

BALLYMONEY BOROUGH COUNCIL**Table of Contents**

45.1	North East Education & Library Board Nominations	<i>Nomination of one member to remain unchanged.</i>
45.2	Roads Service	<i>Presentation of Report</i>
45.3	Minutes – Meeting No 44 – 16 th November 2009	<i>Confirmed</i>
45.4	Applications for Planning Permission	<i>Response Agreed</i>
45.5	Extension of Streamlined Scheme	<i>Agreed</i>
45.6	Enforcement Appeal: Mr Roy Camac	<i>For information</i>
45.7	Enforcement Appeal Mr E Torrens	<i>For information</i>
45.8	Appeal – Mr Kevin McMullan	
45.9	Planning Service – Preparatory Forward Planning Work to be undertaken in association with Transition Committees prior to Local Government Reorganisation	<i>For information</i>
45.10	Reforming NI's Adult Protection Infrastructure – Key Stakeholder Consultation	<i>For information</i>

BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 45, held in the Council Chamber, Riada House, Ballymoney on Monday 21st December 2009 at 2.00 pm.

IN THE CHAIR Alderman H Connolly

PRESENT

Aldermen
F Campbell, Mayor
C Cousley, MBE, Deputy Mayor
J Simpson

Councillors
J Finlay
R Halliday
M McCamphill
T McKeown
A Patterson
E Robinson
I Stevenson
M Storey, MLA

IN ATTENDANCE Chief Executive
Committee Clerk

Roads Service (Item2)
Mr U Wilson
Mr J McKinley

DoE Planning Service (Item 4)
M McCrystal

45.1 NORTH EAST EDUCATION & LIBRARY BOARD NOMINATIONS

Council has currently one representative to this body, Councillor Finlay. The Minister has written again to invite Council to nominate for this post by submitting the names and addresses of at least two Councillors who would be willing to serve during the transition period until the Education Skills Authority (ESA) is established. Council is asked to reconsider this with a view to providing at least one further nominee.

Members discussed the rationale for additional nominees and its historical nomination of one member. Councillor Storey urged that caution be given to further nominations being made in view of the accuracy of the numbers to be provided and their potential use in a possible reconstitution of the Education and Library Board.

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

that Council's nomination of one member (Councillor Finlay) to the North East Education and Library Board remains unchanged.

- * **Councillor Storey and Alderman Campbell joined the meeting at 2.05 pm during the discussion.**
- * **Councillor McKeown joined the meeting at 2.07 pm and Alderman Cousley joined the meeting at 2.10 pm during the discussion.**

45.2 ROADS SERVICE REPORT 2009/10

Alderman Connolly welcomed representatives from Roads Service (Mr Uel Wilson and Mr John McKinley) to the meeting to present their Roads Report 2009/10, a copy of which was circulated.

Alderman Connolly recorded his regret that the operator of the gritting vehicle has recently been the victim of abuse in Loughguile. He apologised to Roads Service and stated that Roads Service may wish to give consideration to reverting to the previous gritting arrangements to avoid any further incidents.

Members extended thanks to Road Service for completed work highlighted in the report including:

- Bann Road footpath at Drumreagh Church
- Work carried out at John Street
- Street lighting in Rasharkin and Macfin

Referring to their major works schemes, Mr Wilson advised Councillor Finlay that further details will be made available during summer 2010 relating to the agreed corridor and commencement date for dualling of the A26.

A discussion ensued relating to difficulties in crossing/joining the A26 from Kirk Road and Dervock Road. Councillor Stevenson referred to long-standing requests and complaints from constituents for this issue to be considered. Alderman Campbell and Councillor Robinson concurred with Councillor Stevenson. Mr Wilson agreed to look into this and report to Council on his findings.

In response to a query from Councillor Storey, Mr Wilson clarified Roads Service rationale regarding dualling including the various funding arrangements for key transportation corridors.

Mr Wilson advised members that Roads Service are examining proposals to move some of the work currently undertaken in Ballymena to the Coleraine office. Councillor Storey expressed the view that the staff at Ballymena office should be commended for the work they have carried out. He requested reassurance that schemes already approved would be brought to a resolution should the move to Coleraine take place. Councillor Stevenson stated that Council should be included in any consultation by Road Service on the proposed change of location.

