

BALLYMONEY BOROUGH COUNCIL

Consultation Committee Meeting No 04 –18th September 2006

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- 04.4** The Planning (Demolition – Description of Buildings) direction 2006 - *noted*
- 04.5** Planning (General Development) Amendment No 2 Order (NI) 2006 - *noted*
- 04.6** Request from Billy O’Neill to make a presentation to council – *Council to invite Mr O’Neill to the meeting on 16th October 2006.*
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- 04.9** Strategic Road Improvement Programme – *Council to submit views on dualling of A26 from Glarryford to Portrush Road roundabout*
- 04.10** Northern Ireland Housing Council – *Council support the decision of the RPA to abolish the Housing Council subject to the proviso that the new legislation on community planning gives Councils and local communities effective powers to hold central government departments and agencies to account.*
- 04.11** Affordability Review – *Chief Executive to contact Sir John Semple regarding places available at October’s seminar.*
- 04.12** Consultation Documents
 - 12.1 Part V11 of the Terrorism Act 2000 - *to defer this matter to the next meeting on 16th October to allow members to further consider the proposals.*
 - 12.2 Roads Service – Department for Regional Development – *Councillor Finlay to write to Roads Service for further clarification of abandonment*

BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 04, held in the Council Chamber, Riada House, Ballymoney on Monday 18th September 2006 at 7.30pm

IN THE CHAIR: Alderman H Connolly

PRESENT: **Aldermen**
F Campbell
C Cousley (Deputy Mayor)
J Simpson

Councillors
A Cavlan J Finlay (Mayor)
B Kennedy M McCamphill
D McKay T McKeown
P McGuigan, MLA A Patterson
E Robinson I Stevenson

APOLOGIES: M Storey, MLA
R Wilson

IN ATTENDANCE: Chief Executive
Committee Clerk

DoE Planning Department
P McGrogan

Press

04.1 MINUTES – MEETING NO 02 – 17TH JULY 2006

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

that the minutes of meeting no 03– 21st August, as circulated, be confirmed as a correct record.

04.2 PPS14 – PLANNING APPLICATIONS/DEFERRALS/OFFICE MEETINGS

Following a letter from the Chief Executive to the Divisional Planning Manager to ascertain whether office meetings may take place for those applications on the August schedule where refusal related to PPS14, a response was circulated to members. Further comments relating to this were received from the Principal Planning Officer as follows:

“As a result of the council meeting held on 21st August 2006, I would like to clarify the position regarding deferred applications and the circumstances when an office meeting will be facilitated.

1. Applications taken to council as a refusal on grounds of PPS14, an office meeting will be facilitated if requested by Council, where the applicant or agent has attempted to comply with the policy document. For example, if a weak case of ‘need’ has been put forward, replacement dwelling, design issues of ‘infill’ is being argued. In such circumstances, it is clear that an office meeting could be of benefit to all parties.
2. Where the applicant or agent has made no attempt to establish a case of need, an office meeting will not be accommodated as there would clearly be nothing to discuss. A deferral for one month will however be agreed, when requested by Council, if they are of the opinion that further information in the form of a case of need can be put forward for consideration by Planning Service. It is not the responsibility of individual councillors to make a case of need, this is a matter for the applicant and, or his appointed agent.
3. If it is clear to the councillor that a case of need is not possible there should be no necessity to defer the application at all.
4. The position regarding applications refused on grounds of prematurity in relation to the Draft Northern Area Plan remains unchanged.

In view of the confusion surrounding last month’s Council meeting, I can confirm that office meetings were arranged for all cases. Unfortunately, because of the short notice given, a number of applicants/agents were unable to attend the meetings. The Senior Planner has however agreed to make alternative arrangements to meet at a later date”

Mr McGrogan responded to a number of questions put forward by members relating to the policies contained in PPS14 confirming that applications, where refusal relates to policy CTY1, will be deferred for one month to enable ‘case of need’ to be proved, or if more than one reason for refusal is given, an office meeting will be granted to provide Planning Service with the opportunity to explain the reasons for refusal to the applicant.

Councillor McGuigan requested advice on the position relating to PPS14 now that the consultation period has come to a close. The Planning Officer advised that there have been a number of representations made which are being processed and that departmental guidance is awaited. Further information will be made available in due course.

