

**BALLYMONEY BOROUGH COUNCIL****Table of Contents**

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Consultation Committee Meeting No 37, held in the Council Chamber, Riada House, Ballymoney on Monday 20<sup>th</sup> April 2009 at 2.00 pm.

**IN THE CHAIR**

J Finlay, Mayor

**PRESENT****Aldermen**

F Campbell

H Connolly

C Cousley, MBE, Deputy Mayor

J Simpson

**Councillors**

M McCamphill

P McGuigan

E Robinson

I Stevenson

**APOLOGIES**

B Kennedy

A Patterson

R Wilson

**IN ATTENDANCE**Chief Executive  
Committee Clerk**DoE Planning Service (Items 1 & 2)**

G McClelland

**Press****37.1 ELECTION OF CHAIR**

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

***that the Mayor be elected to chair the meeting in the absence of the Chair and the Vice Chair of the Consultation Committee.***

**37.1 MINUTES – MEETING NO 36 – 16<sup>th</sup> MARCH 2009**

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

*that the minutes of Meeting No 36 – 16<sup>th</sup> March 2009 be confirmed as a  
correct record*

\* **Councillor McCamphill and Councillor Robinson joined the meeting at 2.03 pm.**

**36.2 PLANNING SCHEDULE**

Planning Applications 1-19 and 1-10 (deferred) were considered and the opinion of the Planning Service accepted except where stated otherwise.

**ITEM NO 2**

APPLIC NO	D/2007/0432/F	Full	Date Valid	24/08/2007
APPLICANT	Ms A Louden			
APPLIC ADDRESS	73 Lisboy Road, Dunloy, BT44 9BU			
LOCATION	Knockahollet Road, Dunloy, Ballymena			
PROPOSAL	To be used as a disposal site for inert material (euro waste code 17-05-04) from the local NI Water sponsored schemes, with the intent to improve the quality of land. After disposal completed, reinstatement of grass & topsoil will occur			
REPRESENTATIO OPINION	0 Objection	0 Suppor	0	Petition of 0 Support Petitions

**Refusal**

- 1 Article 7(4) of the Planning (General Development) Order (Northern Ireland) 1993 enables the Department to require the applicant to provide such further information as may be specified in a direction to enable it to determine any application. In the absence of a hydrological risk assessment to demonstrate the risk to groundwater/surface water, demonstration of compliance with the Landfill Regulations (NI) 2003 including provision of a mineral layer to side and base walls of the landfill which provides protection of soil, groundwater and surface water, the capacity and expected volumes of waste to be deposited, the drainage layout of the site to manage surface water runoff, information on the approach roads and traffic management techniques to be used, demonstration of how the impact on sensitive receptors will be prevented/minimized, details of a site office, weighbridge, wheel cleaning device, a rejected quarantine area and an amended 1-500 scale drawing to show adequate access, incurtilage parking and turning area and a dedicated area for wheel and vehicle washing, the proposal is contrary to Policy WM1 in that the development is likely to result in an unacceptable adverse impact on the environment.

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

**ITEM NO 3**

APPLIC NO	D/2008/0222/O	Outline	Date Valid	02/05/2008
APPLICANT	Mr T Hill			
APPLIC ADDRESS	C/o Bell Architects, 65-67 Main Street, Ballymoney, BT53 7TF			
LOCATION	140 Knock Road, Dervock.			

PROPOSAL Revised planning application for 5 No. dwellings and road layout in accordance with 'creating places' and with reference to previous planning approval D/2007/0400/O

REPRESENTATIO 0 Objection 0 Suppor 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 proposal is contrary to Policy QD2 of Planning Policy Statement 7, Quality Residential Environments, in that the development would result in unsatisfactory piecemeal development. Informative: While the Department acknowledges the existing live approval relating to this site, it is of the opinion that the site can only be satisfactorily developed as part of a comprehensive scheme incorporating the
- 3 The proposed development would, if permitted, prejudice the safety and convenience of road users since car parking arrangements have not been provided to an adequate standard.
- 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 Knock Road.

