

BALLYMONEY BOROUGH COUNCIL**Table of Contents**

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BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 27, held in the Council Chamber, Riada House, Ballymoney on Friday 23rd May at 2.00 pm.

IN THE CHAIR**Councillor**

R Wilson

PRESENT**Aldermen**

F Campbell

H Connolly, Deputy Mayor

C Cousley

Councillors

A Cavlan

J Finlay, Mayor

B Kennedy

M McCamphill

T McKeown

A Patterson

E Robinson

I Stevenson

APOLOGIES**Councillors**

P McGuigan

D McKay, MLA

M Storey, MLA

J Simpson

IN ATTENDANCEChief Executive
Committee Clerk**DoE (Items 1-2)**

MrJ McCaughan, Planning Officer (Items 1-2)

Press**26.1 MINUTES OF MEETING NO 26 – 21ST APRIL 2008**

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

that the minutes of Meeting No 26 – 21st April 2008, as circulated, be confirmed as a correct record.

26.2 APPLICATIONS FOR PLANNING PERMISSION

Planning Applications 1-54 and 1-3 (deferred) were considered and the opinion of the Planning Service accepted except where stated otherwise.

Applications pertaining to PPS14 remain in abeyance pending the outcome of the judicial review with the following options applicable.

1. Written request may be submitted by the applicant for the application to be brought forward for refusal.
2. Further information may be supplied to enable Planning Service to reconsider for approval.
3. Application may sit until finalisation of review.

ITEM NO	1				
APPLIC NO	D/2006/0314/F	Full	Date Valid	23/06/2006	
APPLICANT	Mr W Gamble				
APPLIC ADDRESS	7 Drumlee Road, Ballymoney				
LOCATION	7 Drumlee Road, Ballymoney				
PROPOSAL	Proposed cattle shed and underground slurry tank (amended proposal).				
REPRESENTATION	3 Objections	0 Support	0	Petition of	0 Support Petitions
OPINION	REFUSAL				

- 1 The proposal is contrary to Policy CTY 8 of Draft Planning Policy Statement 14: Sustainable Development in the Countryside, in that the development would, if permitted, result in the creation of unacceptable living conditions for residents in the adjoining properties by reason of severe odours and noise nuisance.

Objections related to: **Proximity, noise, odour, visual impact.**

It was proposed by Councillor McCamphill, seconded by Councillor Cavlan and **AGREED:**

that the application be deferred under criterion No 5 pending the outcome of PPS14

Planning Service will write to the applicant advising of the options available relating to refusals under PPS14. The applicant is invited to submit further plans to relocate the proposal in the interim period.

* **Councillor McKeown arrived at 2.10 pm.**

APPLIC ADDRESS 3 Cloneen Manor, Maghera, BT46 5FQ
 LOCATION 64 Market Street, Ballymoney
 PROPOSAL Proposed 4 no. dwellings (comprising 2 no. detached and 2 no. semi-detached).

REPRESENTATION **2 Objections** 0 Support 0 Petition of 0 Support Petitions
 OPINION APPROVAL

Objections related to: **Proximity to Depot, overdevelopment, privacy and traffic.**

ITEM NO 6

APPLIC NO D/2007/0460/O Outline Date Valid 10/09/2007

APPLICANT Mr B Harkness

APPLIC ADDRESS C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY

LOCATION 134 Newbridge Road Ballymoney

PROPOSAL Demolition of existing dwelling house to facilitate new housing

REPRESENTATION **7 Objections** 0 Support 0 Petition of 0 Support Petitions
 OPINION **REFUSAL**

1 The proposal is contrary to Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, the Department's Design Guide "Creating Places" and Development Control Advice Note 8 "Housing in Existing Urban Areas" in that the development as proposed fails to provide a quality residential environment.

2 The proposed development would, if permitted, prejudice the safety and convenience of road users since the proposed access has not been provided to an adequate

Objections related to: **Character, overdevelopment, traffic and amenity issues.**

It was **AGREED:** that an office meeting be held (Councillor Finlay)

ITEM NO 10

APPLIC NO D/2007/0537/F Full Date Valid 17/10/2007

APPLICANT Mrs S Mornin

APPLIC ADDRESS 81C Finvoy Road, Ballymoney, BT53 7JG

LOCATION 81C Finvoy Road Ballymoney

PROPOSAL Change of use of domestic garage to playroom for child minding

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

- 1 The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development and Draft PPS4, Industry, Business and Distribution in that the development would, if permitted, be incompatible with the character of the surrounding area by reason of its unacceptable use.
- 2 The proposed development would, if permitted, prejudice the safety and convenience of road users since provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the premises.

