



# COLERAINE BOROUGH COUNCIL

You are hereby requested to attend a Meeting of Coleraine Borough Council to be held in the Council Chamber, Cloonavin on **TUESDAY** 24 July 2012 immediately following the Planning Committee Meeting.

R. WILSON

Town Clerk and Chief Executive

Cloonavin  
66 Portstewart Road  
COLERAINE

## A G E N D A

1. Minutes (enclosed):
  - 1.1 Council Meeting – 26 June 2012
2. Committee Report (enclosed):
  - 2.1 Planning Committee – 26 June 2012
3. Leisure Services' Report (enclosed)
4. Environmental Services Report (enclosed)  
**Item 5.1\*** Legal Proceedings **(In Committee)**  
For Information  
**Item 5.2\*** 800 Seacoast Road, Downhill **(In Committee)**
5. Chief Executive's Report (enclosed)  
**Item 7.0\*** Land and Property **(In Committee)**  
**Item 8.0\*** Station Square, Portrush **(In Committee)**

6. Notice of Motion

The undernoted Notice of Motion has been submitted by Councillor D. McClarty:

“ Mindful of the devastating economic effect of the proposed closure of HMP Magilligan to this, and neighbouring boroughs, this Council calls on the Minister of Justice to rebuild the prison on its current site as soon as the necessary funding becomes available.”

7. Correspondence, including inter alia:

(a) Reports available in Members' Library (List enclosed)

8. Consultation Documents (List enclosed)

9. Documents for Sealing

10. Any other Business

**Enclosed for Information:**

- i) Letter dated 06 July 2012 from the Department of Culture, Arts and Leisure regarding the All-Ireland Olympic Torch Relay.
- ii) The William Keown Trust Newsletter – May 2012.

**\* Recommended for consideration “In Committee”.**

## COUNCIL MEETING

26<sup>th</sup> June, 2012.

**Present:** The Mayor, Councillor A. S. Cole, in the Chair  
The Deputy Mayor, Alderman M. T. Hickey (Mrs.)

### **Aldermen**

W. T. Creelman  
N. F. Hillis

W. J. McClure

### **Councillors**

C. S. Alexander (Ms.)  
C. Archibald  
D. D. Barbour  
Y. Boyle (Ms.)  
G. Duddy  
E. P. Fielding (Mrs.)  
M. Fielding

B. Fitzpatrick  
W. A. King  
R. A. Loftus (Mrs.)  
W. McCandless  
D. McClarty  
G. L. McLaughlin

**Officers in Attendance:** Town Clerk and Chief Executive, Corporate Director of Environmental Services, Corporate Director of Leisure and Development, Head of Performance, Policy and Governance, Acting Head of Finance, Head of Development Services and Clerical Assistant

**Apologies:** Alderman Bradley, Councillors Holmes and McQuillan

### **1.0 WELCOME**

The Mayor welcomed everyone to the Meeting.

### **2.0 'IN COMMITTEE'**

It was agreed that a number of issues arising from reports would be addressed 'In Committee' at the end of the meeting.

### **3.0 SUPERVALU BEST KEPT AWARDS 2012**

The Deputy Mayor advised Members that she had attended the SuperValu Northern Ireland Amenity Council Best Kept 2012 Awards Ceremony where Coleraine Borough Council had won the All Ireland Best Kept Urban Centre Award for the second year running. Congratulations were extended to all Council staff involved in achieving the coveted award once again.

#### **4.0 MINUTES**

The Minutes of the Council Meeting of 22<sup>nd</sup> May, the Annual Meeting of 11<sup>th</sup> June, and the Special Meeting of 12<sup>th</sup> June, 2012 were confirmed and signed.

#### **5.0 COMMITTEE REPORTS**

##### **5.1 Planning Committee**

The Chairman, Alderman McClure, moved the adoption of the Planning Committee Report; this was duly seconded by Councillor Fitzpatrick and agreed.

##### **5.2 Policy and Development Committee**

Alderman Hillis moved the adoption of the Policy and Development Committee Report; this was duly seconded by Councillor Fielding.

Matters arising:

###### **5.2.1 Station Square Environmental Improvement Scheme**

Councillor Ms. Alexander asked that the minute reflect that she had asked the question regarding the approved plans of the boat structure.

The Report was agreed subject to the amendment.

