BALLYMONEY BOROUGH COUNCIL

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BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 36, held in the Council Chamber, Riada House, Ballymoney on Monday 16th March 2009 at 2.00 pm.

IN THE CHAIR R Wilson

PRESENT

Aldermen
F Campbell
H Connolly
C Cousley, MBE, Deputy Mayor

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

APOLOGIES
D McKay, MLA
A Patterson
J Simpson
M Storey, MLA

IN ATTENDANCE
Chief Executive
Committee Clerk

DoE Planning Service (Items 1 & 2)
G McClelland

Press

36.1 MINUTES – MEETING NO 35 – 16TH FEBRUARY2009

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

that the minutes of Meeting No 35 – 16th February 2009 be confirmed as a correct record

36.2 PLANNING SCHEDULE

Planning Applications 1-14 and 1-6 (deferred) were considered and the opinion of the Planning Service accepted except where stated otherwise.

ITEM NO 1

APPLIC NO	D/2007/0018/RM	Reserved	Date Valid	11/01/2007
APPLICANT	F.P.Mc Cann Dev. Ltd			
APPLIC ADDRESS	C/O Ward Design, The Gravel, 10 Main Street, Castledawson, BT45 8AB			
LOCATION	Lands to the rear of 29 Main Street, Rasharkin.			
PROPOSAL	Housing development of 24 No. units (comprising of 1 No. detached unit, 15 No. townhouse units and 8 No. apartment units).			
REPRESENTATIONS	**1**	**Objections**0	Support 0	Petition of Objection 0 Support Petitions
OPINION	APPROVAL			

The Planning Officer advised that the number of units should be 21 and not 24. EHS and NIEA had both been consulted and they see no problem with the proposal.

Objection related to: **Number of units, impact on privacy, relation to farm in terms of noise and smell, sewerage and security of adjacent farm.**

ITEM NO 2

APPLIC NO	D/2008/0089/F	Full	Date Valid	18/02/2008
APPLICANT	C & C Homes			
APPLIC ADDRESS	C/o Studiorogers, The Egg Store, 1 Mountsandel Road, Coleraine, BT52 1JB			
LOCATION	56 - 58 Knock Road, Ballymoney			
PROPOSAL	Proposed residential development comprising of 10 townhouses, 6 semi-detached, 2 detached and 4 maisonettes with associated car parking facilities.			
REPRESENTATIONS	**11**	**Objections**0	Support 0	Petition of Objection 0 Support Petitions
OPINION	APPROVAL			

Objection related to: **Impact on character, visual impact, noise, town cramming, impact on privacy, land ownership, limited parking, impact on foundations of existing dwellings, impact on building line, impact on existing infrastructure, insufficient private amenity space and children's play areas, visibility splays, devaluation, inadequate separation distance to existing dwellings, impact on Route Avenue, environmental impact, traffic congestion.**

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

that an Office Meeting be held to facilitate objectors.

*** Councillor McGuigan arrived at 2.05 pm.**

ITEM NO 4

APPLIC NO	D/2008/0364/RM	Reserved	Date Valid	30/07/2008
APPLICANT	J Mc Keefry			
APPLIC ADDRESS	Ballymena, BT43 6PY			
LOCATION	Land adjacent to 186 Garryduff Road, Dunloy			
PROPOSAL	Proposed domestic dwelling house and detached garage, incl. associated external works			
REPRESENTATIONS	0 Objections 0	Support 0	Petition of Objection 0	Support Petitions
OPINION	**REFUSAL**			

1 The proposal is contrary to Policy CTY13 of Draft Planning Policy Statement 21: Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not integrate into this area of the countryside.

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.

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

ITEM NO 7

APPLIC NO	D/2008/0450/F	Full	Date Valid	30/09/2008
APPLICANT	Ballymoney Borough Council			
APPLIC ADDRESS	C/o R Robinson & Sons, Albany Villas, 59 High Street, Ballymoney, BT53 6BG			
LOCATION	Land adjacent to 1 Scally Park, Loughguile			
PROPOSAL	Proposed new housing development (5 units)			
REPRESENTATIONS	0 Objections 0	Support 0	Petition of Objection 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 proposal is contrary to Policy OS1 of PPS8: Open Space, Sport and Outdoor Recreation, in that the proposed development would, if permitted, adversely affect the environmental quality of the urban area by reason of the loss of open space.

3 The proposed development would, if permitted, prejudice the safety and convenience of road users since the incurtilage parking is not in conformity with the Departments design guide Creating Places.

