

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

<b>10.1</b>	Presentation – the Great Northern Railway Company (Ireland) Limited	<i>Postponed</i>
<b>10.2</b>	Minutes – Meeting CC.09 – 15 <sup>th</sup> January 2007	<i>Adopted</i>
<b>10.3</b>	Planning Service – Planning Appeals Outstanding	<i>For Information</i>
<b>10.4</b>	Planning Service – Consultation Document on Microgeneration Permitted Development Rights	<i>Council to seek the view of its Planning Consultant prior to responding to consultation document</i>
<b>10.5</b>	Antrim Borough council Planning/Council Consultation Process – Refinements to Guidance Procedures	<i>Council to support Antrim Borough Council in its rejection of the Refinements</i>
<b>10.6</b>	Development Report – covered Amenity Space, Castlecroft	<i>Council to instigate legal proceedings to seek injunction</i>
<b>10.7</b>	Planning Applications	

**BALLYMONEY BOROUGH COUNCIL**

Minutes of Consultation Committee Meeting No 10, held in the Council Chamber, Riada House, Ballymoney on Monday 19<sup>th</sup> February 2007 at 7.00 pm.

**IN THE CHAIR:** Alderman Connolly

**PRESENT:** **Aldermen**  
C Cousley, Deputy Mayor

**Councillors**  
J Finlay, Mayor            B Kennedy  
M McCamphill            A Patterson  
M Storey

**APOLOGIES:** **Aldermen**  
F Campbell  
J Simpson  
**Councillors**  
A Cavlan  
P McGuigan, MLA  
D McKay  
T McKeown  
E Robinson  
I Stevenson  
R Wilson

**IN ATTENDANCE:** Chief Executive  
Committee Clerk

**DoE Planning Department**  
Mr Gary McClelland

**Press**

**10.1 PRESENTATION – THE GREAT NORTHERN RAILWAY COMPANY (IRELAND) LIMITED**

The proposed presentation relating to the development of a Light Rail Transport Network for the Greater Belfast Metropolitan area was postponed due to bereavement. The Presentation will be re-arranged.

**10.2 MINUTES – MEETING CC.09 15<sup>TH</sup> JANUARY 2007**

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

***that the minutes of CC.09 on 15<sup>th</sup> January 2007, as circulated, be confirmed as a correct record***

**10.3 PLANNING SERVICE – LIVE PLANNING APPEALS FOR BALLYMONEY BOROUGH COUNCIL**

Planning Service have advised, in response to a request from Council, that there are currently 38 outstanding planning appeals for Ballymoney Borough Council district.

**10.4 PLANNING SERVICE CONSULSTATION DOCUMENT ON MICROGENERATION PERMITTED DEVELOPMENT RIGHTS**

The Chief Executive explained to members that the purpose of the consultation is to obtain the views of the public and all interested parties on the provision of permitted development rights for microgeneration (small scale renewable energy) development associated with dwellinghouses and within the curtilage of a dwelling house. The consultation document was circulated (closing date for comments is 30<sup>th</sup> April 2007).

In response to a number of questions from members, the Chief Executive advised that the document does not make it compulsory to install electricity generating equipment but future development and building regulations will impose that a development is self-sufficient for heating and electricity. Councillor Storey recorded his concern that this matter will be an issue given to new councils and that it would be advantageous to consult with Council's Planning Consultants to obtain their opinion on the draft legislation to enable Council to formulate an adequate response.

It was proposed by Councillor Storey, seconded by Councillor McCamphill and **AGREED:**

***that Council seek the view of its Planning Consultant to obtain an opinion on the consultation document, prior to Council making a response to the draft legislation contained therein.***

**10.5 ANTRIM BOROUGH COUNCIL PLANNING/COUNCIL CONSULTATION PROCESS – REFINEMENTS TO GUIDANCE PROCEDURES**

Antrim Borough Council have written seeking support in submitting letters to the Minister rejecting the implementation and enforcement of the 'Refinements to the Planning procedures' prior to proper and full consultation with all councils and in advance of the judicial review regarding PPS14.

It was proposed by Councillor McCamphill, seconded by Councillor Storey and **AGREED:**

***that Council support Antrim Borough Council by writing to the Minister rejecting the implications and enforcements contained in the "Refinements to the Planning procedures" prior to proper and full consultation with all councils and in advance of the judicial review regarding PPS14.***

- \* Councillor Kennedy arrived at 7.15 pm.