#### **6.0 CAUSEWAY VOLUNTEER CENTRE – BID TO DELIVER NORTH VOLUNTEERING STRATEGY**

Mrs. Marie-Louise McClarey of Causeway Volunteer Centre was welcomed to the meeting. Mrs McClarey updated Members on Causeway Volunteer Centre's achievements during its fifteen year history. She advised that it was now a member of the Association of Independent Volunteer Centres and had recently won a tender to cover nine Council areas in Northern Ireland.

Members' extended their congratulations and best wishes to Mrs. McClarey following which she withdrew from the Meeting.

The Chief Executive reminded Members that due to extended Bank Holidays in June, Leisure and Environment Committee Reports were being discussed at the Council Meeting.

#### **7.0 ENVIRONMENTAL SERVICES REPORT**

The Report of the Corporate Director of Environmental Services was considered (previously supplied).

Matters arising:

## **7.1 The Clean Neighbourhood and Environment Act (NI) 2011**

### **7.1.1 Noise Nuisance**

Consideration was given to information on this topic, as detailed in the report.

#### **Agreed:**

That Council agree to delegate powers for service of domestic noise abatement notices and authority to instigate legal proceedings in the event of non-compliance to the Chief Executive and Corporate Director of Environmental Services. All noise abatement notices regarding commercial premises continue to require Council authorisation.

### **7.1.2 Noise Act 1996**

Consideration was given to information on this topic, as detailed in the report.

#### **Agreed:**

That Council authorise the use of fixed penalty notices as per the Noise Act 1996 provisions, as an additional means of dealing with noise nuisances.

### **7.1.3 Next Steps**

Consideration was given to information on this topic, as detailed in the report.

#### **Agreed:**

That Council defer consideration of the introduction of Dog Control orders until autumn 2012, with remaining provisions being progressively implemented during 2013.

## **7.2 Entertainment Licences**

### **7.2.1 Bushtown House Hotel & Country Club**

Application for grant of a variation of the entertainment licence to include Reception/Foyer had been received from Mr. D. Friel, Bushtown House Hotel and Country Club, 283 Drumcroone Road, Coleraine.

Days and times on which it is intended to provide entertainment:

Monday – Saturday 11.30am – 1.00am  
Sunday 12.30pm – midnight

#### **Agreed:**

That the entertainment licence be granted.

### 7.2.2 Senior Common Room, University of Ulster

Application for grant of an entertainment licence had been received from Dr. Le Roy Dowey, 1 Maddybenny Park, Portrush.

Days and times on which it is intended to provide entertainment:

Monday through to Saturday 11.30am – 11.00pm but on those occasions when a late licence is granted by PSNI then 11.30am – 1.00am next day.

Sunday 12.30pm – 10.00pm but on those occasions when a late licence is granted by PSNI then 12.30pm – Midnight.

**Agreed:**

That the entertainment licence be granted.

### 7.2.3 Fairley's House of Wine

An application for a grant of an entertainment licence had been received by Mr. M. Fairley, 62 – 64 Railway Road, Coleraine.

Days and times on which it is intended to provide entertainment:

Monday through to Saturday 11.30am – 1.00am  
Sunday 12.30pm – Midnight

**Agreed:**

That the entertainment licence be granted.

### 7.2.4 Inn On The Coast Transfer of Licence

An application to transfer an entertainment licence had been received by Mrs. A Kennedy, 7 Sandel Village Centre, Knocklynn Road, Coleraine.

Days and times on which it is intended to provide entertainment:

Monday through to Saturday 11.30am – 1.00am  
Sunday 12.30pm – Midnight

**Agreed:**

That the entertainment licence be granted.

**7.3 Co-ordination of Fire Safety Enforcement in Premises regulated and Licensed by District Council**

**Fire and Rescue Services (NI) Order 2006**

Consideration was given to information on this topic, as detailed in the report.

**Agreed:**

That Council agree to sign the Memorandum of Understanding with Northern Ireland Fire and Rescue Services Board and to accept delegated enforcement powers under Article 13 (1) of the Fire and Rescue Services (NI) Order 2006.

**7.4 Consultation on Standardised Packaging of Tobacco Products**

Consideration was given to information on this topic, as detailed in the report.

**Agreed:**

That Council support the consultation proposals. Any issues raised by Members to be included into the Departmental draft response.

**8.0 LEISURE SERVICES' REPORT**

The Report of the Corporate Director of Leisure Services was considered (previously supplied).

Matters arising:

**8.1 Garvagh Clydesdale and Vintage Vehicle Club**

**Agreed:**

That Council approves a grant of £1,000 to Garvagh Clydesdale and Vintage Vehicle Club for 2012-13.