**The Planning officer advised that information has been received from the applicant who intends to submit a full application to cover current and adjacent sites. He advised that the Department is able to hold the application for one month to enable agent to submit this information.**

It was **AGREED:** that the application be deferred for one month (Councillor Finlay)

**ITEM NO 5**

APPLIC NO D/2008/0367/F Full Date Valid 06/08/2008

APPLICANT Mr Murray

APPLIC ADDRESS 164 Kilraughts Road,, Ballymoney, BT53 8NJ

LOCATION 180 meters north 164 Kilraughts Road, Ballymoney

PROPOSAL Erection of retirement farm dwelling and garage

REPRESENTATIO 0 Objection 0 Suppor 0 Petition of 0 Support Petitions

OPINION **Refusal**

- 1 The proposal is contrary to Policies CTY1 and CTY10 of Draft Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on
- 2 The proposal is contrary to Policy CTY13 of Draft Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not

visually linked or sited to cluster with an established group of buildings on the farm and therefore would not integrate into this area of the countryside.

- 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 Kilraughts Road.

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

<b>ITEM NO</b>	<b>6</b>				
APPLIC NO	D/2008/0380/F	Full	Date Valid	13/08/2008	
APPLICANT	Mr E Mc Tague				
APPLIC ADDRESS	C/o MKA Planning, 15 Harpurs Quay, Spencer Road, Londonderry, BT47 6AE				
LOCATION	58A Mullan Road, Dunloy, Ballymoney				
PROPOSAL	Retention of existing commercial vehicle repair workshop.				
REPRESENTATIO OPINION	<b>1 Objection</b>	0 Suppor	0	Petition of	0 Support Petitions
	Approval				

**Objection related to:** Traffic impact due to access location close to junction of Tullaghans Road and Mullen Road and visual impact of proposal.

**The Planning Officer advised that roads issues have now been resolved.**

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

<b>ITEM NO</b>	<b>7</b>				
APPLIC NO	D/2008/0417/C	Demolition	Date Valid	11/09/2008	
APPLICANT	Mr D Gillan				
APPLIC ADDRESS	C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY				
LOCATION	39 & 41 Church Street, Ballymoney				
PROPOSAL	Demolish existing public house and dilapidated shop				
REPRESENTATIO OPINION	0 Objection	0 Suppor	0	Petition of	0 Support Petitions
	<b>Refusal</b>				

- 1 The proposal is contrary to Policy BH14 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that no exceptional reason has been demonstrated which, in the judgement of the Department, justifies the demolition of these buildings within Ballymoney Conservation Area.

It was **AGREED:** that an office meeting be held (Alderman Simpson)

**ITEM NO** 8  
**APPLIC NO** D/2008/0419/F Full Date Valid 11/09/2008  
**APPLICANT** Mr D Gillan  
**APPLIC ADDRESS** C/O Hunter Associates  
**LOCATION** 39 & 41 Church Street, Ballymoney  
**PROPOSAL** Demolish existing public house and shop, erect new building with 5 no Commercial Units and 12 Apartments over  
**REPRESENTATIO** 0 Objection 0 Suppor 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 proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a building listed under Article 42 of the Planning (NI) Order 1991 by reason of the use of unsympathetic building materials/techniques which are out of keeping with those found on the listed building.
- 3 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.
- 4 The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within Ballymoney Conservation Area and the development would, if permitted, detract from its character and appearance by reason of inappropriate scale, massing and design.