#### **10.6 DEVELOPMENT REPORT – COVERED AMENITY SPACE, CASTLECROFT**

The Chief Executive advised members that he wished to discuss a legal issue relating to the development of this facility.

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

***that Council move 'into committee' in order to discuss the developments at Castlecroft covered amenity space.***

- \* Members of the press and public left the meeting at 7.20 pm

- \* Councillor Storey left the meeting at 7.20 pm.

The Chief Executive reported on issues relating to the development of the Council's amenity space at this location and development proposals on adjoining site, in respect of which legal advice had been sought to protect Council's interest and its asset. The Chief Executive updated members on the progress of this.

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

***that the Chief Executive be authorised to instruct the Council's Solicitor to seek an injunction against the developer of Nos. 53-55 Main Street, Ballymoney to remove the trespass on Council's land and to prevent the erection of a building with windows and a door overlooking the Council's Amenity Area at Castlecroft Square, so as to protect the Council's interests.***

- \* Councillor Storey returned to the meeting at 7.25 pm

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

***that Council move 'out of committee' to continue the meeting.***

- \* Members of the press and public returned to the meeting at 7.30 pm.

- \* The Planning Officer joined the meeting at 7.30 pm.

**10.7 PLANNING APPLICATIONS**

Planning application No's 1-62 and 1-9 (deferred) were considered and the opinion of the Planning Service accepted, except where stated otherwise.

**ITEM NO 3**

APPLIC NO D/2006/0268/O OutlineDate Valid 23/05/2006

APPLICANT Mr & Mrs Egar

APPLIC ADDRESS Diamond & Hughes Architecture, 77 Main Street, Maghera, BT46 5AB

LOCATION 100m N.E of 254 Lisnahunshin Road, Rasharkin

PROPOSAL Site for dwelling & garage

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0  
Support Petitions

OPINION REFUSAL

- 1 No case of need (PPS14 CTY1)
- 2 Lack of integration
- 3 Unacceptable access arrangements

It was **AGREED:** *that an office meeting be held (Councillor McCamphill) under Criterion 5.*

**ITEM NO 4**

APPLIC NO D/2006/0302/F Full Date Valid 14/06/2006

APPLICANT Miss H Rankin

APPLIC ADDRESS C/o Kevin Cartin Architect, 15 Grays Hill, Bangor, BT20 3BB

LOCATION Approx. 325m south west of No.10 Feigh Road, Stranocum, Ballymoney

PROPOSAL Erection of traditional cottage with detached garage

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0  
Support Petitions

OPINION REFUSAL

- 1 Insufficient case of need (PPS14 CTY1)
- 2 Unacceptable access arrangements

It was **AGREED:** *that an office meeting be held (Councillor Storey) under Criterion 5.*

**ITEM NO 6**

APPLIC NO D/2006/0325/O OutlineDate Valid 03/07/2006

APPLICANT Ms V Brady

APPLIC ADDRESS 94 Macfin Road, Ballymoney, BT53 7QW

LOCATION 94A Macfin Road, Ballymoney

PROPOSAL Proposed - 2 storey dwelling & garage (domestic)

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0  
Support Petitions

OPINION REFUSAL

- 1 Insufficient case of need (PPS14 CTY1)
- 2 Impact on rural character
- 3 Ribbon development
- 4 Lack of integration
- 5 Unacceptable access arrangements

It was **AGREED:** *that an office meeting be held (Councillor Finlay) under Criterion 5.*

**ITEM NO 25**

APPLIC NO D/2006/0485/F Full Date Valid 12/10/2006

APPLICANT L Quinn

APPLIC ADDRESS 39 Newal Road, Ballymoney, BT53 6HB

LOCATION Site to the rear of 39 Newal Road, Ballymoney

PROPOSAL The erection of a 2 storey, 2 bedroom dwelling house, with car park space

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0  
Support Petitions

OPINION REFUSAL

- 1 Overdevelopment of site
- 2 The proposed development would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles standing on the highway at or near a road junction (thus interfering with the free flow of traffic on the main road and restricting the visibility of traffic entering or leaving the minor road).
- 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 site
- 4 Inadequate junction spacing
- 5 Prejudice parking of No 39
- 6 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.