Other issues raised by members included:

- **Request for speed limits at Dervock Road/Druckendult**

Members were advised that Road Service are again visiting the criteria for introduction of speed limits and road humps and that further information will be published in the New Year.

- **Gritting – Townhead Street Car Park**

To be actioned.

- **Repetition of slowing down signs on entering the town**

To be referred to Traffic Section.

- **Second phase of Craigs Road**

In the programme for action at the earliest opportunity.

- **Request for speed restriction, Bann Road**

Councillor Halliday expressed concern at the number of accidents, some fatal, in the area. Councillor Patterson and Councillor Stevenson concurred with his remarks.

- **Lack of snowplough provision during the recent inclement weather.**

- **Provision of grit boxes**

- **Adoption of streets and responsibility of developers.**

- **Tree/foliage cutting.**

Alderman Connolly thanked the representatives for their report which concluded at 3.10 pm. Roads Service representatives left the meeting at this time.

45.3 MINUTES – MEETING NO 44 – 16TH NOVEMBER 2009

It was proposed by Alderman Campbell, seconded by Alderman Cousley and
AGREED:

that the minutes of Meeting No 44 – 16th November 2009 be confirmed as a correct record.

45.4 PLANNING APPLICATIONS

Planning Applications Planning Applications 1-18 and 1-4 (deferred) were considered and the opinion of the Planning Service accepted except where stated otherwise.

ITEM NO 1

Application Ref D/2007/0382/F
DOE Opinion Refusal

Applicant C/o Park Design Associates,
 Parkmore House,
 Parkmore Heights,
 Ballymena, BT43 5DB

Location 105 Charlotte Street, Ballymoney.

Proposal Residential development of 24 dwellings (4 detached dwellings, 4 semi-detached dwellings, 7 townhouses and 9 apartments) including improvements to roadway in Oakfield Park.

Refusal info **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.**

The proposed development would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide adequate sight lines where the proposed access joins Charlotte Street.

Agents Name: Park Design Associates

Agent Address Details Parkmore House Parkmore Heights Ballymena

Representation Objection **60** Support letters: **0** Objection **0** Support **0**

Objections related to: **Ownership, traffic, character, layout and boundary layout. The Planning Officer also advised that required visibility splays are unobtainable on land controlled by applicant.**

MOTION 1

It was proposed by Councillor Robinson, seconded by Councillor Patterson:

that council accept the decision of Planning Service to refuse the application.

A discussion ensued on the right of applicants to be granted office meetings to provide an opportunity to submit further information.

DECLARATION OF INTEREST

Councillor Robinson declared an interest as an objector in item 1 of the Planning Schedule and left the meeting at 3.25pm.

MOTION 2

It was proposed by Councillor Storey, seconded by Alderman Simpson

that an office meeting be granted.

* **Councillor Robinson returned to the meeting at 3.30 pm.**

The chair put motion 1 to the vote:

FOR	AGAINST
3	6

The Chair declared motion 1 lost.

The chair put motion 2 to the vote

FOR	AGAINST
7	1

The Chair declared motion 2 carried.

* **Councillor McKeown left the meeting at 3.30 pm.**

ITEM NO 3

Application Ref D/2008/0359/F

DOE Opinion **Approval**

Applicant Mr W J Watters 39 Glenstall
Road, Ballymoney, BT53 7QN

Location Site adjacent to Mill Cottage Way Stranocum

Proposal Erection of 23 dwellings, including 2
apartments with detached garages where
appropriate, landscaping, amenity, roads,
sewers and waste water treatment unit.

Refusal info

Agents Name: Dalzell & Campbell

Agent Address Details 1a Pates Lane Coleraine

Representation Objection **17** Support letters: **0** Objection **0** Support **0**

Objections related to: Access, traffic, impact on dwellings, character of village, pollution of River Bush, increased pressure on sewerage system.

Councillor Patterson expressed disappointment at the decision of the Department to approve the application. At the request of Councillor Robinson, the Planning Officer gave assurance that all objections are fully considered.