It was **AGREED:** that an office meeting be held (Alderman Simpson)

**Speaking in relation to items (7) and (8), Alderman Campbell expressed the view that the issue of dereliction in the town should be addressed to avoid deterring new businesses. Responding to a query from Councillor Robinson, the Planning Officer advised that the Department is not opposed to demolition and reconstruction of sites in the town but that these are subject to submission of appropriate designs. He also advised that the Department would not consider applications for demolition without applications for appropriate replacements.**

**ITEM NO** 10  
**APPLIC NO** D/2008/0463/F Full Date Valid 09/10/2008  
**APPLICANT** Mr Mc Alonan  
**APPLIC ADDRESS** C/O Agent  
**LOCATION** 23.5 m West of 100 Coolkeeran Road, Loughguile  
**PROPOSAL** New free range poultry house for 25,000 birds max

REPRESENTATIO **2 Objection** 0 Suppor 0 Petition of 0 Support Petitions  
OPINION Approval

**Objection related to:** Impact on view, odours and impact on property values.

**Environmental Health does not have any issues and the Department is able to approve the application.**

**ITEM NO 11**

APPLIC NO D/2008/0525/RM Reserved Date Valid 04/12/2008

APPLICANT Mr A Henry

APPLIC ADDRESS 1 Cairnvale, Coleraine

LOCATION Rear of 12 Killyrammer Road, Ballymoney

PROPOSAL Erection of single storey dwelling with integral garage

REPRESENTATIO 0 Objection 0 Suppor 0 Petition of 0 Support Petitions  
OPINION **Refusal**

- 1 The proposal is deemed unacceptable as insufficient information has been submitted to enable the Department to fully consider the proposal.

**The Planning Officer advised that additional information has been submitted which has been forwarded to Roads Service.**

It was **AGREED:** that the application be deferred for one month (Councillor Finlay) to enable Roads Service to consider additional information.

**ITEM NO 14**

APPLIC NO D/2009/0038/O Outline Date Valid 06/02/2009

APPLICANT Mr & Mrs T Pollock

APPLIC ADDRESS C/o 20/20 Chartered Architects Ltd, 9A Linenhall Street, Ballymoney

LOCATION 110m south west of 10 Vow Road, Bendooragh Ballymoney

PROPOSAL Proposed Outline Application for dwelling and detached garage - submitted under CTY10 'dwellings on farms' of PPS21.

REPRESENTATIO 0 Objection 0 Suppor 0 Petition of 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 Vow 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.

**The Planning Officer advised that additional information has been submitted which has been forwarded to Roads Service.**

It was **AGREED:** that the application be deferred for one month (Councillor Finlay) to enable Roads Service to consider additional information.

**ITEM NO 18**

APPLIC NO	D/2009/0059/O	Outline	Date Valid	24/02/2009
APPLICANT	Mr D Mc Clements			
APPLIC ADDRESS	72 Tullaghans Road, Dunloy, BT44 9EB			
LOCATION	35m NW of 72 Tullaghans Road, Dunloy			
PROPOSAL	Proposed outline planning application for detached dwelling and garage.			
REPRESENTATIO	0	Objection	0	Suppor
OPINION	0	Petition of	0	Support Petitions
	<b>Refusal</b>			

- 1 The proposal is contrary to Policies CTY1 and CTY10 of Draft Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years.
- 2 The proposal is contrary to Policy CTY13 of Draft Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

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

**Responding to questions from Members, the Planning Officer clarified the Department's policy in relation to establishment of farm dwellings over a six-year period and that CTY13 of PPS21 is site dependent.**

**ITEM NO 19**

APPLIC NO	D/2009/0060/F	Full	Date Valid	02/03/2009
APPLICANT	Planning Direct			
APPLIC ADDRESS	C/o A-Three Architecture Design Pla, 43/45 Church Street, Portadown, BT62 3EU			
LOCATION	410m South of no. 3 Tamlaght Road, Rasharkin			
PROPOSAL	Site for the erection of 2 No. dwellings.			

REPRESENTATIO 0 Objection 0 Suppor 0 Petition of 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
- 2 The proposal is contrary to Policy CTY14 of, Draft Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings 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.
- 3 The proposal is contrary to Policy CTY8 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 and would therefore adversely affect the visual amenity and 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 where the proposed access joins Tamlaght Road.

