

COLERAINE BOROUGH COUNCIL

COUNCIL MEETING 23 April 2014

MINUTES BOOKLET

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Meeting	Council
Date and Time	25 March 2014 at 8.00 pm
Location	Council Chamber, Cloonavin
Chair	The Mayor, Councillor D Harding
Present	Deputy Mayor, Councillor M Fielding Aldermen P Fielding, M Hickey, N Hillis and J McClure Councillors C Alexander, C Archibald, D Barbour, Y Boyle, T Clarke, S Cole, G Duddy, B Fitzpatrick, R Holmes, W King, M Knight-McQuillan, R Loftus, W McCandless, S Quigley and C Sugden
In Attendance	Acting Town Clerk and Chief Executive, Head of Central Services, Head of Finance, Head of Leisure Services, Head of Operations, Principal Administrative Officer and Administrative Assistant

1 APOLOGIES

An apology was recorded for Alderman Creelman.

2 CHAIR'S BUSINESS

2.1 Mayor's Reception

The Mayor advised that he intended to invite Mr Andrew Trimble and Ms Jenna McCorkell to a Reception in recognition of their recent sporting achievements.

3 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

4 'IN COMMITTEE'

It was agreed to take a number of items 'In Committee' at the end of the Meeting.

5 MINUTES

The Minutes of the Council Meeting of 25 February 2014 were confirmed and signed.

5.1 Review of Governance Arrangements – Committee Structure

It was agreed that the word 'public' be added to the Minute to clarify that the press and the public would be allowed access to all non-confidential matters.

6 COMMITTEE REPORTS

6.1 Planning Committee

The Minutes of the Planning Committee meeting of 25 February 2014 were proposed by the Vice Chair, Councillor Boyle, seconded by Councillor Fitzpatrick and agreed.

6.2 Environmental Services Committee

The Minutes of the Environmental Services Committee meeting of 4 March 2014 were proposed

by the Chair, Councillor Archibald, seconded by Councillor King and agreed.

6.3 Corporate Affairs Committee

The Minutes of the Corporate Affairs Committee meeting of 5 March 2014 were proposed by the Chair, Councillor Sugden and seconded by Councillor King.

7 CORRESPONDENCE

Members noted the following correspondence (previously supplied):

- Letter dated 07 February 2014 re NILGA's Annual Business Plan and Subscription Notice for 2014/15
- Letter dated 24 February 2014 from the Post Office re Culcrow Post Office
- Letter dated 25 February 2014 from Pat Ramsey MLA re Road Traffic (Speed Limits) Bill
- NILGA Information Update dated 14 March 2014 * **(In Committee)**
- Letter dated 14 March 2014 from Fermanagh District Council re Changes to Vehicle Registration and Licensing Services in Northern Ireland
- UNISON response to Health and Social Care Board Stage 1 consultation on the criteria it will use to close and privatise our remaining NHS care homes
- Forecast of Events
- Documents for Tabling
- Consultation Documents

8 DOCUMENTS FOR SEALING

Resolved:

That the following documents be sealed:

1	<u>Conveyance</u> (In Triplicate)	Council to Northern Ireland Housing Executive (NIHE) - Land at Glebe Avenue, Coleraine
2	<u>Tender</u> (In Duplicate)	Council and Montgomery Irwin Architects Ltd – Tender for appointment of 'Architectural Consultant Services – Leisure and Development Services'
3	<u>Agreement</u> (In Duplicate)	Council to Natural World Products Ltd – Provision of services for the treatment of Biowaste
4	<u>Cemetery Titles</u>	Grant of Right of Burial – Deeds Register No. 4099–4105 inclusive: Coleraine 1 Ballywillan - Agherton - Portstewart 6 Kilrea -

Meeting Planning Committee

Date and Time 25 March 2014 at 6.30pm

Location Council Chamber, Cloonavin

Chair Councillor Y Boyle

Present The Mayor, Councillor D Harding
The Deputy Mayor, Councillor M Fielding

Aldermen P Fielding, M Hickey, N Hillis and J McClure
Councillors C Alexander, C Archibald, D Barbour, T Clarke, S Cole,
G Duddy, B Fitzpatrick, R Holmes, W King, M Knight-McQuillan, R Loftus,
W McCandless, S Quigley and C Sugden

In attendance Ms Jennifer Lundy, Planning Service, Head of Health and Built Environment, Principal Administrative Officer and Acting Business Support Assistant

1 APOLOGIES

An apology was recorded for Alderman Creelman.