It was **AGREED:** that an office meeting be held (Councillor Cavlan)

* **Councillor Kennedy arrived at 2.12 pm**

ITEM NO	13						
APPLIC NO	D/2007/0630/F	Full		Date Valid	26/11/2007		
APPLICANT	W S Watters (Contractors) Ltd						
APPLIC ADDRESS	Moorefort, 39 Glenstall Road, Ballymena, BT53 7QN						
LOCATION	91, 91b and 89 Bann Road Bendooragh Ballymoney						
PROPOSAL	Proposed residential development comprising 21 dwellings - 2 semi-detached and 19 terraced with access off Bann Road. Dwellings 1½ and						
REPRESENTATION	0	Objection	0	Support	0	Petition of	0
OPINION	REFUSAL						
							0 Support Petitions

- 1 The proposal is contrary to Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, the Department's Design Guide "Creating Places" and Development Control Advice Note 8 "Housing in Existing Urban Areas" in that the development as proposed fails to provide a quality residential environment.
- 2 The proposal is contrary to the North East Area Plan 2002 and the Draft Northern Area Plan 2016 in that the site is partially located outside the development limit of Bendooragh and would, if permitted, constitute urban sprawl within the Green Belt.
- 3 The proposal is contrary to Policy DES3 of A Planning Strategy for Rural Northern Ireland in that the site is partially located outside the development limit of Bendooragh and would, if permitted, constitute urban sprawl within the Green Belt.
- 4 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 Bann Road.
- 5 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.

It was **AGREED:** that an Office Meeting be held (Councillor Finlay)

ITEM NO	14				
APPLIC NO	D/2007/0631/RM	Reserved	Date Valid	26/11/2007	
APPLICANT	Fortring Properties Ltd				
APPLIC ADDRESS	C/o A-Three Architecture Design, 43 - 45 Church Street, Potadown				
LOCATION	230m south of 3 Tamlaght Road, Rasharkin, Ballymena				
PROPOSAL	Proposed dwelling and detached garage - Reserved Matters application, outline planning ref: D/2004/0549/O				
REPRESENTATION	0	0	0	Petition of	0
OPINION	REFUSAL				
	Objection	Support			Support Petitions

- 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 design of the proposed dwelling is inappropriate for the site and its locality and therefore would not integrate into this area of the countryside.

Councillor Wilson recorded his request for an office meeting.

Planning Service will write to the applicant advising of the options available relating to refusals under PPS14.

ITEM NO	15				
APPLIC NO	D/2007/0639/F	Full	Date Valid	30/11/2007	
APPLICANT	Mr & Mrs A Taylor				
APPLIC ADDRESS	C/o Bell Architects Ltd, 65 - 67 Main Street, Ballymoney, BT53 6AN				
LOCATION	Site to north of 87 Vow Road, Ballymoney				
PROPOSAL	Proposed change of house type from that approved under D/2006/0338/F				
REPRESENTATION	0	0	0	Petition of	0
OPINION	REFUSAL				
	Objection	Support			Support Petitions

- The proposal is contrary to Policy CTY 10 of Draft Planning Policy Statement 14: Sustainable Development in the Countryside, and the accompanying Ministerial Statement in that the design of the proposed dwelling is inappropriate for the site and

Councillor Finlay recorded his request for an office meeting.

Planning Service will write to the applicant advising of the options available relating to refusals under PPS14.

ITEM NO **20**
APPLIC NO D/2008/0003/F Full Date Valid 27/12/2007
APPLICANT Mr J Mcconville
APPLIC ADDRESS 194 Seacon Road, Ballymoney, BT53 6PZ
LOCATION 19-21 Charlotte Street, Ballymoney
PROPOSAL Two town-houses and eight apartments (renewal)
REPRESENTATION **1 Objection** 0 Support 0 Petition of 0 Support Petitions
OPINION **REFUSAL**

- 1 The proposal is contrary to Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, the Department's Design Guide "Creating Places" and Development Control Advice Note 8 "Housing in Existing Urban Areas" in that the development as proposed fails to provide a quality residential environment.
- 2 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 Charlotte Street.