**8.2 Caravan Site Insurance**

Consideration was given to information on this topic, as detailed in the report.

**Agreed:**

That Council act as a facilitator of the Leisure Days Caravan Insurance Policy.

**8.3 For Information**

Members noted information on the following topics, as detailed in the report.

- i) Summer Recreation Programme 2012
- ii) Seaside and Rural Multi-Sports Summer Camps 2012

## **9.0 CORRESPONDENCE**

### **9.1 Participation Policy Statement of Intent**

Consideration was given to letter dated 25<sup>th</sup> May, 2012 from Northern Ireland Commissioner for Children and Young People (previously supplied) requesting endorsement of the Participation Policy Statement of Intent.

**Agreed:**

That Council endorse the Policy Statement.

### **9.2 Campaign for a Medal of Recognition for the Veterans of the Arctic Convoys during World War II**

Consideration was given to letter dated 14<sup>th</sup> June, 2012 from Newtownabbey Borough Council (previously supplied) seeking support from NILGA and Councils in relation to the campaign for a medal of recognition for the Veterans of the Arctic Convoys during World War II.

**Agreed:**

That Council support the campaign.

### **9.3 Local Government Reform Motion**

Consideration was given to letters dated 15<sup>th</sup> June, 2012 from Strabane District Council (previously supplied) in relation to seeking financial assistance for the Review of Public Administration from the Assembly Executive.

The Chief Executive advised Members that the deadline for submission to the Assembly Executive had now passed.

**Agreed:**

That Council support the Local Government Reform Motion.

### **9.4 Funding Application under the Northern Ireland Rural Development Programme North East Region**

Consideration was given to letter dated 20<sup>th</sup> June, 2012 from The Coast Office Society Ltd (previously supplied) requesting support for funding from the Northern Ireland Rural Development Programme.

**Agreed:**

That Council support the funding application.



## **10.0 DOCUMENTS TABLED**

Members noted the list of documents which had been made available in the Members' Library (previously supplied).

## **11.0 CONSULTATION LIST**

Details of consultation documents received were noted (previously supplied).

Any Member who wished to make a response was asked to contact the Head of Performance, Policy and Governance before the due date for comments as detailed in the report.

## **12.0 DOCUMENTS FOR SEALING**

Resolved:

That the following documents be sealed:

- |    |  |   |
|----|--|---|
| 1. | <u>Transfer Deed by way of Rectification</u> | Council and Cloughorr Investments Ltd, Northern Bank Ltd, Mason, Millar and Duff – 18, 20 and 22 Bayhead Road, Portballintrae |
| 2. | <u>Renewal of Lease (in duplicate)</u>       | Council to Davidson – The Crescent, Portstewart   |
| 3. | <u>Contract (in duplicate)</u>               | Council and Braham Electrical – Resort Lighting Enhancements – Portstewart and Portrush                                       |
| 4. | <u>Service Agreement (in duplicate)</u>      | Council and WYG Nolan Ryan Tweeds (NI) Ltd – Design and delivery of Portrush West Bay Promenade Environmental Improvement     |
| 5. | <u>Contract (in duplicate)</u>               | Council and F. P. McCann Ltd – Improvement Works at Station Square, Portrush  |
| 6. | <u>Lease (in duplicate)</u>                  | Council to Rankin – Shop Unit at North Pier, Portrush Harbour, Portrush   |
| 7. | <u>Cemetery Titles</u>                       | Grant of Right of Burial – Deeds Register Nos. 3878 – 3895 inclusive:   |
|    |  | Agherton            2   |
|    |  | Ballywillan        6  |
|    |  | Coleraine           6   |
|    |  | Kilrea                0   |
|    |  | Portstewart        4  |

## PLANNING COMMITTEE

26<sup>th</sup> June, 2012.

**Present:** Councillor G. L. McLaughlin in the Chair  
The Mayor, Councillor A. S. Cole  
The Deputy Mayor, Alderman Mrs M. T. Hickey

### **Aldermen**

W. T. Creelman  
N. F. Hillis

W. J. McClure

### **Councillors**

C. S. Alexander (Ms.)  
C. Archibald  
D. D. Barbour  
Y. Boyle (Ms.)  
G. Duddy  
E. P. Fielding (Mrs.)

M. Fielding  
B. Fitzpatrick  
W. A. King  
R. A. Loftus (Mrs.)  
W. McCandless  
D. McClarty

### **Also in Attendance:**

Representative from the Planning Service – Mr. M. Wilson;  
Mr. N. Bell and Mr. R. McBirney representatives from Strategic Planning  
and Mr. P. Carson, Chief Executive of Simple Power Limited

### **Officers in Attendance:**

Principal Administrative Officer and Clerical Assistant

### **Apologies:**

Alderman Bradley, Councillors Holmes and McQuillan

## **1.0 WELCOME**

The Chairman welcomed everyone to the Meeting.