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

## APPLICATIONS DEFERRED FROM PREVIOUS MEETING

**ITEM NO** 1

APPLIC NO D/2005/0530/F Full Date Valid 09/05/2005  
 APPLICANT NK Construction Ltd  
 APPLIC ADDRESS 93 Largy Road, Portglenone, BT44 8BZ  
 LOCATION Bamford Park/Carnfinton Park, Rasharkin  
 PROPOSAL Proposed housing development (9 dwellings) of 3 town houses and 6 apartments.

REPRESENTATIO 42 Objection 0 Suppor 2 Petition of 0 Support Petitions  
 OPINION Approval

**The Planning Officer advised that further information had been received enabling the Department to approve the application.**

**ITEM NO** 2

APPLIC NO D/2007/0123/O Outline Date Valid 09/03/2007  
 APPLICANT Mr R R Irwin

APPLIC ADDRESS 33 Macfin Road, Ballymoney, BT53 6RB  
 LOCATION Adjacent to 33 Macfin Road, Ballymoney.  
 PROPOSAL Replacement dwelling, incorporating existing structure as an ancillary  
 REPRESENTATIO 0 Objection 0 Suppor 0 Petition of 0 Support Petitions  
 OPINION Approval

**The proposal had been amended to retain the existing vernacular structure as a store and the Department is now able to approve the application.**

**ITEM NO 3**  
 APPLIC NO D/2007/0173/F Full Date Valid 06/04/2007  
 APPLICANT Mr & Mrs Mc Clelland  
 APPLIC ADDRESS 1A Boyland Road, Ballymoney, BT53 7HE  
 LOCATION 101 Finvoy Road, Moneycanon, Ballymoney.  
 PROPOSAL Proposed erection of 1 no dwelling to provide residential  
 REPRESENTATIO 0 Objection 0 Suppor 0 Petition of 0 Support Petitions  
 OPINION Approval

**Outstanding issues have been resolved following an office meeting and the Department is now able to approve the application.**

**ITEM NO 4**  
 APPLIC NO D/2007/0242/F Full Date Valid 11/05/2007  
 APPLICANT Mr Lowry  
 APPLIC ADDRESS 96 Ballyveely Road, Loughguile  
 LOCATION 38 Knockahollet Road, Dunloy  
 PROPOSAL Retention of dwelling with renovations, extensions, alterations and garage (amended proposal).  
 REPRESENTATIO 1 Objection 0 Suppor 0 Petition of 0 Support Petitions  
 OPINION Approval

**Proposal amended from replacement dwelling to retention and renovation. The Department is now able to approve the application.**

**ITEM NO 5**  
 APPLIC NO D/2007/0397/F Full Date Valid 08/08/2007  
 APPLICANT Mr J Wallace  
 APPLIC ADDRESS C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY

LOCATION 300 Finvoy Road, Rasharkin  
 PROPOSAL Redevelopment of lands to provide 7 no. townhouses, 4 no. apartments and 4 no. duplex apartments.  
 REPRESENTATIO 0 Objection 0 Suppor 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 applicant has failed to provide an acceptable layout that complies with the guidelines given in the Department's Creating Places Design Guide.
- 3 Waste water treatment system is not available for the proposed development and a scheme does not exist within NI Waters current Capital Works Programme.

**Councillor Finlay advised Council that Councillor Storey, MLA, had requested that the application be deferred for an office meeting.**

**The Planning Officer advised that the application could be held for one week to enable the Divisional Planning Manager to consider Councillor Storey's request for an office meeting.**

**ITEM NO 6**  
 APPLIC NO D/2007/0454/F Full Date Valid 06/09/2007  
 APPLICANT Mr & Mrs V Mc Kinley  
 APPLIC ADDRESS C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY  
 LOCATION 25 & 27 Bellaghy Road, Dunloy.  
 PROPOSAL Demolish 2 No. dwellings and erect 12 No. dwelling units with car parking and amenity space.  
 REPRESENTATIO 0 Objection 0 Suppor 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 proposal is contrary to Policies DES2 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.
- 3 The applicant has failed to provide adequate access arrangements.

