

BALLYMONEY BOROUGH COUNCIL

Consultation Committee Meeting No 06 – 20th November 2006

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BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 06, held in the Council Chamber, Riada House, Ballymoney on Monday 20th November 2006 at 7.30pm

IN THE CHAIR: Alderman Connolly

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

Councillors
A Cavlan J Finlay, Mayor
B Kennedy M McCamphill
P McGuigan, MLA I Stevenson
M Storey, MLA R Wilson

APOLOGIES: D McKay
T McKeown
A Patterson
E Robinson

IN ATTENDANCE: Chief Executive
Committee Clerk

DoE Planning Department
P McGrogan

Press
Members of the Public

06.1 FIRE TENDERS

Mayor Councillor Finlay advised members of a proposal by the Fire Authority, in a consultation document, to reduce the number of fire engines in Ballymoney from two to one.

Councillor Finlay said: "I am gravely concerned at the proposals to reduce the fire and rescue service in Ballymoney to one fire engine. In rural areas like Ballymoney, difficulties can be

experienced in obtaining a water connection and one engine would not have the capacity to adequately deal with the situation. I am aware of such incidents in this area where a readily available second engine was vital in saving life and property”.

Members concurred with Councillor Finlay. Alderman Simpson queried the rationale behind the consultation to reduce the number of tenders in the Borough. Councillor Storey concurred with Councillor Finlay and extended his sympathy to the family in Belfast who had lost their lives recently. He stated that Councillor McKay, as a member of the Fire Authority, be requested to provide information as to what measures the Fire Authority are taking to ensure the safety of the Borough.

Councillor Kennedy gave his support to Councillor Finlay, stating that a breakdown in the number of calls that the fire station receive would be helpful to Council in formulating their response to the Consultation document, the closing date for which is 31st January 2007.

Mr C McAuley from the Fire Service may attend the next meeting to provide further information.

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

that Council respond to the Consultation by the Fire Authority indicating their disagreement to the proposed cuts to fire services in Ballymoney.

06.2 PLANNING APPLICATIONS

Planning application No's 1-32 and 1-13 (deferred) were considered and the opinion of the Planning Service accepted, except where stated otherwise.

ITEM NO	1				
APPLIC NO	D/2003/0329/F	Full	Date Valid	11/06/2003	
APPLICANT	Messrs Boyle & Ogg				
APPLIC ADDRESS	236 Garryduff Road, Dunloy, Ballymena, BT44 9EE				
LOCATION	Garves Mountain Farm, Tullaghans Road (access adjacent to no. 91), Dunloy.				
PROPOSAL	15 mega-watt windfarm development comprising 5 No. 3.0 mega-watt wind turbines with an overall height of 125 metres, 33kv sub-station building and associated site works (Amended scheme).				
REPRESENTATION	2	Objections 0	Support 0	Petition of Objection 0	Support Petitions 0
OPINION	APPROVAL				

Objections related to: **Concern about the proposal in general, impact on amenity and interruption of television signal.**

ITEM NO	5			
APPLIC NO	D/2006/0113/F	Full	Date Valid	18/05/2006
APPLICANT	Mr Elliott			
APPLIC ADDRESS	C/O Dennis R. Tosh, 40 Nursery Avenue, Coleraine, BT52 1LP			

LOCATION 5 Edward Street, Ballymoney, Co Antrim
 PROPOSAL Proposed amusement arcade and toilet accommodation
 REPRESENTATION 4 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION REFUSAL

- 1 Contrary to PPS1 and DCAN 1 due to impact on residential amenity of adjoining properties

Objections related to: Concern about the proposal in general and impact on amenity.

Councillor Finlay advised the Planning Officer that the applicant is not happy with advice received from the Planning Service relating to his application.

Alderman Simpson agreed with the decision to refuse this application.