It was **AGREED:** *that an office meeting be held (Councillor Storey) under Criterion 5 and that a representative from Roads Service would be present at the meeting.*

**ITEM NO 29**

APPLIC NO D/2006/0531/O OutlineDate Valid 06/11/2006

APPLICANT Mr M Smyth

APPLIC ADDRESS C/O R Robinson & Sons, 59 High Street, Ballymoney

LOCATION Land 20 metres to the north of 10 Ballyportery Road.

PROPOSAL Site for retirement dwelling.

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0  
Support Petitions

OPINION REFUSAL

1 Contrary to CTY1 of PPS14

2 Contrary to CTY3 of PPS14

It was **AGREED:** *that an office meeting be held (Councillor Storey) under Criterion 5.*

**Councillor Finlay expressed his disappointment at this decision. The applicant had re-located the site at the request of the Planning Department only to be refused at the present moment by the implications of PPS14.**

**ITEM NO 30**

APPLIC NO D/2006/0534/F Full Date Valid 03/11/2006

APPLICANT S Moore

APPLIC ADDRESS 33 Kirk Road, Ballymoney, BT53 6PP

LOCATION 33 Kirk Road, Ballymoney

PROPOSAL Variation of time condition of previous application D/2001/0623/F to extend by 5 years

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0  
Support Petitions

OPINION REFUSAL

1 Contrary to Article 10 Planning Reform Order 2006

It was **AGREED:** *that an office meeting be held (Councillor Storey) under Criterion 5*

**ITEM NO 32**

APPLIC NO D/2006/0543/F Full Date Valid 10/11/2006

APPLICANT Mr &amp; Mrs A Kelly

APPLIC ADDRESS C/o Diamond Design Studio, 2D The Diamond, Ballycastle, BT54 6AW

LOCATION 195m SW of 17 Mullan Road, Ballymoney

PROPOSAL Erection of dwelling &amp; garage on approved site without compliance with Conditions 3, 6 &amp; 9 of Outline Planning Permission

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0  
Support Petitions

OPINION REFUSAL

- 1 Unacceptable design
- 2 Not in conformity with outline approval
- 3 Unacceptable access arrangements

It was **AGREED:** ***that an office meeting be held (Councillor McCamphill) under Criterion 5.***

**ITEM NO 38**

APPLIC NO D/2006/0554/RM Reserved Date Valid 16/11/2006

APPLICANT Mr &amp; Mrs D Hickinson

APPLIC ADDRESS 110 Kilraughts Road, Ballymoney, BT53 7HJ

LOCATION Adjacent to 123 Lisboy Road, Dunloy

PROPOSAL Erection of bungalow and detached garage

REPRESENTATION 1 Objections 0 Support 0 Petition of Objection 0  
Support Petitions

OPINION APPROVAL

**The objection related to: Land ownership and the impact on the objector's property.**

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

***that Council accept Planning Service approval relating to this application.***

**APPLICATIONS DEFERRED FROM PREVIOUS MEETING****ITEM NO D 1**

APPLIC NO D/2004/0855/F Full Date Valid 19/11/2004  
 APPLICANT Mr C Casey  
 APPLIC ADDRESS 15 Gruig Lane, Cloughmills, BT44 9JD  
 LOCATION Approx. 240m North West North, of 15 Gruig Lane, Cloughmills  
 PROPOSAL Wind Generator & Mast  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of  
 Objection 0 Support Petitions  
 OPINION APPROVAL

**ITEM NO D 2**

APPLIC NO D/2004/0874/F Full Date Valid 25/11/2004  
 APPLICANT Mr W Munnis  
 APPLIC ADDRESS 37 Moyan Road, Ballymoney, BT53 8LD  
 LOCATION 110m South West South of 37 Moyan Road, Ballymoney  
 PROPOSAL Wind Generator & Mast  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of  
 Objection 0 Support Petitions  
 OPINION APPROVAL

**ITEM NO D 3**

APPLIC NO D/2005/0514/F Full Date Valid 05/05/2005  
 APPLICANT Mr M Connolly  
 APPLIC ADDRESS 134 Coolkeeran Road, Loughguile, Ballymena, BT44 9JL  
 LOCATION 180m East of 134 Coolkeeran Road, Loughguile  
 PROPOSAL Wind generator and mast  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of  
 Objection 0 Support Petitions  
 OPINION APPROVAL