**It was requested by Alderman Connolly and agreed that the application be held for one week to enable the Agent to write to the Divisional Planning Manager to request an opportunity for the architect to submit further information.**

<b>ITEM NO</b>	<b>7</b>					
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 development (6 No. dwellings) (revised proposal).					
REPRESENTATIO OPINION	10 Objection	0 Suppor	0	Petition of	0 Support Petitions	
	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

**It was requested by Alderman Connolly that the application be held for one week as the applicant had not received acknowledgement from the Department of amendments made to the proposal. The Planning Officer advised that it is not practice for the Department to respond to Agents in this way.**

**During an ensuing discussion, Councillor Finlay reminded members that precedents should not be set by members' requests for second deferment, although an Agent would be at liberty to make this request if he so wished. The Chief Executive concurred with Councillor Finlay emphasising the need for consistency when considering applications.**

It was proposed by Alderman Connolly, seconded by Alderman Simpson

***that Application Number D/2007/0460/O (Item 7) be deferred for one week.***

The Chair put the motion to the vote with 5 members voting in favour and 3 voting against.

**The Chair declared the motion carried**

**Councillor Robinson recorded that she was not in agreement with deferral of items (6) and (7) and the precedent this might set. She recorded Councillor Patterson's thanks to the Department for refusing application number D/2007/0460/O (Item 7).**

**ITEM NO**            **8**

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 19 dwellings - 8 semi-detached and 11 terraced with access off Bann Road. Dwellings 1 1/2 and 2 storey.

REPRESENTATIO        0 Objection        0 Suppor        0       Petition of                0 Support Petitions

OPINION              Approval

**The Planning Service advised that revision had been received reducing the proposal from 21 to 19 units and that the Department are now able to approve the application.**

**ITEM NO**            **9**

APPLIC NO            D/2008/0112/F       Full                               Date Valid   27/02/2008

APPLICANT            Mr & Mrs D Wood

APPLIC ADDRESS     142 Queen Street, Ballymena, BT42 2BQ

LOCATION              1 Cypress Park, Cloughmills

PROPOSAL            Proposed new two storey extension to side of existing end terrace house, replacement of existing detached garage & alterations to front boundary wall & entrance gates

REPRESENTATIO        0 Objection        0 Suppor        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 and design of the proposed extension are not sympathetic or subordinate with the built form of the existing property and would detract from the appearance and character of the surrounding area and would create an over development of the site.

**Further information requested by the Planning Department was not submitted.**

**ITEM NO**            **10**

APPLIC NO            D/2008/0539/F       Full                               Date Valid   19/12/2008

APPLICANT            Mr & Mrs Mc Mullan

APPLIC ADDRESS     C/o Montgomery Irwin Architects, 7 - 9 Stone Row, Coleraine

LOCATION              83A Garryduff Road, Ballymoney

PROPOSAL            Amendment to RM approval D/2006/0280/RM to extend domestic

garage and increase the site curtilage (Retrospective Application)  
 REPRESENTATIO 1 Objection 0 Suppor 0 Petition of 0 Support Petitions  
 OPINION Approval

**The Planning Officer advised that the objection had been withdrawn at the time of the office meeting and that the Department is now able to approve the application.**

### **APPEAL DECISIONS NOTIFIED**

**Start Date:- 26 February 2009                      End Date:- 01 April 2009**

**ITEM NO 1**

APPLIC NO                      **D/2005/0954/F**                      PAC NO    **2007/A1352**  
 APPLICANT                      Mr Moore  
 LOCATION                      36 Kirk Road, Ballymoney  
 PROPOSAL                      Change of use of commerical premises to car sales  
    **Dismissed**

### **APPEAL DECISIONS NOTIFIED**

**ITEM NO                      1**

APPLIC NO                      **D/2005/0954/F**                      PAC NO                      **2007/A1352**  
 RESULT OF APPEAL    **Dismissed**  
 APPLICANT                      Mr Moore  
 LOCATION                      36 Kirk Road, Ballymoney  
 PROPOSAL                      Change of use of commerical premises to car sales