ITEM NO 9
 APPLIC NO D/2006/0308/O Outline Date Valid 19/07/2006
 APPLICANT Mr C Christie
 APPLIC ADDRESS C/O R. Robinson & Sons, 59 High Street, Ballymoney, BT53 6BG
 LOCATION Land South East of 12 Greenhill Road, Ballymoney
 PROPOSAL Proposed new farm workers dwelling
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION REFUSAL

- 1 Contrary to policy CTY1 in that need has not been demonstrated

It was **AGREED:** *that an office meeting be held under Criterion No 5 (Councillor Storey)*

ITEM NO 10
 APPLIC NO D/2006/0322/O Outline Date Valid 27/06/2006
 APPLICANT Mr A O'Kane
 APPLIC ADDRESS 43 Bellaghy Road, Dunloy, BT44 9DX
 LOCATION Adj to 43 Bellaghy Road, Dunloy
 PROPOSAL Proposed domestic dwelling
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION REFUSAL

- 1 Contrary to Policy CTY1 - no case of need
- 2 Contrary to Policy CTY11 - Ribbon development
- 3 Contrary to policy CTY12 - Rural Character
- 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 Bellaghy Road

It was **AGREED:** *that an office meeting be held under Criterion No 5 (Councillor McCamphill)*

ITEM NO 12
APPLIC NO D/2006/0332/O Outline Date Valid 07/07/2006
APPLICANT Mr T Mc Erlaine
APPLIC ADDRESS 79 Tamlaght Road, Rasharkin
LOCATION 400m SW No. 79 Tamlaght Road
PROPOSAL Dwelling and garage
REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION REFUSAL

1 Contrary to CTY1 of PPS14 - no case of need

It was **AGREED:** *that an office meeting be held under Criterion No 5 (Councillor Cavlan)*

ITEM NO 13
APPLIC NO D/2006/0335/F Full Date Valid 10/07/2006
APPLICANT Mr M Morrison
APPLIC ADDRESS 42 Agherton Park, Ballymoney
LOCATION 42 Agherton Park, Ballymoney
PROPOSAL Proposed new garage
REPRESENTATION 1 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION APPROVAL

Objection related to: **Concern about impact on amenity.**

ITEM NO 23
APPLIC NO D/2006/0374/RM Reserved Date Valid 02/08/2006
APPLICANT Mr Simpson
APPLIC ADDRESS C/O Fleming McKernan Associates, 1 Upper Abbey Street, Coleraine, BT52 1BF
LOCATION North of 84 Kirk Road, Ballymoney
PROPOSAL Dwelling and garage
REPRESENTATION 1 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION APPROVAL

Objection related to: **Amount of development in locality resulting in change to rural area.**

ITEM 32
APPLIC NO D/2006/0266/f Reserved Date Valid
APPLICANT Mr & Mrs Moore
APPLIC ADDRESS C/o Bell Architects Limited
LOCATION 50 Kirk Road, Ballymoney

PROPOSAL	Replacement dwelling						
REPRESENTATION	0	Objections 0	Support	0	Petition of Objection	0	Support Petitions
OPINION	APPROVAL						

The Planning officer advised that this additional application could be approved with Council's agreement. Members confirmed their agreement.

APPLICATIONS DEFERRED FROM PREVIOUS MEETING**ITEM NO D1**

APPLIC NO D/2003/0789/O Outline Date Valid 29/12/2003
 APPLICANT Mr B Hughes
 APPLIC ADDRESS Ivan McDonald, 17 Lisadell Avenue, Portstewart, BT55 7SY
 LOCATION Adjacent to 129 Knock Road Dervock Ballymoney
 PROPOSAL Erection of single storey dwelling
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

ITEM NO D2

APPLIC NO D/2005/0536/O Outline Date Valid 10/05/2005
 APPLICANT Mr Irwin
 APPLIC ADDRESS 44 Bann Road, Kilrea, BT51 5RY
 LOCATION Adjacent to 178 Vow Road, Ballymoney
 PROPOSAL Site for dwelling and garage
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

Councillor Wilson thanked the Planning Service for their decision in this matter.

ITEM NO D3

APPLIC NO D/2005/0789/O Outline Date Valid 09/09/2005
 APPLICANT Mr Mc Keeman
 APPLIC ADDRESS C/O Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL
 LOCATION Site 130m South West of 47 Bendooragh Road, Ballymoney
 PROPOSAL Site for dwelling and garage
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

ITEM NO D4

APPLIC NO D/2005/0872/F Full Date Valid 25/10/2005
 APPLICANT Oville Developments
 APPLIC ADDRESS C/o Diamond and Hughes Architects, 77 Main Street, Maghera
 LOCATION 159 Finvoy Road, Ballymoney
 PROPOSAL 2 No. Two storey detached dwellings and 6 No. two storey semi-detached dwellings
 REPRESENTATIONS 8 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

The Planning Officer advised that some of the objections related to the character of the development and as a result, the application changed from 8 semi-detached dwellings to 6

detached, two-storey dwellings and that the drawings held by the Planning Office reflected this.