**ITEM NO D 4**

APPLIC NO D/2005/0523/F Full Date Valid 05/05/2005  
 APPLICANT Mr J Reid  
 APPLIC ADDRESS 12 Navery Road, Ballymoney, BT53 8LH  
 LOCATION 140m South West of 12 Navery Road, Ballymoney  
 PROPOSAL Wind generator and mast  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of  
 Objection 0 Support Petitions  
 OPINION APPROVAL

**ITEM NO D 5**

APPLIC NO D/2005/1074/O OutlineDate Valid 10/12/2005  
 APPLICANT Mr J Leslie  
 APPLIC ADDRESS c/o R Robinson & Sons, 59 High Street, Albany Villas, Ballymoney  
 LOCATION Land to the North of Drumnamallaght Park, Drumnamallaght, Ballymoney  
 PROPOSAL Sites 43 and 44 Drumnamallaght Housing development  
 REPRESENTATIONS 13 Objections 0 Support 0 Petition of  
 Objection 0 Support Petitions  
 OPINION APPROVAL

**ITEM NO D 6**

APPLIC NO D/2006/0050/F Full Date Valid 16/02/2006  
 APPLICANT Mr & Mrs R Foster  
 APPLIC ADDRESS 50 Ballycregagh Road, Cloughmills  
 LOCATION Adjacent 50 Ballycregagh Road, Cloughmills  
 PROPOSAL Erection of chalet dwelling and domestic garage  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of  
 Objection 0 Support Petitions  
 OPINION APPROVAL

**Councillor Finlay welcomed the decision of the Planning Service for this approval.**

**ITEM NO D 7**

APPLIC NO D/2006/0222/F Full Date Valid 20/04/2006  
 APPLICANT Mr M Calderwood  
 APPLIC ADDRESS 78 Bann Road, Rasharkin  
 LOCATION 80 Bann Road, Rasharkin  
 PROPOSAL Replacement dwelling and garage  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of  
 Objection 0 Support Petitions  
 OPINION APPROVAL

**Councillor Finlay thanked the Planning Service for this decision.**

**ITEM NO D 8**

APPLIC NO D/2006/0332/O OutlineDate 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  
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of

Objection 0 Support Petitions  
 OPINION REFUSAL

1 Contrary to CTY1 of PPS14 - no case of need

**The Planning Officer advised that this applicant had not supplied information requested relating to farm maps. Councillor McCamphill requested an office meeting take place but was advised that this request would need to be directed to the Planning Manager.**

**At the request of Councillor McCamphill, it was subsequently agreed that the applicant would be given one week to withdraw or the refusal would issue.**

#### ITEM NO D 9

APPLIC NO D/2006/0340/F Full Date Valid 14/07/2006

APPLICANT Mr R Bingham

APPLIC ADDRESS Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL

LOCATION Site approx 300m west of no. 5 Slievenaghy Road, Ballymoney

PROPOSAL New dwelling & garage

REPRESENTATIONS 0 Objections 0 Support 0 Petition of

Objection 0 Support Petitions

OPINION REFUSAL

1 The application is contrary to CTY1 of PPS14 - no case of need

2 The application is contrary to CTY11 - Erosion of rural character

#### APPEAL DECISIONS NOTIFIED

##### ITEM NO 1

APPLIC NO **D/2002/0606/F** PAC NO **2005/A590**

RESULT OF APPEAL **Dismissed**

APPLICANT Mr F Mc Caughan

LOCATION 74 Drones Road, Armoy.

PROPOSAL Reinstatement of building to dwelling.

##### ITEM NO 2

APPLIC NO **D/2004/0168/O** PAC NO **2005/A910**

RESULT OF APPEAL **Dismissed**

APPLICANT Aa Mc Guickian Ltd

LOCATION Lands west of Drumbare and Ballycreagh Roads, Cloughmills (inclusive of No. 17 Ballycreagh Road).

PROPOSAL Housing development with associated landscaping.

