

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

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**Ballymoney Borough Council**

Minutes of Consultation Committee Meeting No 64, held in the Council Chamber, Riada House, Ballymoney on Monday 15<sup>th</sup> August 2011 at 7.00 pm.

**IN THE CHAIR:** Councillor A Cavlan

**PRESENT:** **Aldermen**  
F Campbell  
H Connolly  
C Cousley, MBE  
B Kennedy

**Councillors**  
J Atkinson  
W Blair  
J Finlay  
R Halliday  
C McLaughlin  
E Robinson  
I Stevenson  
M Storey, MLA

**APOLOGIES:** **Councillors**  
Councillor T McKeown

**IN ATTENDANCE:** Director of Borough Services  
Head of Corporate and Development Services  
Committee Clerk

Ms J McMath, Senior Planning Officer (Item 2)

Press x 1  
Public x 2

**64.1 MINUTES OF CONSULTATION MEETING NO 63 – 20<sup>TH</sup> JUNE 2011**

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

*that the minutes of Meeting No 63 – 20<sup>th</sup> June 2011, as circulated, be confirmed as a correct record.*

**64.2 PLANNING APPLICATIONS** (previously circulated)

**2.1 New Applications**

Items 1 – 14 were considered and the opinion of the Planning Service accepted except where stated otherwise.

Full details of applications can be viewed at:  
[http://apps.planningni.gov.uk/council\\_shcedules/balymoney.aspx](http://apps.planningni.gov.uk/council_shcedules/balymoney.aspx)

**Item No 3 – D/2011/0020/F – Approval**

New dwelling and garage 60m NE of 22 Friary Road, Armoynagh for Mr D McGothigan.

**Objection Letters (1)** Proximity of septic tank to the objectors' boundary, potential contamination into stream, overlooking, privacy issues, surface water problems.

Amended plans have been received showing revised location reducing overlooking/privacy issues. Consent to discharge effluent had been received from NIEA. Neighbour notification had been reissued and no objections received to amended plans.

**Item No 5 – D/2011/0049/F – Approval**

Proposed new dwelling adjacent to 15 Ballynaloob Road, Dunloy for TDK Commercial Properties.

**Objection Letters (2)** Visibility splays.

**Item No 6 – D/2011/0052/F – Approval**

A Single Wind Turbine with a tower height of 30m for Mr Thompson.

**Objection Letters (1)** An anonymous letter allegedly on behalf of residents of Landhead Road and Dunaghy regarding visual Impact, shadow flicker, impact on wildlife, noise generation.

The application is not within a designated wildlife area, noise issues had been cleared by Environmental Health and the application complies with PPS18.

Councillor Storey welcomed the decision. He queried the status in relation to the backlog of applications for wind turbines

Senior Planning Officer stated that there was no backlog, the Department was working its way through applications and in some areas where there was more sensitivity than others there would be some delay. Where applications have been deferred, agents have tried to address the Departments concerns and this creates a perceived delay.

**Item No 7 – D/2011/0080/RM – Approval**

Two storey dwelling 180m East of 21 Liscannon Road, Dervock for Dumble Holdings Limited.

**Objection Letters (1) Visibility splays.**

Letter of representation related to objection stating that third parties had not given consent for visibility splays and access. Siting, design and external appearance are reserved matters and are acceptable.

The Planning Appeals Commission accepted the visibility splays adding a negative condition. The issue is a civil matter and approval is granted with same negative condition regarding visibility splays.

**Item No 8 – D/2011/0081/RM – Approval**

Two storey dwelling 220m East of 21 Liscannon Road, Dervock for Duple Holdings.

**Objection Letters (1) Visibility splays.**

The same representations referred to at item 7 above relate also to item 8.

**Item No 10 – D/2011/0096/F – Refusal**

Proposed erection of new dwelling 85m NE of 68 Carncullagh Road, Stranocum for Mrs D King.

1. The proposed development would, if permitted, prejudice the safety and convenience of road users since it proposes to use an existing access at which visibility cannot be provided to an adequate standard.
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.

It was **AGREED: That an office meeting be held (Alderman Kennedy).**

**Item No 11 – D/2011/0098/F – Refusal**

Single wind turbine with tower height of 50m and associated NIE sub-station to serve dwelling, milking parlours and existing farm buildings 290m West of 173 Garryduff Road, Ballymoney for Mr E Wylie.

1. The proposal is contrary to Policy RE2 of PPS 18 Renewable Energy in that the development would result in an unacceptable adverse impact on visual amenity and landscape character due to its size and scale.
2. The proposal is contrary to Policy RE1 of Draft PPS 18 Renewable Energy in that the development is not of an appropriate size and scale required to meet the needs of the farm business and is out of keeping with the character of the rural area.