ITEM NO 4

Application Ref D/2009/0029/F

DOE Opinion Refusal

Applicant Mr D Dunlop 44 The Brambles, Magherafelt, BT45 5RZ

Location 50 m N.W of 300 Gortgole Road, Rasharkin

Proposal Retrospective planning for existing joinery workshop

Refusal info **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 Gortgole Road.**

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 site/premises.

The proposed development would, if permitted, prejudice the safety and convenience of road users since the restricted width of the existing access renders it unsatisfactory for increased use.

Agents Name: McGurk Chartered Architects

Agent Address Details 33 King Street Magherafelt

Representation Objection 1 Support letters: 0 Objection 0 Support 0

Objection related to: Lands required for part of visibility splays.

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

At the request of Alderman Simpson, the Planning Officer advised the next stage of the process was enforcement should the application remain refused following an office meeting.

ITEM NO 6

Application Ref D/2009/0247/O

DOE Opinion Refusal

Applicant Mr B Lavery C/o Brian Baird, 10 Fermoyale Drive, Coleraine, BT51 3JW

Location Site adjacent to 49 Shelton Road, Armoy

Proposal Proposed cottage style holiday chalet bungalows

Refusal info **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.**

The proposal is contrary to Policy CTY13 of Draft Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings are 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 buildings to integrate into the landscape.

The proposal is contrary to Policy TOU3 of the Department's Planning Strategy for Rural Northern Ireland in that a positive need for this type of tourist accommodation has not been demonstrated and the development would, if permitted, have an adverse impact on the countryside as it is out of keeping with the locality by reason of the level of activity generated and visual impact.

Agents Name: Brian Baird Architect

Agent Address Details 10 Fermoyale Drive, Coleraine

Representation Objection 0 Support letters: 0 Objection 0 Support 0

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

that an office meeting be held.

ITEM NO 11

Application Ref D/2009/0312/O

DOE Opinion **Refusal**

Applicant Mrs D Dowds 178 Vow Road, Ballymoney, BT53 7NS

Location Land adjacent to 178 Vow Road, Ballymoney

Proposal Proposed site for a house

Refusal info **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.

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 along private lane serving No 178 and would therefore adversely affect the visual amenity and character of the countryside.

The proposal is contrary to Policy CTY14 of, Draft Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Agents Name: Noteman Mc Kee Architects

Agent Address Details 60 Malone Road Belfast

Representation Objection 0 Support letters: 0 Objection 0 Support 0

The Planning Officer advised that a 4th reason for refusal should have been recorded, this being:

View of Roads Service in that visibility splays proposed are unacceptable.

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

ITEM NO 13

Application Ref D/2009/0319/O

DOE Opinion Refusal

Applicant Mr J Traynor 48 Ballyveely Road, Ballymoney, BT53 8JY

Location To rear of 46A Ballyveely Road, Ballymoney

Proposal Proposed site for dwelling and garage on farmland (farm business ref: 636779).

Refusal info **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 the farm.**

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.

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

Sustainable Development in the Countryside in that the building 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.

Agents Name: Atkinson

Agent Address Details 18 Milltown Road Ballymoney

Representation Objection 0 Support letters: 0 Objection 0 Support 0

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

APPLICATIONS DEFERRED FROM PREVIOUS MEETING

ITEM NO 1

APPLIC NO D/2007/0127/F Full Date Valid 12/03/2007
 APPLICANT Mr G Logan
 APPLIC ADDRESS C/o Moore Design, 63 New Row,, Coleraine, BT52 1EJ
 LOCATION 174 Frosses Road, Ballynaloob.
 PROPOSAL New access to dwelling
 AGENT_NAME
 AGENT_ADDRESS: Moore Design, Market Court, 63 New Row, Coleraine, BT52
 REPRESENTATIO 0 Objection 0 Suppor 0 Petition of 0 Support Petitions
 OPINION Approval

The Planning Officer advised that new access point is shared with existing laneway and the Department is now able to approve the application.

ITEM NO 2

APPLIC NO D/2008/0316/F Full Date Valid 30/06/2008
 APPLICANT Mr S Laverty
 APPLIC ADDRESS C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY
 LOCATION 140m North East of 118a Coolkeeran Road, Loughguile
 PROPOSAL Proposed new retirement dwelling (retrospective application).
 AGENT NAME Mr J Morrison
 AGENT ADDRESS: Hunter Associates, 8 Charolotte Street, Ballymoney, BT53
 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 Coolkeeran 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.