ITEM NO D5

APPLIC NO D/2005/0961/F Full Date Valid 01/12/2005
 APPLICANT Mr & Mrs King
 APPLIC ADDRESS A-three Architecture Design Plannin, 43-45 Church Street, Portadown
 LOCATION Rear of 44 Bellisle Road, Dervock, Ballymoney
 PROPOSAL Domestic Dwelling and Garage
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

Alderman Campbell thanked the Planning Service for their decision in this matter.

* **Councillor Kennedy left the meeting at 7.50 pm.**

ITEM NO D6

APPLIC NO D/2006/0134/F Full Date Valid 08/03/2006
 APPLICANT Mr Smith
 APPLIC ADDRESS C/O Gary Gaston, 133 Finvoy Road, Ballymoney, BT53 7JL
 LOCATION 320m North East of 15 Altnahinch Road, Armoy
 PROPOSAL New dwelling and garage
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

ITEM NO D7

APPLIC NO D/2006/0150/O Outline Date Valid 04/04/2006
 APPLICANT Mrs H Stirling
 APPLIC ADDRESS C/O R Robinson & Sons, 59 High Street, Albany Villas, Ballymoney, BT53 6BG
 LOCATION 174m North East of junction at Fivey Road and Moyan Road
 PROPOSAL New dwelling
 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 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 nor are there any overriding reasons why this development is essential and could not be located within a settlement.
- 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 Fivey Road.

PROPOSAL Dwelling and garage
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 Contrary to CTY1 of PPS 14 as there is no case of need
- 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 Lisheeghan Road

Councillor McCamphill advised the Planning Officer of the Agents disappointment with this decision.

ITEM NO D10

APPLIC NO D/2006/0190/O Outline Date Valid 27/03/2006
 APPLICANT Mr W Stewart
 APPLIC ADDRESS C/O SW Atkinson, 18 Milltown Road, Ballymoney, BT53 6LF
 LOCATION 170m North East of 77 Bregagh Road, Armoy
 PROPOSAL Site for two storey dwelling and 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 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 nor are there any overriding reasons why this development is essential and could not be located within a settlement.
- 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 impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

ITEM NO D11

APPLIC NO D/2006/0210/F Full Date Valid 13/04/2006
 APPLICANT Mr & Mrs J Sayers
 APPLIC ADDRESS Market Studio, 14 Market Road, Ballymena, BT43 6EL
 LOCATION Adj. to 220 Frosses Road, Cloughmills
 PROPOSAL Proposed farm retirement dwelling (on site of previous replacement retirement approval D/2002/0312)
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions

OPINION REFUSAL

- 1 The application is contrary to CTY1 and CTY3 of PPS14 - no case of need
- 2 The application is contrary to CTY5 - no dwelling on site to be replaced

The Planning Officer advised members that there had been previous approval for a replacement dwelling, which had lapsed. He confirmed that there is no current approval and that the house has since been demolished.

The Planning officer advised that an application should have been made to vary the time condition of the application prior to the three-year rule. Councillor Finlay expressed his disappointment with the decision, advising that the applicant had allowed the application to lapse due to the ill health of his wife.

At the request of Councillor Finlay, the Planning Officer confirmed that the new legislation came into effect at the beginning of June, closing down the issue that if any applications had been re-applied for after the three-year period had lapsed, it was no longer valid. Councillor Finlay advised that the application was validated on 13th April and therefore, the new legislation should not have applied.

Members requested the Planning Officer to look into this matter further. The Planning Officer agreed to do this and to respond in writing providing information on the Planning Reform Bill, extant approvals and whether the decision was taken retrospectively.

Councillor Finlay requested that his discontent at the decision to refuse this application, which he believes was made retrospectively, be recorded in the minutes.

ITEM NO D12

APPLIC NO	D/2006/0213/O	Outline	Date Valid	19/04/2006
APPLICANT	Mr N Ritchie			
APPLIC ADDRESS	346a Craigs Road, Rasharkin			
LOCATION	Land between 344a & 346 Craigs Road, Rasharkin			
PROPOSAL	Proposed infill site for dwelling			
REPRESENTATIONS	0	Objections	0	Support 0
			Petition of Objection	0
OPINION	REFUSAL			

- 1 The application is contrary to CTY12 in that the site does not meet infill criteria
- 2 The application is contrary to CTY10 of PPS14 in that the site fails to integrate

Councillor McGuigan left at 8.10.