Objections related to: **Congestion, town cramming**

It was **AGREED:** that an Office Meeting be held (Councillor Finlay)

ITEM NO **28**
APPLIC NO D/2008/0053/F Full Date Valid 01/02/2008
APPLICANT Mr M Henry
APPLIC ADDRESS 28 Carncullagh Road, Dervock, BT53 8BT
LOCATION 28 Carncullagh Road, Dervock
PROPOSAL Demolish house and erect 8 semi-detached dwellings, 4 detached dwellings, and associated road footpaths and parking
REPRESENTATION 0 Objection 0 Support 0 Petition of 0 Support Petitions
OPINION **REFUSAL**

- 1 The proposal is contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments, the Department's Design Guide "Creating Places" and Development Control Advice Note 8: Housing in Existing Urban Areas, in that, the development as proposed fails to provide a quality residential environment.
- 2 The proposal is contrary to Policy QD 1 of PPS 7: Quality Residential Developments, in that, the applicant has failed to carry out a full contextual analysis of the site to inform the development proposal.
- 3 The proposal is contrary to Policies SP 18 and DES 2 of the Department's Planning Strategy for Rural Northern Ireland, in that, the development would, if permitted, be detrimental to the character of the surrounding area by reason of its scale, design and relationship to adjoining buildings which are out of character of the area.

- 4 The proposed development is contrary to Policy PCP 1 of Planning Policy Statement 12 (Housing in Settlements) as the scheme fails to take account of local character, environmental quality and amenity, as the form, scale and mass of the proposed development does not respect that of adjacent housing, and will result in unacceptable town cramming.
- 5 The proposed development, if permitted, would create an unacceptable precedent and the potential cumulative impact of similar development would detract from the environmental quality, residential amenity and established character of the surrounding
- 6 The proposal is contrary to the Joint Ministerial Statement of 31 January 2005 on the grounds of prematurity as the site is within an area designated as a Local Landscape Policy Area at DVL 01 (Dervock River LLPA) in the Draft Northern Area Plan 2016 and the proposed development would adversely affect its intrinsic environmental value and character as set out in the Plan. The effect of an approval for this proposal would be prejudicial to the outcome of the plan process by predetermining a decision about the nature, scale and location of new development which should properly be taken through the development plan process.
- 7 The proposal is contrary to Policy DES 10 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, result in an unacceptable loss of trees protected by a Tree Preservation Order and located within a Local Landscape Policy Area and would therefore have an adverse impact on the visual amenity of the landscape.

It was **AGREED:** that an Office Meeting be held (Councillor Finlay)

ITEM NO	29					
APPLIC NO	D/2008/0056/F	Full	Date Valid	01/02/2008		
APPLICANT	Tally Developments Ltd					
APPLIC ADDRESS	30 Edenmore Avenue, Bendooragh, Ballymoney, BT53 7RF					
LOCATION	Adj to 142 Knock Road, Dervock, Ballymoney					
PROPOSAL	Housing development of 1 detached house, 2 semi detached houses and 6 terraced houses with associated roads and parking areas					
REPRESENTATION	0	Objection	0	Support	0	Petition of
OPINION	REFUSAL					0 Support Petitions

- 1 The proposal is contrary to Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, the Department's Design Guide "Creating Places" and Development Control Advice Note 8 "Housing in Existing Urban Areas" in that the development as proposed fails to provide a quality residential environment.
- 2 The proposal is contrary to Policy QD2 of Planning Policy Statement 7, Quality Residential Environments, in that the development would result in unsatisfactory piecemeal development.

- 3 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 Knock Road.
- 4 The proposed development would, if permitted, prejudice the safety and convenience of road users since the required adjacent junction spacing with other approvals can not be achieved.
- 5 The curtilage of the site encroaches on the site on the Eastern boundary and will therefore prejudice the development of that approved under D/2006/0045/F.
- 6 The proposed development would, if permitted, prejudice the safety and convenience of road users since the parking arrangements do not comply with the design guide "Creating Places".

It was **AGREED:** that an Office Meeting be held (Councillor Finlay)

ITEM NO 31

APPLIC NO D/2008/0066/O Outline Date Valid 05/02/2008
 APPLICANT Mr S Graham
 APPLIC ADDRESS C/o Moore Design, 63 New Row, Coleraine, BT52 1EJ
 LOCATION Lands 10m West of Nos 1, 3 and 5 Henry Street, Ballymoney
 PROPOSAL Proposed site for 6 No. apartments and parking area.
 REPRESENTATION 0 Objection 0 Support 0 Petition of 0 Support Petitions
 OPINION **REFUSAL**

- 1 The proposal is contrary to Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, the Department's Design Guide "Creating Places" and Development Control Advice Note 8 "Housing in Existing Urban Areas" in that the development as proposed fails to provide a quality residential environment.
- 2 The proposed development is contrary to Policy PCP1 of Planning Policy Statement 12 (Housing in Settlements) as the scheme fails to take account of local character, environmental quality and amenity, as the form, scale and mass of the proposed development does not respect that of adjacent housing, and will result in unacceptable town cramming.