At the request of Alderman Connolly, the Planning Officer agreed to hold the application for two weeks to provide an opportunity for the architect to provide further information to Roads Service.

* **Councillor Storey left the meeting at 3.40 pm.**

ITEM NO 3
 APPLIC NO D/2009/0019/F Full Date Valid 21/01/2009
 APPLICANT Mr Mc Ferran
 APPLIC ADDRESS C/o Agent
 LOCATION 22m SW of 15a Lisheeghan Road, Rasharkin
 PROPOSAL Proposed new free range poultry house for 14,000 birds max (amended proposal)
 AGENT NAME
 AGENT ADDRESS: R. Robinson & Sons Ltd, Albany Villas, 59 High Street,
 REPRESENTATIO 2 Objection 0 Suppor 0 Petition of 0 Support Petitions
 OPINION Approval

The Planning Officer advised that amended plans had been received enabling the Department to approve the application.

ITEM NO 4
 APPLIC NO D/2009/0096/F Full Date Valid 27/03/2009
 APPLICANT Mr & Mrs D Stirling
 APPLIC ADDRESS 18 Eastburn Crescent, Ballymoney, BT53 6PW
 LOCATION Land N.W. of 110 Fivey Road, Stranocum, Ballymoney
 PROPOSAL New replacement dwelling on the site of an existing redundant building
 AGENT NAME
 AGENT ADDRESS: R. Robinson & Sons Ltd, Albany Villas, 59 High Street,
 REPRESENTATIO 0 Objection 0 Suppor 0 Petition of 0 Support Petitions
 OPINION Approval

The Planning Officer advised that Environmental Health report is acceptable enabling the application to be approved.

APPEAL DECISIONS NOTIFIED

Start Date:- 01 October 2009 End Date:- 31 October 2009

ITEM NO 1
 APPLIC NO **D/2006/0247/O** PAC NO **2007/A0432**
 APPLICANT Mr A Mc Keown
 LOCATION Site to the rear of Princess Gardens, Cloughmills.

45.5 EXTENSION OF STREAMLINED SCHEME

A report by Planning Service on a proposal to extend the Streamlined Scheme for processing planning applications, as circulated, is recommended for committee's consideration. The additional categories proposed have been selected having regard to suggestions made by customers and also taking into account the correlation between the Planning Service recommendation and the Councils view on these types of cases.

The extended scheme has already been agreed by a number of Councils. The normal safeguards will still apply to all Streamlined applications in that any application recommended for refusal, or to which there is an objection or which any Councillor requests will be excluded from this process and included on the normal monthly Council Schedule for discussion.

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

that Council accept the proposal to extend the Streamlined Scheme for processing planning applications.

45.6 ENFORCEMENT APPEAL: MR ROY CAMAC

Alleged unauthorised use of the land for a mot-cross circuit making a material change in the use of the said lands & Alleged unauthorised mot-cross circuit and mounds development carried out without the grant of planning permission required
Land at 180m S.W of 62 Kirk Road, Ballymoney.

The Site Visit has been postponed to 23rd February 2010 11.00am

45.7 ENFORCEMENT APPEAL AND DEEMED - PLANNING APPLICATION: MR E TORRENS

Alleged unauthorised erection of structure:
Land at 41 Farren Road, Ballymoney

This appeal is to be dealt with by the Written Representations procedure. All parties to the appeal have been requested to submit their evidence in writing by 12th January 2010.

The Planning Appeals Commission has been advised of Council's support for the applicants appeal.

45.8 APPEAL - MR KEVIN MCMULLAN

The alleged unauthorised use of the land as a builder's yard/storage area making a material change in the use of said lands.

Land adjacent to No 1 Lisheegan Lane, Ballymoney

The Hearing scheduled to take place in the Cramsie Room Town Hall on 15th January 2010 will now start at 11.00am rather than 10.30am.