* **Councillor Stevenson retired from the meeting, the time being 7.45 pm.**

04.3 PLANNING APPLICATIONS

ITEM NO 8

APPLIC NO D/2006/0132/O Outline Date Valid 07/03/2006
 APPLICANT Miss Mulrine
 APPLIC ADDRESS 228 Kilraughts Road, Ballymoney
 LOCATION Rear of 228 Kilraughts Road, Ballymoney
 PROPOSAL New dwelling and garage
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION REFUSAL
 1 PO7 - inadequate visibility splays

It was **AGREED:** *that the application be deferred for one month to enable the applicant to try to resolve the issue of visibility (Councillor Finlay).*

* **Councillor Patterson retired from the meeting, the time being 8.50 pm.**

ITEM NO 11

APPLIC NO D/2006/0194/F Full Date Valid 29/03/2006
 APPLICANT Mam Developments
 APPLIC ADDRESS C/o GM Design, 22 Lodge Road, Coleraine, BT52 1NB
 LOCATION No.331 Moyarget Road, Ballymoney
 PROPOSAL Demolition of existing dwelling and outbuilding to create site for housing
 development comprising 6no. two storey semi-detached dwellings
 and 1no. two storey detached dwelling
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION REFUSAL
 1 Proposal is contrary to PPS7: QD1 as it fails to demonstrate a quality residential development.
 2 Proposal contrary to standards laid out in 'Creating Places'
 3 Required junction spacings unto Moyarget Road not available.
 4 Required visibility plays of 2.4 X 60 not available
 5 No provision for in-curtilage turning & manoeuvring of vehicle
 6 Creation of a new vehicular access onto a protected route

It was **AGREED:** *that an office meeting be held and that Roads Service be invited*

to attend (Councillor Robinson).

ITEM NO 17
APPLIC NO D/2006/0261/F Full Date Valid 17/05/2006
APPLICANT Mr & Mrs P Mccart
APPLIC ADDRESS 4 Bamford Park, Rasharkin, Ballymena, BT44 8RX
LOCATION Adjacent S.E site to 239B Lisnahunshin Road, Rasharkin
PROPOSAL Erection of single storey dwelling & garage
REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION REFUSAL

- 1 Contrary to PPS14
- 2 Policy CTY 1 - insufficient case of need
- 3 Policy CTY 10 - lack of integration
- 4 Policy CTY 11 - erosion of rural character
- 5 Policy CTY 12 - ribboning

It was **AGREED:** *following a discussion concerning the possibility of deferral for one month to enable the applicant to prove case of need, it was agreed that an office meeting would be beneficial to enable the planning service to explain additional reasons for refusal to the applicant. (Councillor McKay)*

APPLICATIONS DEFERRED FROM PREVIOUS MEETING

ITEM NO D 1
APPLIC NO D/2005/0583/O Outline Date Valid 17/05/2005
APPLICANT Ms Mc Mullan
APPLIC ADDRESS 208 Corkey Road, Ballymena, Co. Antrim, BT44 9JB
LOCATION 180m North of 12 Carnamenagh Road
PROPOSAL Site of dwelling (preferably 2 storey)
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 Carnamenagh Road.

The Planning Officer advised that a revised layout had resulted in refusal and agreed that the application be held until the end of the week to enable Roads Service to review the matter with the applicant. Should the issue not be resolved by Roads

Service, the applicant would need to submit a new application based on the revised layout.

ITEM NO D 2

APPLIC NO D/2005/0922/O Outline Date Valid 11/12/2005
 APPLICANT Mr F Mc Neilly
 APPLIC ADDRESS 111 Bellaghy Road, Dunloy, BT44 9PY
 LOCATION Adjacent to 111 Bellaghy Road, Dunloy
 PROPOSAL Proposed domestic dwelling
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 The proposal is contrary to Policy DES5 of the Department's 'A Planning Strategy for Rural Northern Ireland' in that a building on this site would not integrate into the countryside, as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient boundaries or any other means of achieving satisfactory integration, and as a consequence would, if permitted, have an adverse impact on the landscape by reason of its undue prominence.
- 2 The proposal is contrary to Policy DES7 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the creation of ribbon development along Bellaghy Road
- 3 The proposal is contrary to Policy DES6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build-up

ITEM NO D 3

APPLIC NO D/2005/0941/F Full Date Valid 03/01/2006
 APPLICANT Mr J Chestnutt
 APPLIC ADDRESS 110 Newbridge Road, Seacon Beg, Ballymoney
 LOCATION 110 Newbridge Road, Seacon Beg, Ballymoney
 PROPOSAL Replacement Dwelling
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **APPROVAL**

The Planning Officer advised that revised drawings have been received and the Department is now able to approve this application.