It was **AGREED:** that an Office Meeting be held (Councillor Finlay)

ITEM NO 32

APPLIC NO D/2008/0074/F Full Date Valid 11/02/2008
 APPLICANT Mr A Atkinson
 APPLIC ADDRESS 74A Finvoy Road, Ballymoney, BT53 7JG
 LOCATION Opposite No. 1 Ballybrakes Road, Ballymoney
 PROPOSAL 2 storey dwelling (1 Bedroom)

It was **AGREED:** that an Office Meeting be held (Councillor Finlay)

ITEM NO 37
 APPLIC NO D/2008/0090/F Full Date Valid 18/02/2008
 APPLICANT Mr C Mc Killen
 APPLIC ADDRESS 103 Cavehill House, Cloughmills, BT44 9HZ
 LOCATION Site off Burnquarter Road, 230m S.W of 106 Frosses Road, Ballymoney
 PROPOSAL Proposed new dwelling & garage
 REPRESENTATION 0 Objection 0 Support 0 Petition of 0 Support Petitions
 OPINION **REFUSAL**

- 1 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 design of the proposed dwelling is inappropriate for the site and its locality and therefore would not integrate into this area of 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 dwelling is a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not integrate into this area of the countryside.

Alderman Connolly recorded his request for an office meeting.

Planning Service will write to the applicant advising of the options available relating to refusals under PPS14.

APPLICATIONS DEFERRED FROM PREVIOUS MEETING

ITEM NO D 1
 APPLIC NO D/2004/0829/F Full Date Valid 08/12/2004
 APPLICANT Mr D Moore
 APPLIC 9 Main Street, Cloughmills
 LOCATION 9-13 Main Street, Cloughmills
 PROPOSAL Re-development of site at 9-13 Main Street, Cloughmills to form new shop, petrol filling station and forecourt service yard and 4 No. retail units (amended plans received)
 REPRESENTATION 0 Objection 0 Support 0 Petition of 0 Support Petitions
 OPINION **APPROVAL**

Councillor Finlay and Councillor Kennedy expressed thanks for the decision of Planning Service to approve this application.

ITEM NO D 2

APPLIC NO	D/2005/0033/F	Full	Date Valid	10/02/2005				
APPLICANT	Mr D Brady							
APPLIC	C/O Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL							
LOCATION	Land to the west of 94 Macfin Road, Coleraine.							
PROPOSAL	Riverside cafe and boat hire with slipway access to River Bann, with 6 No. holiday cottages and associated play areas and landscaping (Re-advertisement - amended address).							
REPRESENTATION	0	Objection	2	Support	0	Petition of	0	Support Petitions
OPINION	REFUSAL							

- 1 The proposal is contrary to the Joint Ministerial Statement (JMS) of 31 January 2005 on the grounds of prematurity as the Draft Northern Area Plan (dNAP), which designates the area within which the site is located as a Countryside PolicyArea (CPA), has reached an advanced stage of preparation and approval for this proposal would be contrary to the Department's policy for tourist accommodation in the countryside as set out in Policies TOU1 and TOU 3 (dNAP) and the effect of an approval for this proposal would be prejudicial to the outcome of the Plan process.
- 2 The proposal is contrary to Policies SP 12, GB/CPA 1, GB/CPA 2, TOU 1 and TOU 3 of the Department's PSRNI in that the site lies within a Greenbelt and a special tourist need or exceptional benefit to the tourist industry has not been demonstrated to justify a relaxation of the strict planning controls in the area.
- 3 The proposal is contrary to Policies SP 6, SP 19, DES 5 and DES 6 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and result in a detrimental change to the rural character of the countryside by the failure to integrate and build
- 4 The proposal is contrary to Policy OS6 of the Department's Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation in that the development would, if permitted, adversely affect the countryside by reason of its impact on features of importance to nature conservation, visual amenity and character of the local
- 5 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 a visibility splay of 4.5 x 150 metres.
- 6 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.

Councillor Finlay expressed disappointment at the decision of Planning Service to refuse this tourism opportunity.