**Date of Office Meetings:                      Monday 11<sup>th</sup> May at 2.00 pm, Lanyon Room, Riada House.**

**The Planning Officer left the meeting at 2.50 pm.**

### 37.3 COUNCIL POLICY/PRACTICE RE. OFFICE MEETINGS

The Chief Executive requested members to consider whether, in the light of the legal advice, a copy of which was circulated, Council wished to establish a policy in relation to the above matter

During discussion, the criteria for requesting office meetings was discussed, criterion 5, submission of additional information, being the most commonly used. Members considered the legal advice received which indicated that Council might wish to consider requesting office meetings for all refused applications, thus ensuring equity and consistency for applicants. Alternatively members were asked to consider whether Council might wish to agree a policy that where any member has been asked to secure an office meeting at Committee, then Council would support that request. Members discussed the advice provided and in view of the remaining two-year lifespan of the current Council, members expressed the view that the existing policy for dealing with planning office meetings should remain unchanged.

\* **Alderman Connolly left the meeting at 3.10 pm.**

### 37.4 PLANNING POLICY STATEMENT PPS21

The final version of the Council's agreed response to Draft PPS21 was circulated to members for information on 6<sup>th</sup> April. The response includes the further comment, agreed by committee at its meeting on 16<sup>th</sup> March, i.e 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.

A copy of the Ulster Farmers' Union response to the consultation was circulated for information.

### 37.5 PLANNING APPEALS

The Planning Appeals Commission has given notice of decision on the following appeals:

1. Enforcement Appeal – Mr Brian Moore, alleged unauthorized use of the land for the sale of vehicles making a material change in the said lands. Land at 80m south west of 36 Kirk Road, Ballymoney. *Decision: the enforcement notice, as corrected, is upheld and becomes effectively immediately.*
2. Appeal - Mr Brian Moore, change of use of commercial premises to car sales at 36 Kirk Road, Ballymoney. *Decision: The appeal is dismissed and full planning permission is refused.*



**37.6 ROADS PROGRAMME – CONSULTATION**

Arrangements have been made for Roads Service to attend committee on 18<sup>th</sup> May at 2.00 pm to present an update on the current year's work and to consult Council about priorities for next year's programmes before they are finalised. To facilitate this consultation, planning consultation has been deferred to 2.45 p.m.

**37.7 HOUSING EXECUTIVE CONSULTATION**

Arrangements have been made for the Housing Executive to attend committee on 21<sup>st</sup> September at 2.00 pm to consult Council on the District Housing Plans for 2009/10. To facilitate this, the planning consultation has been deferred to 2.45 p.m.

**37.8 GLARRYFORD AREA OF SPECIAL SCIENTIFIC INTEREST**

The NI Environment Agency has given notice under Article 28 of the Environment (NI) Order 2002 that it has made a declaration that the Glarryford esker ridge is an area of special scientific interest. A copy of the declaration was circulated. Any representations or objections to the declaration should be made in writing to the Department by 31<sup>st</sup> July 2009.

**37.9 POST OFFICE LTD**

A copy of the new Code of Practice on public consultation & communications with respect to change in the Post Office network has been agreed and relates to future changes in the network from 1 April 2009. The aim is to foster positive and effective engagement between Post Office Limited and Local Authorities with the common aim of ensuring communities receive the best information and representation.

A copy of the Code of Practice is available for viewing from the Office of the Chief Executive or by visiting [www.postoffice.co.uk](http://www.postoffice.co.uk)

**37.10 NOTICE OF PLANNING APPLICATION AT TESCO, CASTLE STREET, BALLYMONEY - PROPOSED ERECTION OF 1 NO MICRO WIND TURBINE**

An application for planning permission for the erection of 1 No micro wind turbine at Tesco, Castle Street, Ballymoney has been made. Notice of the application has been served on Council as a land owner of the site. Any comments/objections must be sent to the Divisional Planning Manager in Coleraine no later than 28<sup>th</sup> April 2009. No comments were offered.

**This being all the business, the meeting closed at 3.20 pm.**