**ITEM NO 3**APPLIC NO **D/2004/1042/O** PAC NO **2005/A962**RESULT OF APPEAL **Upheld**

APPLICANT Mr P Mcalonan

LOCATION 270m North West of 100 Coolkeeran Road, Loughguile

PROPOSAL Site for dwelling and garage

**ITEM NO 4**APPLIC NO **D/2005/0149/O** PAC NO **2005/A1062**RESULT OF APPEAL **Upheld**

APPLICANT Mr R Reid

LOCATION 670m North East of 30 Dirraw Road, Ballymoney

PROPOSAL Site of Dwelling and Garage

**ITEM NO 5**APPLIC NO **D/2005/0179/F** PAC NO **2005/A1023**RESULT OF APPEAL **Dismissed**

APPLICANT Chardo Developmenta

LOCATION 19 Ballymena Road, Ballymoney

PROPOSAL Proposed re-development of site to provide six No. 1 1/2 storey townhouses

**ITEM NO 6**APPLIC NO **D/2005/0513/O** PAC NO **2005/A908**RESULT OF APPEAL **Dismissed**

APPLICANT Aa Mc Guckian Ltd

LOCATION Lands west of Drumbare and Ballycreagh Roads, Cloughmills

PROPOSAL Housing development with associated landscaping

**APPEAL DATES NOTIFIED****ITEM NO 1**APPLIC NO **D/2004/1004/O** PAC NO **2005/A1001**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT L Brennan

LOCATION Approx. 70m South of No.7 Doneyshiel Road, Rasharkin

PROPOSAL Site for dwelling and garage

**Written Representations**

**ITEM NO 2**APPLIC NO **D/2005/0875/O** PAC NO **2006/A1037**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT Mrs Boreland

LOCATION Adjacent to No. 68 Kirk Road, Ballymoney

PROPOSAL Site for Country Cottage (Renewal of Outline Planning Permission D/2000/0470)

**Written Representations****ITEM NO 3**APPLIC NO **D/2005/0167/O** PAC NO **2006/A1086**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT Duple Holdings Limited

LOCATION 180 metres East of No.21 Lisconnan Road, Dervock

PROPOSAL Site for dwelling

**Written Representations****ITEM NO 4**APPLIC NO **D/2005/0168/O** PAC NO **2006/A1084**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT Duple Holdings Limited

LOCATION 220 metres East of No.21 Lisconnan Road, Dervock.

PROPOSAL Site for dwelling

**Written Representations****ITEM NO 5**APPLIC NO **D/2005/0169/O** PAC NO **2006/A1082**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT Duple Holdings Limited

LOCATION 300 metres North East of No. 23 Lisconnan Road, Dervock

PROPOSAL Site for dwelling

**Written Representations**

**ITEM NO 6**

APPLIC NO **D/2005/0170/O** PAC NO **2006/A1081**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT Duple Holdings Limited

LOCATION 280 metres South East of No.23 Lisconnan Road, Dervock

PROPOSAL Site for dwelling

**Written Representations**

**ITEM NO 7**

APPLIC NO **D/2005/0171/O** PAC NO **2006/A1079**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT Duple Holdings Limited

LOCATION 170 metres North East of No.23 Lisconnan Road, Dervock

PROPOSAL Site for dwelling

**Written Representations**

**ITEM NO 8**

APPLIC NO **D/2005/0172/O** PAC NO **2006/A1078**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT Duple Holdings Limited

LOCATION 210 metres North East of No.23 Lisconnan Road, Dervock

PROPOSAL Site for dwelling

**Written Representations**

**ITEM NO 9**

APPLIC NO **D/2005/0647/O** PAC NO **2006/A1083**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT K O'Hagan

LOCATION Approx 120m South East of 263 Lisnahuncheon Road, Rasharkin

PROPOSAL Site for dwelling and garage

**Written Representations**

**ITEM NO 10**

APPLIC NO **D/2005/0881/O** PAC NO **2006/A1120**

DATE OF HEARING LOCATION

DATE OF SITE VISIT

APPLICANT Mr T Taylor

LOCATION App 120m N East of 117 Finvoy Road, Ballymoney

PROPOSAL Proposed site for Dwelling

**Written Representations**

**Date of Office Meetings: Friday 2<sup>nd</sup> March 2007, McArthur Room, Town Hall**

**This being all the business, the meeting closed at 7.50 pm.**