45.9 PLANNING SERVICE - PREPARATORY FORWARD PLANNING WORK TO BE UNDERTAKEN IN ASSOCIATION WITH TRANSITION COMMITTEES PRIOR TO LOCAL GOVERNMENT REORGANISATION

The Minister of the Environment has written on the above subject. The Minister states that the provision of an effective and up-to-date development plan system is a fundamental part of my Department's overall programme to reform the planning system in Northern Ireland. In the recent consultation paper 'Reform of the Planning System in Northern Ireland: Your chance to influence change' Planning Service proposed to introduce a new local development plan System. The proposals in relation to local development plans are designed to speed up the plan preparation process, ensure more effective participation from the public and other key stakeholders early in the plan preparation process, and provide a more flexible approach that is responsive to change and capable of faster review. It is intended that the new local development plan system will be in place for the transfer of planning powers to councils in 2011.

In order to facilitate the transfer of planning powers to local councils the Minister has been giving consideration to what work Planning Service could take forward with Transition Committees/Management Teams in advance of local government reorganisation in order to ensure a smooth and effective transition from the existing plan process to the new local development plan system.

Following discussion at the meeting of the Strategic Leadership Board on 16th October 2009 the Minister has decided to approach Transition Committees and seek their cooperation in taking forward preparatory forward planning work. There are, however, a number of Area Plans which have issued in draft form but have not yet been adopted. The Department has already indicated that it intends to complete the adoption of such plans. This will have implications for staff resources. Nevertheless, in advance of 2011, the Minister proposes to begin working with the transition committees at two levels – baseline collection in all of the new council areas covering urban and rural housing, industrial development and retail development and, secondly, a more intensive, detailed engagement in a small number of the new council areas with a view to preparing a pilot preparatory plan study.

As well as providing key information, which should enable new councils to move their new local development plan preparation programme forward following the transfer of planning powers, the Minister believes such cooperation will provide further advantages for all parties involved, including:-

- early capacity building for all key players, including councilors, existing council staff and Planning Service staff;
- building of an effective working relationship for existing development plan staff with future council colleagues;

- ensuring early integration of the new development plan with the emerging community planning process;
- fostering of a closer working relationship between the Department and local government;
and
- enabling councils to bring forward new development plans within a shorter timeframe.

He has asked Planning Service to commence work on baseline data collection to inform the local development plan for the new Causeway Council area. He is keen that Planning Service works closely with the Transition Committee in the collation of this data. The assembly of this baseline information he believes assist the new council move quickly to the Preferred Options Paper stage after receiving planning powers and will significantly speed up the subsequent publication of a draft local development plan.

It will be important to establish the appropriate procedures between the Transition Committee/Management Teams and Planning Service to take this work forward and the Minister suggests that this issue be taken forward through the existing Planning Service representative on the Transition Management Team.

Having considered a number of factors including the status of current development plans and the need to ensure a continued provision of an adequate land supply he has also decided, in agreement with the Strategic Leadership Board, to take forward pilot preparatory studies for local development plans for the Omagh/Fermanagh Council area, the Derry/Strabane Council area and the Antrim/Newtownabbey Council areas with a fourth preparatory plan study for the Armagh, Banbridge and Craigavon Council area commencing in the next business plan, as staff become available after the completion of the Banbridge Newry & Mourne Area Plan independent examination. Such pilots will permit early assessment of the initial stages of the new development plan system thereby allowing problems that might arise to be addressed.

45.10 REFORMING NI'S ADULT PROTECTION INFRASTRUCTURE – KEY STAKEHOLDER CONSULTATION

DH&SS Public Safety is consulting on proposals to reform adult protection partnership arrangements in Northern Ireland with responses to a questionnaire by 31st December 2009.

Subject to the outcome of the consultation the Departments aim is to have an agreed paper for issue by January 2010 with new arrangements operational by August 2010 and the strategic plan developed and agreed by March 2011 with presentation of the first report to Central Government by June 2012.

Health & Social Care & Criminal Justice agencies will continue to have responsibility to ensure vulnerable adults, who are at risk of abuse, receive protection and suitable access to Criminal Justice System. An illustration of the objectives to outcomes of the Northern Ireland Adult Safeguarding Partnership were circulated.

The reform proposals have referred to the management team and no specific comments offered.

The meeting closed at 3.50 pm.