

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

PLANNING AND SERVICES COMMITTEE

2 AUGUST 2007

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.00 pm on the above date.

PRESENT:

Aldermen J Rankin and G Robinson. Councillors A Brolly, P Butcher, M Carten, B Chivers, M Coyle, L Cubitt, M Donaghy, B Douglas, Councillor McElhinney, C Ó hOisín (chair), A Robinson and E Stevenson.

IN ATTENDANCE:

Committee Clerk and Chief Executive. Mr James Duffy, Planning Service.

APOLOGIES:

Aldermen G Mullan and J Rankin

CONDOLENCE:

Condolence was extended to the family of Jim Craig who had been tragically killed when crossing the railway line at Myroe and members stood in silence as a mark of respect.

SCHEDULE OF PLANNING APPLICATIONS: (deferred applications – see appendix)

It was agreed on the proposal of Councillor Butcher, seconded by Councillor Brolly that the Schedule of Planning Applications - item 6 on the agenda would be brought forward.

From the outset Councillor Coyle requested that it be noted that he objected to applications being refused due to PPS14 or the Northern Area Plan.

Planning Officers answered queries on applications listed on the deferred schedule and the recommendations were accepted subject to the following:

D1/Refusal: B/2004/0129/F – erection of bus shelter on public footpath, Greystone Road, midway between 40 and 63 Greystone Park (Clear Channel NI Ltd) Noted.

D2/Approval: B/2004/0358/O – site for traditional rural dwelling with detached garage/store 450 metres south west of 67 Baranailt Road, Drumacarne, Limavady (Mr G Alcorn) Welcomed.

D3/Approval: B/2005/0594/F – redevelopment of former market yard and adjoining lands to provide mixed use development comprising of commercial and residential uses (20 townhouses, 22 duplex apartments, 82 apartments and 2 semi-detached dwellings) lands bound by Linenhall Street, Catherine Street and River Roe incorporating redundant market yard and 45 – 71 Catherine Street (Oakmore Development) Welcomed.

D4/Approval: B/2006/0465/F – erection of 1 no two storey detached dwelling and single storey rear extension to existing dwelling (amended scheme) 40 Castle Park, Limavady (Mr J Butcher) Welcomed.

D5/ Approval: B/2006/0577/F – erection of detached one and a half storey replacement dwelling and double detached garage 60 metres north west of 39 Dernaflaw Road, Dungiven (Mr & Mrs K & M Haslett) Members noted that due to an administration error details of this approval had been incorrectly listed on the schedule.

B/6 Refusal: B/2007/0009/O – site for replacement dwelling 750 metres east of 245 Baranailt Road, Limavady (Mr K O’Kane) Noted.

SCHEDULE OF PLANNING APPLICATIONS: (New applications – see appendix)

Planning Officers answered questions on the applications listed on the schedule and the recommendations were accepted, subject to the following:

B/2006/0391/F – erection of replacement dwelling & detached garage 380 metres north west of 110 Muldonagh Road, Foreglen, Dungiven (Mr J McFeely) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2006/0423/O – site for replacement dwelling 380 metres west of 31 Carnamuff Road, Ballykelly (Mr H C Henderson) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2006/2006/0519/F – construction of access (Access amended from that previously approved under planning reference B/2004/0643/RM) (Fruithill Estates) Members welcomed that Planning Service had approved this application.

B/2006/0553/F – first floor extension to existing bungalow, single storey side extension and attached garage to rear of dwelling (Mr & Mrs J Connor) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2006/0558/RM – erection of one and a half storey dwelling with detached garage 130 metres south of 92 Bovevagh Road, Bovevagh, Dungiven (Mr & Mrs Campbell) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2007/0020/O – site for replacement dwelling and associated garage/store 70 metres south west of 80 Bolea Road, Limavady (Mr B Johnston) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2007/0024/F – change of house type (approved under B/2006/0244/RM) to two storey dwelling with detached double garage on site 160 metres south east of 19 Dungullion Road, Greysteel (Ms M O’Kane) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2007/0043/F – change of house type from approved B/2005/0847/RM to two storey dwelling and detached double garage on site adjacent to 20 Dungullion Road, Greysteel (Mr J O’Kane) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2007/0049/F – proposed one and half storey side extension to provide granny flat at 45 Tully Road, Limavady (Mr & Mrs A Sherrard) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2007/0053/F – attic conversion with rear dormer at 25 McCurry Walk, Limavady (Mr & Mrs R Clarence) Members welcomed that Planning Service had changed opinion on this application to a recommended approval.