2 CHAIR'S BUSINESS

There was no Chair's business.

3 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

4 PLANNING CONSULTATION

A list of 18 applications was presented for consideration (previously supplied).

4.1 Applications Deferred from Previous Meeting

Application D1 C/2011/0341/F Proposed erection of agricultural anaerobic digestion facility and feedstock storage area (SILOS) with a Combined Heat and Power Plant unit (CHP) a gas flare stack, boundary fence, staff car park and associated works to access road (amended access details) at lands adjacent to 15 Drumslade Road, Coleraine for Marco Taylor.

The opinion of Planning Service was to approve. Alderman Hickey proposed and Councillor King seconded that Council refer the application to the Minister. As an amendment Councillor Duddy proposed and Councillor Barbour seconded that the application be deferred for a further one month to allow Planning Service to consider a number of issues raised by members and that the application be returned to Council. On being put to the meeting, the amendment was carried. Ms Lundy requested that a list of all unresolved Planning issues be compiled and forwarded to the Planning Service.

Agreed: That the application be deferred for one month to allow Planning Service to consider a number of issues raised by members and that the application be returned to Council.

Application D2 C/2012/0498/F Proposed Two Storey Replacement Dwelling and Attached Garage at 9 Strand Avenue, Portrush for Mr and Mrs J Moss.

The opinion of Planning Service was to refuse. Ms Lundy advised that this application had been withdrawn from the schedule.

Application D3 C/2013/0044/F Demolition of existing holiday cottage and garage to be replaced with new holiday dwelling at 14A Glenmanus Road, Portrush for Ian and Pauline Bothwell.

The opinion of Planning Service was to refuse.

Agreed: That the application be refused.

Application D4 C/2013/0078/F Proposed retention of use of part of domestic garage as a part-time hairdressing unit (Treatment by appointment only) at 115 Edenbane Road, Kilrea for M/s M Doherty.

The opinion of Planning Service was to approve. It was proposed by Councillor Loftus and seconded by Alderman Hickey that Council accepts the recommended approval. During lengthy discussion, a number of issues were raised regarding access, traffic volume, enforcement and economic weighting applied to application. Committee noted that the Minister had become involved in the application on behalf of the objectors.

As an amendment Councillor Knight-McQuillan proposed and Councillor Clarke seconded that this application be deferred for a second office meeting. On being out to the meeting the amendment was carried by voting 15 for and 0 against.

Agreed: That the Area Planning Manager be asked to grant a second office meeting and that the application be brought back to Council.

Application D5 C/2013/0155/F Amendments to previous approval to incorporate a garage on north side of dwelling 1 and other minor changes at 4 Prospect Road, Portstewart for Mr & Mrs J Matthews.

The opinion of Planning Service was to approve. In response to a query from Cllr Alexander, Ms Lundy undertook to check if objectors had been informed of amendments to the application.

Agreed: That the application be held to ensure objectors had been notified of material changes in the application.

Application D6 C/2013/0263/F Construction of roof terrace above ground floor games room at 35 Portrush Road, Portstewart for Ms A McVitty.

The opinion of Planning Service was to refuse.

Agreed: That the application be refused.

Application D7 C/2013/0308/F Alterations and rear extension – ground floor, first floor and attic at 7 Central Avenue, Portstewart for Mr & Mrs Gibson.

The opinion of Planning Service was to refuse.

Agreed: That the application be refused.

Application D8 C/2013/0390/O Outline planning permission for construction of storey and a half residential dwelling at 42 Sconce Road, Articlave for Ms Hazel Schwarz.

The opinion of Planning Service was to refuse.

Agreed: That the application be refused.

Application D9 C/2013/0397/O Proposed infill holiday unit between Nos 4 & 8 Ballygelagh Village, Portstewart for Mr H Lynch.

The opinion of Planning Service was to refuse.

Ms Lundy advised that the application had been withdrawn.

Application D10 C/2013/0403/F Change of house type application superseding C/2012/0269/F (off-site replacement) adjacent to 43 Temple Road, Garvagh for Higgins Brothers.

The opinion of Planning Service was to approve.

Agreed: That the application be approved.

Application D11 C/2013/0416/F General purpose agricultural storage building at rear of No. 31 Ballyrashane Road, Coleraine for Mr S Lyons.

The opinion of Planning Service was to refuse.

Agreed: That the application be removed for MLA Meeting.

4.2 New Applications

Ms Lundy enlarged on the new applications listed on the planning schedule and the recommendations were accepted subject to the following:

Application No C/2013/0233/F Change of use from Retail Shop to Doughnut Shop/Takeaway at 51 The Promenade, Portstewart for Mr Noel Johnston.