ITEM NO D13

APPLIC NO D/2006/0348/O Outline Date Valid 20/07/2006
 APPLICANT Mr C Gillen
 APPLIC ADDRESS C/O Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL
 LOCATION 21 Magheraboy Road, Rasharkin
 PROPOSAL Site for replacement dwelling-dwelling to be replaced off site to 60m North
 East
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION REFUSAL

1 Contrary to CTY5 of PPS14 - unacceptable off-site replacement

The Planning Officer advised that the application could not be approved on the requested site at the front of the farm but may be considered if the applicant agreed to change the location to the rear of the farm. He agreed that this application be held for one day to allow the applicant to withdraw.

APPEAL DECISIONS NOTIFIED**ITEM NO 1**

APPLIC NO	D/2004/0928/O	PAC NO	2005/A891
RESULT OF APPEAL	Upheld		
APPLICANT	Mr & Mrs T Mc Clure		
LOCATION	90m South-West of 21 Dirraw Road, Ballymoney		
PROPOSAL	Proposed Site For Dwelling and Detached Garage		

ITEM NO 2

APPLIC NO	D/2004/0973/O	PAC NO	2005/A331
RESULT OF APPEAL	Upheld		
APPLICANT	Armoy Homes Limited		
LOCATION	Off Finvoy Road/Bravallen Road, Ballymoney (110m North of Millgrange)		
PROPOSAL	Proposed site for housing development		

ITEM NO 3

APPLIC NO	D/2005/0220/O	PAC NO	2005/A823
RESULT OF APPEAL	Upheld		
APPLICANT	Mr D Crawford		
LOCATION	At rear of 370a Craigs Road, Rasharkin		
PROPOSAL	Site for two storey dwelling and garage		

ITEM NO 4

APPLIC NO	D/2005/0409/O	PAC NO	2005/A748
RESULT OF APPEAL	Dismissed		
APPLICANT	Mr M Connolly		
LOCATION	Rear of 152 Coolkeeran Road, Loughguile, Ballymoney		
PROPOSAL	Site for dwelling		

Following discussion of the planning schedule, Councillor Finlay expressed his thanks to Mr McGrogan, who will be taking up another post within the Planning Service in the near future, and wished him well in his new position. Members concurred with Councillor Finlay who said that Mr McGrogan had dealt fairly and constructively with matters relating to the Planning Service during his time serving Ballymoney borough and should be commended for his excellent work. The Chief Executive advised members that he had received information from the Planning Service that temporary cover would be provided by Mr Gary McClelland and that a permanent replacement would be appointed in a matter of months.

Mr McGrogan thanked Council for their kind words and wished members well in the future.

Date of Office Meetings: Friday 1st December at 10.00 am

- * **The Planning Officer left the meeting at 8.25 pm.**
- * **Councillor Wilson left the meeting at 8.25 pm.**

06.3 PLANNING POLICY STATEMENT 3: ACCESS, MOVING & PARKING

The Chief Executive advised members that the Planning Service of the Department of the Environment has published, in final form, a clarification document dealing with the planning controls, which will apply to access provision onto Protected Routes. The clarification document removes ambiguity in the Department's Planning Policy for the control of access onto 'High Standard Dual Carriageways', a new standard of Dual Carriageway that is similar in design terms to a motorway. The document can be viewed on the Planning Service Website at: http://www.planningni.gov.uk/Area_Plans_Policy/PPS/pps3_clarification/default.htm.

06.4 PROPOSALS FOR APPLICATION OF GM ENERGY CONSENTS PROCESS TO NORTHERN IRELAND

The Chief Executive advised that the Department of Enterprise, Trade and Investment have advised of a proposed change to the Northern Ireland energy consent processes, that has been directed by the Secretary of State for Northern Ireland. The Department will be required to bring forward, regulations on processes necessary to commence the Order but not before Spring/Summer 2007 (copy correspondence circulated). In the time available after the Order is made and before the Regulations are introduced, the Department will engage with all interested parties in order to develop the most suitable processes.

The Chief Executive advised that the implication for Council is that there is no requirement in GB legislation to consult with district councils, only planning authorities. He suggested that members may wish Council to write to the Department to ascertain what ideas they might have about consulting councils to ensure that there is no loss in Council's right to be consulted or attend meetings.

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

that Council write to the Department of Enterprise, Trade & Investment to ascertain their views on consulting Councils.

This being all the business, the meeting closed at 8.30 pm