ITEM NO D 4

APPLIC NO D/2006/0018/F Full Date Valid 16/01/2006

APPLICANT Mr W Fenton
 APPLIC ADDRESS C/O. Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL
 LOCATION Site Adjacent to 60 Bregagh Road, Armoy
 PROPOSAL Infill site for dwelling and garage
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 The proposal is contrary to Policy DES7 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the creation of ribbon development along Bregagh Road
- 2 The proposal is contrary to Policy DES6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build-up

ITEM NO D 5

APPLIC NO D/2006/0114/F Full Date Valid 22/03/2006
 APPLICANT Mr & Mrs Mc Mullan
 APPLIC ADDRESS C/o GM Design Associates Ltd, 22 Lodge Road, Coleraine, BT52 1NB
 LOCATION Land to the rear of No.85 Garryduff Road, Ballymoney
 PROPOSAL Erection of two storey dwelling and detached double garage
 REPRESENTATIONS 2 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 Contrary to CTY1 of PPS14 - need
- 2 Contrary to CTY10 of PPS14 - integration/design
- 3 Contrary to CTY11 of PPS14 - erosion of rural character
- 4 Unsatisfactory access arrangements

The Planning Officer advised that this application had been withdrawn.

At the request of Councillor McCamphill, the Planning Officer agreed to look into application numbers D2005/0996/0 and D2006/0173/0 in relation to office meetings.

APPEAL DATES NOTIFIED

ITEM NO 1
 APPLIC NO **D/2005/0451/O** PAC NO **2006/A0642**
 DATE OF HEARING LOCATION
 DATE OF SITE VISIT
 APPLICANT Mr Connelly
 LOCATION 70m South of 295 Townhill Road, Rasharkin

PROPOSAL Dwelling and garage

Written Representations

Date of Office Meetings: 29th September 2006

* **Alderman Cousley retired from the meeting, the time being 8.07 pm.**

04.4 THE PLANNING (DEMOLITION) DESCRIPTION OF BUILDINGS) DIRECTION 2006

This Direction came into operation on 22nd August 2006 and replaces the Direction made on 11th May 2005. The Direction has the effect of applying development control to the demolition of buildings in Areas of Townscape and Village Character including areas of Townscape Character identified as such in the Draft Banbridge/Newry and Mourne Area Plan 2015. This means that from 22nd August 2006, development proposals to demolish buildings in these areas will require planning permission in the same way as would proposals to demolish buildings in all other Areas of Townscape Character/Areas of Village Character. The Direction can be accessed at the Planning Service Website at www.planningni.gov.uk

* **Councillor Kennedy retired from the meeting, the time being 8.10 pm.**

04.5 PLANNING (GENERAL DEVELOPMENT) AMENDMENT NO. 2 ORDER (NI) 2006 (S.R.2006 No. 348)

The Department made the above Statutory Rule on 24th August 2006. It will come into operation on 21st September 2006. The purpose of the Order is to extend and update the existing Schedule 1 permitted development rights for the installation of satellite dishes and other antennas. It increases the number of microwave antennas that may be erected on both dwelling houses and other buildings subject to specified limitations. It also introduces a definition of designated areas and permitted development rights, which are subject to certain conditions/limitations, for the installation of antennas on buildings situated within such areas. The areas defined are conservation areas, areas of outstanding natural beauty (AONBs), areas of special scientific interest (ASSIs) and national parks.

The Planning Officer responded to a number of questions from members relating to planning permission for the demolition of buildings in conservation areas, including Townscape areas and retrospective applications.

He also explained in more detail to Alderman Simpson, the purpose of Planning Amendment No 2 Order to extend and update the existing schedule for permitted development rights for the installation of satellite dishes and other antennas before retiring from the meeting, the time being 8.20 pm.