The opinion of the Planning Service was to approve.

Agreed: On the proposal of Councillor Fitzpatrick and seconded by Councillor Duddy 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.

Application No C/2013/0482/O Infill outline application for a domestic rural dwelling and associated garage 93m East of 10 Maghermore Road, Garvagh, Coleraine for Mr John Linton.

The opinion of Planning Service was to refuse.

Agreed: On the proposal of Councillor King and seconded by Councillor Knight-McQuillan 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.

Application No C/2013/0503/A Billboard signage (3.8 x 1.95m) at 12-14 The Diamond, Portstewart for Sedar Ltd.

The opinion of Planning Service was to refuse.

Agreed: On the proposal of Alderman Hickey and seconded by Councillor Fitzpatrick 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.

Application No C/2014/0009/F Two no infill Dwellings and Garages 78m NE of 40 Craigahulliar Road, Portrush for Mr R J Kyle.

The opinion of Planning Service was to refuse.

Agreed: On the proposal of Councillor Knight-McQuillan and seconded by Councillor Duddy 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 OFFICE MEETINGS

It was noted that the Office Meetings would be held on Friday 11 April 2014.

7 GENERAL PLANNING ISSUES

7.1 Resubmitted Application for Windmill at 39 Ballylagan Road - David Campbell

Councillor King requested an update on this application. Ms Lundy confirmed that Planning Service was currently looking at the application and would hope to bring a decision to Council in the next few weeks.

7.2 11a Seaview Drive, Portstewart

In response to a query from Alderman Hickey, Ms Lundy undertook to check an enforcement issue at this location and report back to Alderman Hickey.

8 CORRESPONDENCE

8.1 Planning Application C/2011/0311 – Strandview, Portstewart

Members' attention was drawn to copy of letter 28 February 2014 from Mr M Durkhan, Minister of the Environment and copy of correspondence dated 17 March 2014 from Mr Liam Butcher, Strandview Resident to the Minister (previously supplied). Council was advised that the Minister had visited the site with objectors and that the application was being processed by Planning Service. It was noted that objectors would be notified by Planning Service after amended plans were received and reviewed.

8.2 Northern Ireland Environment Agency

Consideration was given to the report on the NIEA's proposed listings (previously supplied).

Agreed: To offer no objections to:

- Wayside Cottage, 52 Loguestown Road, Coleraine remaining as B2 listing status.
- The amendment to the 11th List of Buildings of Special Architectural or Historic Interest. Second Presbyterian Church, Main Street, Garvagh de-listing.
- 57th and 58th List of Buildings of Special Architectural or Historic Interest, this being Northern Constitution, 18 Railway Road, Coleraine and Garvagh High School, 142 Main street, Garvagh.

8.3 The Planning (General Development) Amendment Order (NI) 2014

Members' attention was drawn to correspondence dated 28 February 2014 from DOE Planning Policy Division notifying Council that this legislation came into effect on 10 March 2014.

9 ANY OTHER BUSINESS

There was no other business

Meeting	Environmental Services Committee
Date and Time	1 April 2014 at 6.30pm
Location	Bann View Committee Room, Cloonavin
Chair	Councillor C Archibald
Present	Councillors T Clarke, S Cole, G Duddy, B Fitzpatrick, R Holmes and R Loftus
In attendance	Chief Executive, Interim Director of Environmental Services, Head of Estates and Facilities, Principal Environmental Health Officer and Business Support & Administration Manager (CE)

1 ENVIRONMENTAL SERVICES DEPARTMENT - RESPONSIBILITIES

The Chief Executive reported on the following acting-up arrangements for the Environmental Services Department:

- Mr Aidan Mullan had been appointed Interim Director of Environmental Services
- Mr John Richardson would take responsibility for Estates and Facilities
- In the absence of the Head of Health and Built Environment, Mrs Catherine McNally, Mrs Alexis Bloomfield, Mr Rory Donnelly and Mr Martin McCook would cover the role in rotation.

2 APOLOGIES

An apology was recorded for Councillor King.

3 CHAIR'S BUSINESS

There was no Chair's business.

4 DECLARATIONS OF INTEREST

No declarations of interest were stated.

5 REQUESTS FOR PRESENTATIONS

A request from Vineyard Compassion to make a presentation to Council was considered.

During a period of discussion, a proposal by Councillor Cole that the presentation be heard at a meeting of Council failed to find a seconder.