4 The proposed development would, if permitted, prejudice the safety and convenience of road users since the access as proposed on the radius at the junction with Coolkeeran Road does not meet the Departments criteria for adjacent junction spacing.

5 The proposed development would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles standing on the highway at or near a road junction, thus interfering with the free flow of traffic on the main road and restricting the visibility of traffic entering or leaving the minor road.

The Planning Officer advised that one objection in the form of a petition has been received.

Objection related to: **Impact of parking, lack of play park, impact of traffic on children's safety.**

It was proposed by Councillor Finlay, seconded by Alderman Campbell

that an Office Meeting be held

ITEM NO 12

APPLIC NO	D/2009/0023/O	Outline	Date Valid	28/01/2009
APPLICANT	Mr Richie			
APPLIC ADDRESS	C/o Agent			
LOCATION	35 Meters SE of 346 Craigs Road, Rasharkin			
PROPOSAL	Proposed infill site to include two storey dwelling and detached garage.			
REPRESENTATIONS	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 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2 The proposal is contrary to Policy CTY 08 of Draft Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the creation of ribbon development along Craigs Road and would therefore adversely affect the visual amenity and character of the countryside.

3 The proposal is contrary to Policy CTY14 of Draft Planning Policy Statement 21,

Sustainable Development in the Countryside, in that the dwelling would, if permitted result in a suburban style 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

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 of 2.4m x 160m.

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

At the request of Councillor Finlay, the Planning Officer clarified the Department's policy on the retention of gaps within ribbon areas.

ITEM NO 13

APPLIC NO	D/2009/0024/O	Outline	Date Valid	28/01/2009
APPLICANT	Mr Richie			
APPLIC ADDRESS	C/O Agent			
LOCATION	50m SE of 346 Craigs Road, Rasharkin			
PROPOSAL	Proposed infill site to include 2 Storey dwelling and detached garage.			
REPRESENTATIONS	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 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2 The proposal is contrary to Policy CTY 08 of Draft Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the creation of ribbon development along Craigs Road and would therefore adversely affect the visual amenity and character of the countryside.

3 The proposal is contrary to Policy CTY14 of Draft Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling would, if permitted result in a suburban style 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.

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 of 2.4m x 160m.

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

At the request of Councillor Finlay, the Planning Officer clarified the Department's policy on the retention of gaps within ribbon areas.

APPLICATIONS DEFERRED FROM PREVIOUS MEETING

ITEM NO D 1

APPLIC NO	D/2005/0917/F	Full	Date Valid	15/12/2005	
APPLICANT	Mr S Creith				
APPLIC	C/o Moore Design, 63 New Row, Coleraine, BT52 1EJ				
LOCATION	11 Kirk Road, Ballymoney				
PROPOSAL	Proposed redevlopment of site to housing development of 12				
REPRESENTATION	0 Objection	0 Support	0 Petition of	0 Support Petitions	
OPINION	APPROVAL				

The Planning Officer advised that the proposal has been reduced from 14 to 12 units, dormer windows have been omitted and the height reduced from 3 to 2 storeys.

ITEM NO D 2

APPLIC NO	D/2007/0161/F	Full	Date Valid	29/03/2007	
APPLICANT	Amc Developments				
APPLIC	C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY				
LOCATION	10 Queen Street, Ballymoney.				
PROPOSAL	Development consisting of 6 apartments,4 townhouses and associated car parking and amenity space.				
REPRESENTATION	1 Objection	1 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 Advise 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.

3 The applicant has failed to provide an acceptable parking layout that complies with Planning Policy Statement 3: Access, Movement & Parking and with the guidelines given in the Department's Creating Places Design Guide.

The Planning Officer advised that amended plans have been received and requested withdrawal of the application to enable consideration of the revisions.

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

that the application be withdrawn to enable Planning Service to consider revised plans.

ITEM NO D 3

APPLIC NO	D/2007/0580/F	Full		Date Valid	05/11/2007
APPLICANT	Mr A Wright				
APPLIC	189 Castlecatt Road, Dervock, BT53 8AT				
LOCATION	189 Castlecatt Road, Dervock.				
PROPOSAL	Timber shed for domestic storage and play room (retrospective				
REPRESENTATION	0 Objection	0 Support	0 Petition of		0 Support Petitions
OPINION	REFUSAL				

1 The proposal is contrary to Policy EXT1 of the addendum to Planning Policy Statement 7, Quality Residential Environments, as the scale, massing, positioning and design of the proposed structure is not sympathetic or subordinate with the built form of the existing property and would detract from the appearance and character of the surrounding area.