B/2007/0057/F – proposed additional access to existing dwelling at 1 Railway Court, Dungiven (Mr & Mrs Tourish) It was agreed on the proposal of Councillor Coyle, seconded by Councillor Carten not to accept the refusal decision.

Office Meetings: Members were informed that the office meetings would take place on Friday 17 August 2007 for the following applications and that the Planning Clinic would directly follow this.

B/2006/0585/F – change of use from dwelling to Credit Union Offices including porch extension to front, 5 Willow Crescent, Ballykelly (Ballykelly Credit Union);

B/2007/0083/F – erection of single storey, three bedroom pre fabricated house to the rear of 33 Hyacinth Avenue, Ballykelly (Alex Moore).

Additional Queries to Planning Officers:

- Councillor Chivers and Councillor Cubitt queried why Planning Service had notes on files regarding calls of complaint allegedly made by elected members. It was suggested that the calls may have been made by members of the public in an attempt to gain additional information. Mr Duffy said he would look into the matter.
- Mr Duffy clarified that site lines would be negotiated when applications were being approved and that these should be implemented in full when the houses were being built.

PRESENTATION BY HEAD OF PATHOLOGY SERVICES:

The chair welcomed Dr Dermot Hughes, Head of Pathology Services, Western Health & Social Care Trust to the meeting.

Mr Hughes informed members that the pathology service provided cancer screening programmes; cancer diagnosis, staging and determined treatment options; provided medical and biomedical education and was regarded as pre-requisite for complex patient care. He said a review of the service had been commissioned in November

2003 for completion by 2005 and that a number of recommendations were made, including closure of the Pathology Unit at Altnagelvin Hospital for a centralised service in Belfast as set out within the consultation document 'Future of Pathology Services in Northern Ireland.'

Mr Hughes provided an overview of facilities at Altnagelvin and impact the closure would have on patients in the north west region. He said the effects of closing the unit would be that:

- complex care would only be available in Belfast
- the role for Southwest and Causeway Hospital would be uncertain
- support for education and research would be lost
- cross border initiatives would stop and
- queried if satellite radiotherapy oncology service would be viable.

He explained that it made sense to expand the already funded service at Altnagelvin to get best value for money; the unit could facilitate reconfiguration in Belfast; facilitate high quality easily accessed service irrespective of geographic location; links with University of Ulster would provide a balanced market in healthcare & medical education and that the facilities could be used to expand research in the Northwest.

In the discussion which followed it was agreed that the issue would be raised with the 5 Councils within the North West Region Cross Border Group for a deputation to meet with the minister concerned. The chair thanked Dr Hughes for his informative presentation.

MINUTES:

The minutes of meeting dated 7 June 2007 were approved and signed on the proposal of Councillor Carten, seconded by Councillor Butcher. .

MATTERS ARISING:

Roads Service response to matters arising as detailed in letter dated 24 July 2007 was tabled and noted.

- **Traffic Management – Limavady By-Pass:** Roads Service confirmed that the by-pass had been partially closed for a four week period ending 1 July 2007 to facilitate laying a new section of water mains. Members noted that options for traffic management had been discussed between Roads Service and the contractor, including safety both for the passing public and staff working on the restricted one way traffic system and that the works had inevitably lead to additional queuing at peak times.
- **Railings/Grills on Footpath at McNulty's Chip Shop:** Roads Service advised that the grills to access private cellars were not located on the public footpath and it would be the responsibility of the owner of the relevant property to maintain these.

MINUTES OF SPECIAL MEETING DATED 30 MAY 2007:

The minutes of special meeting dated 30 May 2007 were signed and approved on the proposal of Councillor Butcher, seconded by Councillor Chivers.

NOTICE OF MOTION SUBMITTED BY COUNCILLOR P BUTCHER:

Councillor Butcher proposed:

‘That this Council refuse to surrender the lease, Folio Number 16967 dated 21st December 1984 for the term of ten thousand years, of all or part of the land at Oughtymoyle, Magilligan back to the Northern Ireland Housing Executive as requested on 14th June 2007.’

He outlined that the residents of the area were 100% supportive to affordable housing but firmly objected to the request due to lack of demand/need in the immediate area; environmental concerns and criteria set regarding green areas and that the request did not have local support or approval. He requested that the will of the people be respected and suggested that if the Housing Executive found land elsewhere in the area, he would be willing to speak to the land owners. Councillor Brolly seconded the motion.

During debate it was pointed out that Council should be seeking to help provide affordable housing and reference was made to the situation at Shanreagh Park.

The motion was put to the meeting and declared carried with 8 voting for, 2 against and 3 abstentions.