**Request for a deferral for 1 month granted by Senior Planning Officer.  
(Councillor Halliday)**

**Item No 12 – D/2011/0119/F – Approval**

Amendments to previous Approval D/2005/0890/F. Flat roof to sun room, minor revisions to windows and revised garage design and location. Retrospective application for Mr I McGowan.

**Objection Letters (2) Privacy issues if flat roof used as balcony.**

To ensure flat roof not used as balcony Department will approve with condition that windows be fixed and non opening. In addition windows had been changed to obscure glass so overlooking was minimised.

**Item No 13 – D/2011/0121/O – Refusal**

Proposed site for dwelling and detached garage/farm store (PPS21 CTY 10) 100m NE of No 11 Inshinagh Lane, Bendooragh for Mr A Hegarty.

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not

merit being considered as 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.

2. The proposal is contrary to Policy CTY13 of 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 visually integrate into the surrounding landscape.
3. It is not practical to use the proposed access to Bendooragh road and it is not possible to prevent vehicular access to Drumskea Toad where visibility is sub-standard.

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

#### **Item No 14 – D/2011/0125/F – Refusal**

Erection of 2 no semi-detached dwellings, garages and outbuildings with associated landscaping at Chatham Mill, Stranocum for Armoys Homes.

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

It was **AGREED: That an office meeting be held (Alderman Kennedy).**

## **2.2 Deferred Applications**

Items 1 – 4 were considered and the opinion of the Planning Service accepted except where stated otherwise.

#### **D1 – D/2007/0376/F – Refusal**

Senior Planning Officer advised that the application had been withdrawn.

#### **D2 – D/2007/0446/F – Refusal**

Senior Planning Officer advised that the application had been withdrawn.

#### **D3 – D/2010/0099/F – Approval**

The application is located within lignite area. Following correspondence from DARD and amendments to siting to integrate within existing buildings and dwellings Department prepared to approve the application.

Councillor Storey welcomed the decision, the second wind turbine that he was aware of that had been approved. He queried if the Officer was aware of the number of applications pending.

The Senior Planning Officer stated she was aware of 2 others, one of which she had spoken to the agent about last week and the other was before the meeting.

Councillor Storey advised he had written to the previous Minister and had received correspondence stating that PPS21 (Sustainable Development in the Countryside) *would be given precedence* over Policy MIN1 (Environmental Protection). Councillor Storey then wrote to new Minister and received further correspondence whereupon wording had been changed from that of *precedent* to *significant weight* and he feared that this could have a bearing on future applications. Councillor Storey asked the Senior Planning Officers view of this change.

The Senior Planning Officer said it was a matter of interpretation, however, she felt that the word *precedence* was indeed a stronger statement than the term *significant weight*.

Councillor Finlay welcomed the decision.

#### **D4 – D/2010/0231/F – Approval**

Alderman Kennedy, Alderman Connolly and Councillor McLaughlin welcomed the decision.

Letter of objections and subsequent emails regarding principle of development, privacy, boundary removal, integration, reduced amenity, flooding. Issue of planting had been addressed. Consultation with Rivers Agency indicated no record of flooding.

**\* Alderman Campbell left the meeting at 7.25pm.**

#### **D5 – D/2011/0017/F – Approval**

Further consideration had been given to additional information. Department accepts site based on plans and Roads Service clearance of access arrangements.

Councillor Cavlan conveyed her thanks on behalf of the applicant.

**\* Members of the Public left the meeting at 7.25pm.**

**Date of Office Meetings last Friday August to be confirmed.**

**D/2008/0097/RM Housing Development at Charlotte Street/Balnamore Road (permission granted and decision issued).**

Councillor Robinson expressed concern on traffic grounds at the decision to grant permission to a proposed housing development of 186 no. dwellings at Charlotte Street/Balnamore Road, 88 and 90 Charlotte Street and South of Charlotte Street. Senior Planning Officer stated that Roads Service would have been party to any application and found it to be acceptable.

Councillor Storey stated that the issue was indeed dealt with by Roads Service whom, he felt, had applied two different standards on the same piece of road as another application was refused on the grounds of the arguments on traffic, however Roads Service accommodated a "Gateway Type traffic Calming measure", resulting in an aggrieved applicant as his was a lesser number of houses. Councillor Storey, also felt that the reply from Roads Service surrounding the issue was less than satisfactory.