## **2.0 APPOINTMENT OF VICE CHAIRMAN**

It was proposed by Councillor Duddy and seconded by Alderman Creelman,

That Councillor McQuillan be appointed Vice Chairman.

It was proposed by Councillor Fitzpatrick and seconded by Councillor McClarty,

That Councillor Mrs. Loftus be appointed Vice Chairman.

The Principal Administrative Officer advised that under Standing Orders, the posts of Chair and Vice Chair of a Standing Committee may not be allocated to Members of the same political party in any year.

Councillor Fitzpatrick then nominated Councillor McClarty, who declined the nomination.

There being no further nominations, Councillor McQuillan was elected Vice Chairman.

### **3.0 SIMPLE POWER LIMITED PRESENTATION**

Mr. Paul Carson, Chief Executive Officer briefed Members on the wind turbine development process used by Simple Power from the initial site assessment stage through to design, planning, construction and grid connection. He also advised Members that Simple Power planned to invest almost £100 million over the next five years in wind turbine developments throughout the Borough.

Mr. Ryan McBirney of Strategic Planning then outlined specific challenges faced by Simple Power such as planning; visual impact; consultee issues and telecommunications.

Mr. Carson and Mr. McBirney answered Members' questions, during which they urged Council to adopt a balanced approach in considering wind turbine planning applications in the Borough. The Mayor thanked them for their presentation, after which they withdrew from the meeting.

### **4.0 PLANNING APPLICATIONS**

A list of twenty applications was presented for consideration (previously supplied).

#### **Applications Deferred from Previous Meeting**

- |     |  |  |
|-----|--|--|
| 4.1 | <u>Application No. D1</u><br><u>C/2007/0171/F</u><br><u>Apartment development 1</u><br><u>block. Block addressing River</u><br><u>Bann 'A1'. 2 storey; 8 no.</u><br><u>apartments; access from</u><br><u>Moundsandel Road (red line</u><br><u>altered on location plan to</u><br><u>accommodate change in</u><br><u>layout) at 23 Moundsandel</u><br><u>Road, Coleraine for Kennedy</u><br><u>Group Properties Limited</u> | The opinion of the Planning Service was to refuse.<br><br>Planning advised that this application had been withdrawn. |
| 4.2 | <u>Application No. D2</u><br><u>C/2011/0076/F</u><br><u>Proposed amended access</u><br><u>arrangement to service existing</u><br><u>business at 62a Belraugh Road,</u><br><u>Ringsend, Garvagh for Mr. M.</u><br><u>Higgins</u>  | The opinion of the Planning Service was to approve.<br><br>It was agreed that the application be approved.           |

- 4.3      Application No. D3  
C/2011/0409/F  
Erection of an agricultural  
shed beside 64 Killeague  
Road, Coleraine for  
Mr. E. Watson
- The opinion of the Planning Service was to refuse.
- It was proposed by Councillor King, seconded by The Mayor and agreed:
- That Council support this application in the event of an appeal.
- 4.4      Application No. D4  
C/2012/0053/F  
Proposed addition of a  
Lancaster Cabinet measuring  
1900w x 800d x 1645h for  
U900 equipment to improve  
capacity issues, O2 Radio Base  
Station at rear of footpath at  
junction of Dunhill Road and  
Castleroe Road, Coleraine for  
Telefonica (UK) Ltd
- The opinion of the Planning Service was to approve.
- It was agreed that the application be approved.

### **New Applications**

- 4.5      Application No. 2  
C/2011/0136/F  
Proposed redevelopment of  
site to provide 1 pair of semi-  
detached dwellings at 82  
Strand Road, Portstewart for  
Mr. T. Wallace
- The opinion of the Planning Service was to refuse.
- It was proposed by Councillor McClarty, seconded by Councillor Duddy and agreed:
- That the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.
- 4.6      Application No. 4  
C/2011/0537/F  
Erection of a 20kw wind  
turbine with a tower height of  
20m approximately 210m  
south east of 38 Killeague  
Road, Coleraine for  
Mr. I. McFaul
- The opinion of the Planning Service was to refuse.
- It was proposed by Councillor King, seconded by Alderman McClure and agreed:
- That the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.
- 4.7      Application No. 7  
C/2011/0610/F
- The opinion of the Planning Service was to approve.