The Planning Officer advised that no response has been made to the Department's request for relocation.

*** Councillor McKeown arrived at 2.15 pm.**

ITEM NO D 4

APPLIC NO	D/2007/0646/F	Full		Date Valid	05/12/2007
APPLICANT	Mr R Hartin				
APPLIC	8 Bushvale, Fivey Road, Ballymoney				
LOCATION	8 Bushvale, Fivey Road, Ballymoney				
PROPOSAL	Proposed 2 storey rear extension to dwelling				
REPRESENTATION	0 Objection	0 Support	0 Petition of		0 Support Petitions
OPINION	APPROVAL				

The Planning Officer advised that the length of the extension has been reduced and that the tarmac roof has been replaced by a velux window.

Councillor Kennedy thanked the Department for its decision in approving the application.

ITEM NO D 5

APPLIC NO	D/2008/0111/F	Full	Date Valid	27/02/2008
APPLICANT	Castlemount Properties Ltd			
APPLIC	C/o Moore Design, 63 New Row, Coleraine, BT52 1EJ			
LOCATION	Nos 49 and 51 Taughey Road, Balnamore, Ballymoney			
PROPOSAL	Proposed housing development (redevelopment) 22 no. two-storey terraced dwellings and roadway for private streets determination.			
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.

3 The proposed development would, if permitted, prejudice the safety and convenience of road users since the required visibility from the proposed access has not been provided to an adequate standard.

The Planning officer advised that the proposal was for 24 units including 21 houses and 3 x 2.5 storey apartments. Proposal now reduced to 22 houses but there remains concern at the impact and density of the proposal.

ITEM NO D 6

APPLIC NO	D/2008/0475/F	Full	Date Valid	17/10/2008
APPLICANT	Mr C Mc Killen			
APPLIC	C/o Studiorogers, The Egg Store, 1 Mountsandel Road, Coleraine, BT52			
LOCATION	Site 230m south west of 106 Frosses Road Ballymoney			
PROPOSAL	Access laneway to be realigned to include re-use of portion of existing laneway adjacent to subject site. Access position to be retained in accordance with DRD Roads Service standards as previously approved under Application D/2008/0090/F			
REPRESENTATION	0 Objection 0 Support 0 Petition of 0 Support Petitions			
OPINION	APPROVAL			

The Planning Officer advised that Roads Service issues have been addressed.

Councillor McGuigan thanked the Department and Roads Service for approval of this application.

APPEAL DATES NOTIFIED

ITEM NO 1

APPLIC NO	**D/2007/0419/F**	PAC NO	**2007/A1344**
DATE OF		LOCATION	
DATE OF SITE VISIT			
APPLICANT	Mr B Ashe		
LOCATION	25 Shandon Park, Garryduff Road, Ballymoney.		
PROPOSAL	Retention of change of use from existing domestic store to part-time barber shop & additional off road parking (3 cars) on hard surface to front of existing dwelling.		

Written Representations

ITEM NO 2

APPLIC NO	**D/2007/0442/F**	PAC NO	**2007/A1322**
DATE OF		LOCATION	
DATE OF SITE VISIT			
APPLICANT	Lisduff Developments		
LOCATION	4 & 6 Westland Avenue, Ballymoney		
PROPOSAL	Residential development to include 2 semi-detached and 2 detached dwellings & garages		

Written Representations

ITEM NO 3

APPLIC NO		PAC NO	**2008/E092**
DATE OF		LOCATION	Adjacent No.1 Lisheegan Lane, Ballymoney
DATE OF SITE VISIT			
APPLICANT	Mr K Mcmullan		
LOCATION			
PROPOSAL			

Written Representations

Date of Office Meetings: 31st March at 2.00 pm, Lanyon Room, Riada House

The Planning Officer left the meeting at 2.20 pm.

36,3 NEW PLANNING SERVICE WEBSITE

A new Planning Service website, providing enhanced accessibility with new dedicated sections for home owners, businesses and farmers, was launched on 18th February 2009. The website includes a number of new tools and features to assist customers. A copy of Planning Service letter giving details of the new site was circulated.

36.4 APPEAL AGAINST ENFORCEMENT NOTICE

Notice has been received from the Planning Appeals Commission of an appeal against enforcement notice issued on 9/1/09 to Kevin McMullan re. alleged unauthorized use of the land as a building yard/storage area making a material change in the use of said lands adjacent to No. 1 Lisheegan Lane Ballynmoney. Any representations which Council wish to make should be submitted by 28th March.

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

that Council support the application.