**\*Councillor Storey left the meeting at 7.34pm**

**\*Senior Planning Officer left the meeting at 7.34pm.**

**Appeal Dates Notified: D/2008/0498/F**

The Senior Planning Officer advised that the application had been removed for approval.

**64.3 PLANNING CONSULTATIONS****PPS 12: Draft Policy HS 3 (Amended) Travellers' Accommodation**

The Amendment to Policy HS 3 of PPS 12 furthers the Minister's commitment to meeting the distinctive accommodation needs of travellers.

The existing policy HS 3 contained in PPS 12 provides for grouped housing, serviced sites, and transit sites for travellers within, adjoining or in close proximity to settlements. However, outside settlements there is only limited provision for grouped housing and transit sites – not serviced sites. This amendment provides policy for serviced sites for travellers outside settlements.

In tandem with this consultation an equality screening exercise is also being issued for public consultation as an Annex to the draft Amendment.

The consultation period will end on Friday 30<sup>th</sup> September 2011.

The Chair said that this was more a matter for the Housing Executive and was not an issue in this area.

**64.4 DETI – CONSULTATION ON THE POTENTIAL FOR EXTENDING THE NATURAL GAS NETWORK IN NI**

The Department of Enterprise, Trade and Investment wishes to consult on the potential for extending the natural gas network in Northern Ireland. Natural gas is available to customers in ten towns and cities along the route of the South-North and North-West pipelines, that is, Londonderry, Limavady, Ballymena, Ballymoney, Coleraine, Newry, Craigavon, Antrim, Banbridge and Armagh.

The consultation paper invites views on the following key issues in respect of further development of the gas network:

- (a) To which further towns in Northern Ireland would it be appropriate to develop new natural gas infrastructure, either as one major new licence area, or as a number of smaller new licence areas?
- (b) What are the most feasible options, both financially and technically, for developing new natural gas transmission and distribution networks?; and
- (c) What would be the most appropriate business model(s) for developing gas infrastructure in any new licence areas?

The consultation document is available at

[http://www.detini.gov.uk/consultation\\_on\\_the\\_potential\\_for\\_extending\\_the\\_natural\\_gas\\_network\\_in\\_northern\\_ireland](http://www.detini.gov.uk/consultation_on_the_potential_for_extending_the_natural_gas_network_in_northern_ireland)

The consultation period will close on 30<sup>th</sup> September 2011.

Councillor Stevenson stated that Ballymoney had benefitted greatly from natural gas and he felt that other towns and villages should benefit from it also.

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

*that Council support the extension of the natural gas framework into smaller villages.*

## 64.5 PLANNING APPEALS

### 5.1 The Planning (Northern Ireland) Order 1991

Appeal Against Enforcement Notice

Issued on 10<sup>th</sup> June 2011 to: Mr Paul Howard

The alleged unauthorized use of land for the manufacture of horse boxes and vehicles for transport of horses and cars and for the maintenance and repair of vehicles making a material change in the use of the said lands.

Land at 55 Conagher Road, Ballymoney

The Commission has received an appeal against the enforcement notice.

Any representations Council may wish to make should be submitted within 5 weeks of the date of the correspondence.

## 64.6 FEASIBILITY STUDY FOR BALLYMONEY SCENIC DRIVE(S)

In order to preserve confidentiality the lowest price is identified A,B,C.

Three tenders received for the above study were opened by the Development Committee chair, Councillor Finlay and the Head of Corporate and Development Services on Friday 5<sup>th</sup> August 2011.

The tenders have been assessed and scored in accordance with the criteria.

	<b>Tenderer</b>	<b>Score</b>
A	Harper Tourism	85
B	TTC (Tourism & Transport Consult) International	72.5
C	Colin Buchanan Ltd	55

**IT IS RECOMMENDED** that the tender be awarded to the highest scoring tender, Harper Tourism at a cost of £6,405.00 + VAT. The project is funded by Council and the Rural Development Programme.

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

*that the tender for the Feasibility Study for Ballymoney Scenic Drive (s) tender be awarded to Harper Tourism at a cost of £6,405.00 + VAT.*

## 64.7 NON-CORPORATE BUILDINGS AND FACILITIES WORKING GROUP MEETING

Director of Borough Services requested a date for the inaugural meeting of the above Working Group.

\* Councillor Storey returned to the meeting at 7.40pm.



**IT WAS AGREED** that a meeting be held on Thursday 25<sup>th</sup> August at 6pm.

\* **Alderman Connolly left the meeting at 8.44pm.**

**This being all the business the meeting closed at 7.44pm.**