* **Councillor Stevenson arrived at 2.25 pm.**

ITEM NO D 3

APPLIC NO	D/2007/0327/F	Full	Date Valid	04/07/2007				
APPLICANT	Amg Property Developers Ltd							
APPLIC	C/o Brendan Mc Mullan, 3 Cloneen Manor, Maghera, BT46 5FQ							
LOCATION	Adjacent to 97 Fivey Road, Bushvale, Stranocum, Ballymoney							
PROPOSAL	Proposed 4no. dwellings to include 2 no. semi-detached and 2 no detached dwellings.							
REPRESENTATION	0	Objection	0	Suppor	0	Petition of	0	Support Petitions
OPINION	APPROVAL							

- 1
- 2
- 3
- 4
- 5

The Planning Officer advised that the proposed development has been reduced from 6 to 4 dwellings and that the Planning Service are now able to approve the application.

APPEAL DECISIONS NOTIFIED

ITEM NO	1		
APPLIC NO	D/2005/0511/O	PAC NO	2006/A1693
RESULT OF APPEAL	Upheld		
APPLICANT	Mr B Mc Ferran		
LOCATION	Site between 154 and 156 Garryduff Road, Dunloy		
PROPOSAL	Site for dwelling and garage		

Date of Office Meetings: 6th June 2008 at 9.30 am

* **The Planning Officer left the meeting at 2.37 pm.**

27.3 RURAL DEVELOPMENT PROGRAMME

Following a meeting between DARD Officials and senior Council Officers it has been made clear that it is essential that there is representation from the five main political parties (DUP SF UUP SDLP ALL) on the Local Action Group (LAG). Currently, neither SF nor Alliance is represented on the body group following the nomination of two members by each of the five councils in the Cluster. There is also a significant gender imbalance. In an attempt to address the problem, it has been agreed that each Council be asked to nominate one additional member to address the political and gender imbalance. The nominations are provisional depending on whether the process had addressed the imbalance. Committee is invited to nominate one additional member.

During discussion, the Chief Executive clarified the rationale in DARD's request for nominees from all parties and Council's current representation.

It was proposed by Councillor Kennedy, seconded by Councillor McCamphill

that Councillor Cavlan be nominated to represent Council on the Rural Development Partnership Local Action Group (LAG).

It was proposed proposed by Councillor Stevenson, seconded by Councillor Robinson

that Councillor Patterson be nominated to represent Council on the Rural Development Partnership Local Action Group (LAG).

The Chairman put the motions to the meeting with Councillor McCamphill requesting that the vote be recorded. Voting was recorded as follows:

Councillor Cavlan (4)

Councillor Cavlan
Councillor Kennedy
Councillor McCamphill
Alderman Connolly

Councillor Patterson (5)

Councillor Finlay
Alderman Campbell
Councillor Stevenson
Councillor Robinson
Councillor Wilson

Abstentions (3)

Alderman Cousley
Councillor Patterson
Councillor McKeown

The Chair declared Councillor Patterson elected to the additional place on the Rural Development Partnership Local Action Group.

Councillor Cavlan expressed disappointment at Council's decision not to appoint her, being a member of the second largest party on the Council.

- * **Councillor Cavlan left the meeting at 3.00 pm.**

27.4 CONSULTATION ON ELECTRICITY AND GAS RETAIL MARKET COMPETITION IN NORTHERN IRELAND

During the course of 2007, the Northern Ireland electricity and Greater Belfast gas markets were fully liberalised, with all customers able, in theory, to choose their gas and electricity supplier. At the same time, a new all-island electricity wholesale market (the SEM) was established, creating much improved arrangements for the trading of electricity and providing a stronger basis for attracting new entrants into the electricity retail market and for the further development of retail competition. A copy of the Executive Summary was circulated and members are invited to comment should they wish to do so.

27.5 GARAGE, 47 HIGH STREET, BALLYMONEY

Council agreed, on the recommendation of the Development Committee (meeting 193 on 21st April) to confirm an offer for a lock up garage currently under offer at 47 High Street, Ballymoney. The asking price is offers over £20,000.

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

that Council 'Move into Committee' to receive an update from the Chief Executive on bids for the garage.

- * **The Press left the meeting at 3.00 pm.**

In committee, the Chief Executive updated the meeting on two other bids on the property and advice from an independent valuer.

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

that Council withdraw its bid for the acquisition of the property at 47 High Street, Ballymoney.

This being all the business, the meeting closed at 3.15 pm.