36.5 APPLICATION FOR HAIRDRESSING SALON AT 8 PORTRUSH ROAD

Correspondence from residents of Portrush Road regarding this application was circulated.

A discussion ensued relating to receipt of unsigned correspondence.

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

that Council note the correspondence.

36.6 APPLICATION D/2008/0306/F – REVIEW

It was agreed that Council write to the Minister requesting a review of Planning Service's decision on application for extension to provide living accommodation for care of dependant relatives at 1 Glebe Park, Derrykeighan for Mr & Mrs T Glenn.

. The Minister's Office has responded indicating that the Department is very sympathetic to the needs of the applicants and their family and their personal circumstances were given full consideration. The case has been reviewed and the findings are that the proposal is contrary to planning policy and the application should be refused. The applicants will, of course, have the right to appeal the decision. Alternatively they may

wish to consider reducing the scale of the extension, which may make it a more acceptable proposal.

36.7 PLANNING AWAY DAY REPORT – NILGA

Report on NILGA's Planning Away Day on 18th December was circulated. This details the early position of local government on the current Planning Service emerging proposals on planning reform. A formal consultation will issue later in the year. NILGA will be holding a consultation event to discuss the formal consultation, which issued, and also intends to hold a wider conference on planning later in the year.

36.8 SEMINAR (NILGA): REFORM OF LOCAL GOVERNMENT COMMUNICATIONS

NILGA, in conjunction with SOLACE, are hosting a Seminar "Service Delivery Options for the Design of Local Government" on Friday 27th March in Templepatrick (10.15 am – 12.45 pm) to facilitate an opportunity for wider communication and discussion about the ongoing work to implement the Reform of Local Government (agenda circulated). All Councillors are invited to attend. Members should register interest with the Office of the Chief Executive.

The legislative timetable is set and the Policy Development Panels are now finalising their early policy proposals to inform legislation. A full consultation is due to take place in the next few months. However, we are now entering a crucial stage in the process to agree the final design model for the new councils and any support services. Price Waterhouse Coopers have been commissioned by the Department of the Environment, under the direction of Policy Panel C, to explore the service delivery options. The first stage of this work is nearing completion and both NILGA members and SOLACE felt that it is essential for councils to be given the opportunity to engage in the process.

Refreshments will be available from 10.30am and the event will end with a sandwich lunch.

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

that all members attend the Seminar.

36.9 APPOINTMENT OF MEMBERS TO NI LOCAL GOVERNMENT OFFICERS' SUPERANNUATION COMMITTEE

The Northern Ireland Local Government Officers' Superannuation Committee (the Committee) is due to be reconstituted for a further four-year term. It consists of a chairperson, five representatives from employer organisations, five representatives from employee organisations and two independent members. Appointments are made by the Minister of the Environment.

The Committee is an executive Non-Departmental Public Body, established under the Local Government (Superannuation) Act 1950 to administer the Northern Ireland Local Government Officers' Superannuation Scheme and manage its pension fund. The legislation requires consultation with councils, the Northern Ireland Housing Executive and other appropriate public bodies.

The reconstitution process will involve the appointment of a new chairperson, three new members (one employer representative and two employee representatives) and two independent members. Seven of the existing members hold their appointments until 2011 and do not need to be replaced at this time.

The Department invites Council to **submit the name(s) of those** who may wish to be considered for appointment to serve as members of the new Committee. When considering nominations, Council is asked to pay particular attention to paragraph 7 of the Competencies Statement, as it is essential that we achieve the necessary balances required for the Committee. *[para 7: The Department is seeking to appoint a Committee whose members have the ability and experience to administer the pension scheme and manage the pension fund.)*

The closing date for nominations is **4.30pm on Monday, 16 March 2009.**

An information pack is available from the Office of the Chief Executive – this includes, a Competencies Statement which sets out the role, objectives and structure of the Committee and outlines the balance of competencies and experience required in relation to these appointments; Role and Specifications for the posts of chairperson and members.

*** Alderman Connolly left the meeting at 2.35 pm**

36.10 RESPONSE TO PPS21 CONSULTATION

At the request of Councillor Finlay, the Chief Executive advised that there is an opportunity to amend Council's response to the Consultation document relating to PPS21.

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

> ***that Council submit a further response to PPS21 consultation document to include that where a farm is subdivided e.g. when it is left between two people in a will, the one receiving the portion which does not include the farm dwelling should be able to get an approval for a dwelling, where DARD confirm the viability of the portion of farm in question as a business and subject to the normal tests for integration, access etc. of the proposed dwelling.***

The meeting closed at 2.45 pm