A scheme does not exist within the current Capital Works Programme. If the applicant wishes to proceed he should contact NI Water to discuss options such as permanent waste water facility at his own expense, this may/or may not be adopted by NI Water in the future. Alternatively the developer may apply for a first time wastewater facility.

It was proposed by Councillor Wilson, seconded by Councillor Stevenson and **AGREED:**

***that Council invite Water Service to a future meeting of Council to provide further information on its plans for waste water treatment systems in Rasharkin.***

\* **Councillor Cavlan arrived at 3.04 pm**

#### **18.6 APPLICATION FROM LONMIN PLC FOR MINERAL PROSPECTING LICENCE IN RESPECT OF LANDS WITHIN BALLYMONEY BOROUGH COUNCIL AREA.**

The Minerals Branch of DETI has written to council to advise that an application is being considered from Lonmin PLC for a mineral prospecting licence in respect of lands within Ballymoney Borough Council area and Ballymena Borough Council area. The lands lie in an area running from Stranocum to Cullybackey, and include the villages of Loughguile, Dunloy & Cloughmills.

A map detailing the area is available for inspection together with a copy of a public notice, which will appear in the Ballymoney Times for weeks ending 24<sup>th</sup> August and 31<sup>st</sup> August. Council has

been asked to display the map at its office until 21<sup>st</sup> September. Anyone seeking further information is to be referred to the Department.

The letter advises that consideration is, at present, being given to the issue of one licence over this area for an initial period of 2 years with provision for an extension in respect of all such minerals as are vested in the Department.

It goes on to state that the Department is required to take into account any representations which are made by your council within one month from the date of receipt of this letter before coming to a decision.

As this matter is appropriate to the Development committee it will be tabled for its meeting on 10<sup>th</sup> September.

***IT IS RECOMMENDED*** that Council grant to the Development Committee, power to respond on its behalf to the consultation from DETI for the granting of a mineral prospecting licence in respect of lands within Ballymoney Borough Council area to Lonmin PLC.

During a discussion, the Chief Executive advised that Geological survey information would be obtained to provide further information and assist members in their consideration of the application.

It was proposed by Councillor Kennedy, seconded by Councillor Stevenson and **AGREED:**

***that Council authorise Development Committee to respond on its behalf to the consultation from DETI for the granting of a mineral prospecting licence in respect of lands within Ballymoney Borough Council area to Lonmin PLC.***

\* **Councillor Kennedy left the meeting at 3.12 pm**

#### **18.7 COUNCIL SITE – CASTLECROFT**

It was proposed by Councillor Finlay, seconded by Alderman Campbell and **AGREED:**

***that Council 'move into Committee' in order to discuss this matter.***

\* **Members of the press left the meeting at 3.20 pm**

In Committee, the Chief Executive referred to Councils decision (CC10 – 19.2.07) to seek an injunction against the developer of Nos. 53-55 Main Street, Ballymoney to remove the trespass on Council's land and to prevent the erection of a building with windows and a door overlooking the Council's Amenity Area at Castlecroft Square, so as to protect the Council's interests.

The Chief Executive updated members on determination of boundaries, continuing trespass, advice for Council's Architects, Planning Consultant and Solicitors and discussion with Planning Service.

- \* **Councillor McCamphill left the meeting at 3.34 before a decision was taken.**

Following discussion on protection of the Council's interests with regard to the potential development of the site, development plans for the site, update on proposals for the adjoining site and taking account of advices it was proposed by Alderman Simpson, seconded by Councillor Robinson and **AGREED:**

- a) ***Council's architects be instructed to proceed forthwith to prepare a development proposal and submit a planning application for the council's site, based on the scheme prepared in 1995.***
- b) ***Council's solicitors be instructed to lodge a light obstruction notice in the statutory charges register and to notify the developer of the adjoining site of this action and of the decision to seek planning permission for development of 59 Main Street, Ballymoney.***

**This being all the business, the meeting closed at 3.35 pm**

Appendices  
Appendix A – Chief Fire Officer's Presentation

**APPENDIX A**



Ballymoney  
Presentation 20.08.07