04.6 REQUEST FROM MR W O'NEILL TO MAKE A PRESENTATION TO COUNCIL.

Mr O'Neill has requested an opportunity to make a further presentation to Council in relation to plans to date for the site adjacent to Riada House. It is suggested that he and his team be invited to attend the meeting on 16th October at 7.00pm.

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

to invite Mr O'Neill and his team to give a presentation to council at 7.00 pm on Monday 16th October 2006 as the first Consultation meeting.

04.7 PLANNING APPLICATION D/2006/0373/F

The Chief Executive advised members for their information that correspondence has been received from the Planning Service acknowledging receipt of Council's letter relating to the above application (32 & 34 Ballymena Road, Ballymoney).

04.8 PLANNING APPLICATION D/2005/0841/0

The Chief Executive advised members for their information, that correspondence has been received from the Planning Service advising that an appeal has been lodged in respect of this application (Site 180m south west of 99 Toberdoney Road, Ballymoney). At its meeting no 838 on 15th May 2006, Council agreed to support the applicant in the event of such an appeal.

* **Councillor McGuigan retired from the meeting, the time being 8.15 pm.**

04.9 STRATEGIC ROAD IMPROVEMENT PROGRAMME – Expanding the Strategic Road Improvement Programme 2015.

DRD Minister, David Cairns, has issued for public consultation, a proposed £400M package of major road upgrades. Responses are invited by 29th September. The Minister will consider comments submitted before finalising the programme in the autumn.

The Chief Executive highlighted the proposal for dualling of the A26 from Glarryford to Ballycastle, as outlined in the proposal and requested members to consider any comments that might be put forward in Council's response to the consultation document. The issue of dualling from Glarryford to Portrush Road roundabout, rather than Glarryford to Ballycastle fork was discussed.

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

that Council, in its response to the consultation document, lobby for the dualling of the A26 from Glarryford to Portrush Road roundabout

Councillor Stevenson supported this view, having advised the Chief Executive of this prior to his retirement from the meeting.

04.10 PROPOSED ABOLITION OF NORTHERN IRELAND HOUSING COUNCIL

Correspondence was circulated to members relating to the proposed abolition of the Northern Ireland Housing Council. The Chief Executive also advised members of a request from NILGA that councils send in their views on this issue so that NILGA can consider them in determining its stance on the issue.

The Chief Executive suggested that community planning could be the mechanism for local community and council oversight of the work of the NIHE, but that this would depend on the powers given to councils in the new legislation proposed.

- * **Councillor McKeown arrived, apologising for the delay in his arrival, the time being 8.30 pm.**

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

that Council support the decision of the RPA to abolish the Housing Council subject to the proviso that the new legislation on community planning gives Councils and local communities effective powers to hold central government departments and agencies to account.

04.11 AFFORDABILITY REVIEW

Access to affordable housing across tenures is central in ensuring the economic and social development of Northern Ireland. David Hanson, Minister with responsibility for Social Development has established a review into affordable housing under the leadership of Sir John Semple. He will produce an interim report in December, for consultation and a final report in March. He plans to convene seminars with key individuals and organizations involved. Invitations for members to attend the seminar in October will be issued shortly. It was agreed that the Chief Executive contact Sir John Semple to request further places at the seminar to allow maximum input from councillors for submission to the local consultation document.

04.12 CONSULTATION DOCUMENTS

- 12.1 Part VII of the Terrorism Act 2000, which is specific to Northern Ireland, contains provisions to regulate the private security industry in Northern Ireland. NIO are presenting proposals for consultation. The consultation closes on 24th October 2006.

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

to defer this matter to the next meeting on 16th October to allow members to further consider the proposals.

- 12.2 Roads Service – The Department for Regional Development has given notice that it proposes to make an order under Article 68 of the Roads (Northern Ireland) Order 1993, the effect of which would be to abandon 1470 square metres of road at Vow Road, Ballymoney. Any person may object to the proposal by written notice by 9th October 2006 (*attached as Appendix 3*).

Councillor Finlay raised a number of questions in relation to the abandonment of land and whose responsibility this becomes once abandoned by Roads Service. He will write to the Roads Service requesting clarification of a number of issues such as the maintenance of trees and access to properties.

This being all the business, the meeting closed at 8.40 pm.