Extension to dwelling at 3  
Millhaven Park, Portstewart  
for Mr. and Mrs. Allely

It was proposed by Councillor Fitzpatrick, seconded by Councillor Ms. Boyle and agreed:

That the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

4.8 Application No. 9  
C/2012/0088/F  
Proposed change of house and  
repositioning of dwelling to  
that previously approved under  
planning application  
C/2008/0229/RM, 25m north  
west of 35 Temple Road,  
Garvagh for  
Mr. M. McIlvar

The opinion of the Planning Service was to refuse.

It was proposed by Councillor Duddy, seconded by Councillor Fitzpatrick and agreed:

That the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

## **5.0 OFFICE MEETINGS**

It was agreed that future office meetings would be held on the second Friday of every month except for the July meetings which, due to holidays, would be held on Friday 20<sup>th</sup> July, 2012.

## **6.0 GENERAL PLANNING ISSUES**

### **6.1 Craigvara Cottage, Portrush – Enforcement Update**

Mr Wilson assured Members that the enforcement action in relation to this development was being actively pursued and undertook to provide monthly updates to the Council on the case.

Members noted an email received from Ms. A. Woods which outlined local residents' concerns regarding the possible expiration of the enforcement order and reports that the building was to lose its grade 2 listing.

It was agreed to write to the Northern Ireland Environment Agency and the Minister of the Environment on both issues.

### **6.2 12 Ballymacrea Road, Portrush – Enforcement Update**

Mr Wilson advised that an appeal in respect of this development had been heard on 24<sup>th</sup> May, 2012 and that Planning Service was now awaiting the outcome from the Planning Appeals Commission.

## **7.0 CORRESPONDENCE**

### **7.1 Second Presbyterian Church, Main Street, Garvagh**

The Principal Administrative Officer reminded Members that a letter dated 20<sup>th</sup> April 2012 from the Northern Ireland Environment Agency, had been deferred at the May meeting to allow the Church Committee to consider the Department's proposals to delist the Church.

It was noted that the Committee had not yet reached a decision on the matter and accordingly it was agreed that the matter be deferred for a further month.

The Principal Administrative Officer would request the NIEA for an extension of time to respond.

### **7.2 Planning Application C/2010/0189/F – Erection of 2 No Wind Turbines at University of Ulster, Coleraine Campus**

Consideration was given to a letter dated 14<sup>th</sup> May, 2012 from the Minister of the Environment (previously supplied).

Having reviewed the matter, the Minister was satisfied that the decision to approve the application was based on balanced and reasoned assessment of the proposal and that it was in the overall public interest to approve the development with safeguards attached to protect, insofar as possible, the amenity of nearby residents.

It was noted that Planning officials would delay issuing an approval decision until a late objection had been carefully considered and should the objection be of sufficient weight to alter the opinion the application would be returned to Council. Noted.

### **7.3 Planning Application C/2011/0202/F – 34 Liscall Road, Garvagh**

Consideration was given to a letter dated 14<sup>th</sup> May, 2012 from the Minister of the Environment (previously supplied) which indicated that the planning officials' recommended refusal of this application was based solely on planning policy relating to agricultural development.

It was agreed, on the proposal of Councillor Mrs. Loftus, seconded by The Deputy Mayor:

That Council support the applicant in the event of an appeal.

## **8.0 ANY OTHER BUSINESS**

### **8.1 Fence at Kiddieland, Portrush - Meeting with the Minister of the Environment**

In response to a Member's question, the Principal Administrative Officer advised Members that the Minister had agreed to meet a delegation regarding the Kiddieland issue but that due to other engagements the meeting had still to be arranged.

It was agreed that the Principal Administrative Officer would continue to press for a meeting with the Minister.

**8.2 Causeway Street, Portrush – Response from the Minister of the Environment**

In response to a Member's question, the Principal Administrative Officer undertook to check if the Minister had responded formally to Council on three Causeway Street applications that had been referred to him for decision.

**8.3 Application Numbers: C/2012/0047/F & C/2012/0049/A, The Doughnut Shop, The Promenade, Portstewart**

Mr. Wilson agreed to provide an update at the July meeting on the Department's enforcement action in respect of this application.