Recommended: On the proposal of Councillor Loftus and seconded by Councillor Duddy, that the presentation be received at a meeting of the Environmental Services Committee.

6 ENVIRONMENTAL SERVICES' REPORT

6.1 Entertainment Licence

6.1.1 Outdoor Concert, Portrush Recreational Grounds 14 May 2014

An application for grant of an Outdoor Entertainment Licence was considered for:

- Coleraine and District Motor Club International North West 200 for the period 14 May 2014.

Recommended: That the licence be issued as applied for.

6.2 Street Trading

6.2.1 Variation of a Stationary Street Trading Licence at Dunhill Road Lay-by at Macosquin

An application had been received from Mr William James Millar to vary his existing Street Trading licence, which had been held for 14 years, to include Mr Malachy Sweeney.

Consideration was given to Council's Stationary Licence Policy and the Chief Executive outlined the pertinent issues which applied to this request. He further advised that the requirements of Section 8(1) of the Street Trading Act 2001 required that only one individual could hold a licence viz: *"a council shall refuse an application for a grant, renewal or variation of street trading licence if the applicant is not an individual"*.

Recommended: On the proposal of Councillor Fitzpatrick and seconded by Councillor Holmes, that Council vary the Street Trading Licence and replace Mr Millar's name with that of Mr Sweeney.

6.3 Affordable Warmth

Consideration was given to a draft response to the Department for Social Development's (DSD) Consultation, "From Fuel Poverty to Achieving Affordable Warmth" (previously supplied).

Recommended: That Council approve the draft Consultation response to DSD prior to submission for 9 May 2014.

6.4 For Information

6.4.1 Underground Buried Metallic Pipework Carrying Liquefied Petroleum Gas (LPG) Initiative

Members noted that from 1 April 2014 Council would be working in partnership with the Health and Safety Executive for Northern Ireland (HSENI) to focus on an initiative to increase the awareness of duty holders as to the risks associated with underground metallic work.

6.4.2 Building Control Report

Information relating to the processing of Building Control and Property Certificate applications during the period 22 February – 19 March 2014 was noted as follows:

Applications: 13 applications had been received for assessment; 9 applications were awaiting assessment, 1 had been rejected and 12 referred to agents requesting further information.

Recommendations: 59 applications had been recommended for Building Control approval.

Inspections: 401 inspections had been carried out during this period, 98 schemes had been commenced and 97 completed.

6.4.3 Outcome of Legal Proceedings

The Litter (NI) Order 1994

- i) Defendant: Mr Samuel Norton, 17 Killowen Street, Coleraine
Result: Fine £100; Legal Costs £300; Court Costs £19; Offender Levy £15.
- ii) Defendant: Mr William Price, 634 Glenmanus Park, Portrush
Result: Fines £100 and £50; Costs £100; Court Costs £19; Offender Levy £15.

6.4.4 Dereliction Intervention Funding

The Head of Estates and Facilities reported that dereliction intervention works had now been completed for the following properties (photographs and reports at Appendix II of the report):

- Lower Captain Street, Coleraine
- 10 Limavady Road, Coleraine
- 9 Bridge Street, Coleraine
- Kerr Street, Portrush
- Cornerstone, Garvagh
- 25 Main Street, Garvagh
- 1, 3 and 5 Portrush Road, Coleraine

One scheme remained to be completed, ie fencing at Castle Erin, Portrush.

Council had now been approached by the Department of the Environment for Northern Ireland (DOENI) to enquire whether it would be interested in further funding in the coming financial period. The Head of Estates and Facilities would collate a database of properties which could be targeted under this scheme and Members were asked to put forward any properties they felt should be considered for action.

Councillor Duddy asked that Strand Road, Coleraine be included for action.

In response to a question from Councillor Cole the Head of Estates and Facilities advised that he would consult with GADDA and other relevant groups to decide the best position for resiting artwork at the Cornerstone site in Garvagh. Placing of artwork between planters would be carried out by TBF Thompson and cabling had been left to facilitate this.

8 CORRESPONDENCE

There was no correspondence

9 ANY OTHER BUSINESS

9.1 Brown Bins

In response to a question from Councillor Cole as to whether it was intended to provide brown bins in rural areas of the Borough, the Chief Executive advised that they had not been provided in any rural areas of neighbouring councils due to lack of demand. Council had piloted a food caddy collection service to 17,000 households in the Borough but would not consider collection of food waste in rural areas unless guidance on legislation was provided by the DOE.

Decision on future provision of this service would be made by Causeway Coast and Glens District Council.