NOTICE OF MOTION SUBMITTED BY COUNCILLOR B CHIVERS:

Councillor Chivers proposed:

‘That this Council commission the internal auditors HELM Corporation to independently review the steps already taken to secure ownership of the landfill site at Drumaduff; investigate the options available to bring this matter to a successful conclusion and calculate the Boroughs potential exposure to the statutory site closure cost.’

She pointed out that the site closure had been talked about for 10 years, spanned 3 Council terms and suggested that mistakes made in the past on the vesting process should never happen again. She said members needed to be updated on options for the environment; closure costs and details of any contingency fund. Councillor Donaghy seconded the motion and said it was obvious mistakes had happened and that Council needed to know where things went wrong.

During discussion the point was made that the review would be a waste of money and also that the issues had already been dealt with at the Special Meeting of Council held on 9 July 2007.

The Chief Executive advised that an official application to vest had now been formally lodged with EHS. He detailed estimated costs for the independent review and restoration plan for the site and said Council would be updated on the process at the August 2007 Environmental Services Committee meeting. He also suggested that it would be best to get EHS comments on the original restoration plan before instructing a review.

The motion was put to the meeting and declared carried, with 8 voting for, 2 against and 3 abstentions.

ROADS:

Disabled Parking Bays, Limavady: Members welcomed that Roads Service were introducing additional disabled car parking bays in Main Street Limavady. Members queried how many parking tickets had been issued by the enforcement officers and how many had lead to prosecution.

A2 Clooney road, Faughanvale (Abandonment) Order 1993: Members noted that under Article 68 of the Roads (Northern Ireland) Order 1993, Roads Service planned to abandon an area of road measuring 178 square metres adjacent to No 230 Clooney Road, Faughanvale.

Main Street Loop Road, Limavady: Members gave their support for Roads Service to start legislative procedures to enable the one way scheme on the Loop Road, including loading bay and waiting restrictions to commence at Main Street.

Rathmore Road – Park & Share Carpark: Members objected to the unauthorised use of the car park at Rathmore Road for car sales and requested that Roads Service fast track the adoption of the car park to allow enforcement action to be taken.

Protected Routes: Details of Protected Routes were requested and a query arose on why some of these were located within the speed limit of towns, Ballyquin Road – Main Street Dungiven being quoted as an example. It was also queried if Roads Service intended to review these routes in the foreseeable future.

Restricted Car Parking: Members queried how many parking tickets had been issued since parking enforcement had been introduced and how many had proceeded to prosecution.

WATER & SEWERAGE: None

HOUSING: - None.

PAC DECISION – REFERENCE (2006/E012) KPL CONTRACTS LTD:

The Chief Executive circulated to members PAC decision on appeals under Article 69 of the Planning (Northern Ireland) Order 1991 by KPL Contracts Ltd against Enforcement Notices (A 2006/E012 & B 2006/E013) alleged to breach planning control which members noted had both Notices had been upheld.

ANY OTHER BUSINESS:

Council Consultation on Planning Applications – Management Board Referral Process: The Chief Executive tabled feedback and summary from BearingPoint consultation with Council on Planning Service – review of revised consultation procedures and the comments within were noted.

NILGA/SoLACE Regional Meetings – Developing our Influencing Strategy: The Chief Executive outlined that NILGA and SoLACE were working together to develop an influencing strategy on forthcoming decisions concerning local government aspects of RPA. He said they proposed to hold a series of regional meetings over the summer to assist with developing the strategy and were seeking commitment and support from Council. It was agreed that attendance at the western

area regional meeting to be held in Omagh District Council offices on Thursday 16th August 2007 would be an approved duty.

FOI Requests: IN COMMITTEE. The Chief Executive informed members that the two former employees who had requested that Council issue an apology for remarks made by Councillors as reported in the Northern Constitution on 22 June 2007 had now requested under FOI to be furnished with all documentation, including Council minutes, committee minutes, consultants reports and proposals, officer reports and correspondence in relation to the landfill site at Drumaduff (lease of the land, closure and restoration of the site and the vesting of the land in the period from 1992 to present date) and documentation in relation to the sale of the land at Dernaflaw, Dungiven, including a copy of the contract.

It was agreed that Council's would enlist the help of an independent legal representative to help rebut claims made by the two individuals and that Council was not liable in this regard. **OUT OF COMMITTEE.**

Review of Presentations: It was suggested that Council review Standing Orders in relation to how long presentations lasted, especially when items of extreme importance were being discussed.

NEXT MEETING - Thursday 6 September 2007

THIS CONCLUDED THE BUSINESS
(The meeting ended at 8.55 pm)

Signed: _____
Chair of Meeting