

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

PLANNING AND DEVELOPMENT SERVICES COMMITTEE

3 MARCH 2005

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.30 pm on the above date.

PRESENT:

Aldermen M Carten (chair) and J Dolan. Councillors A Brolly, B Chivers, L Cubitt, B Douglas, D Lowry, G Mullan, M McGuigan, E Stevenson and J Rankin.

IN ATTENDANCE:

The Acting Town Clerk & Chief Executive and the Committee Clerk. Mr J Duffy and Ms Fiona McCandless, Planning Service.

APOLOGIES:

Alderman G Robinson, Councillors B Brown, Councillor Donaghy, Councillor Coyle and the Town Clerk.

MINUTES:

Minutes of meeting dated 3 February 2005 were approved and signed on the proposal of Alderman Dolan, seconded by Councillor Cubitt, subject to an amendment on page 1, apology from Councillor Cubitt for non attendance at the meeting.

MATTERS ARISING:

Social Care within the Community: The Acting Town Clerk & Chief Executive submitted response from Mr Joe Lusby, Chief Executive of Foyle Health & Social Services Trust which indicated that during the current financial year, Foyle Trust projected investment in the provision of domiciliary care services was £6,553k. Members noted that Foyle Trust supported 575 people in the Limavady Borough Council area and that 107 people were waiting on a low to moderate priority level of domiciliary care packages.

Councillor Lowry welcomed the general response but said he was disappointed that more carers were not available for rural areas. He said that he received regular calls from people who were waiting on care packages and would be keen to work with the Trust regarding the provision of care in the community.

Members voiced their appreciation of the work undertaken by carers and said those who provided such a service were underpaid and worked long hours.

Flooding at Country Tavern, Faughanvale: The Acting Town Clerk & Chief Executive informed members that an investigation by Roads Service into flooding at the Country Tavern had concluded that there was heavy rainfall when the flooding

had occurred and that water was noted flowing out of field entrance onto the footpath and flowing to the area of the Country Tavern. He said that the drains were not able to carry away the water effectively to the river as the outlet pipe to the river appeared to have been damaged by a third party and that ongoing discussions with interested parties were continuing with a view to resolving the situation.

Various Roads Issues: The Acting Town Clerk & Chief Executive advised that Roads Service had responded to Council's letter dated 4 February 2005 as follows:

- *Provision of Footpaths in Rural Areas* – Roads Service look at a range of factors, including integration, safety, economy, environmental impact and accessibility.
- *Route Treatment* – This involves carrying out an assessment of the route to determine suitable traffic to improve safety. These measures would include such provisions as additional lining and signing.
- *Safety Improvement Scheme - Limavady/Londonderry Road* – The Department for Transport Traffic signs manual did not permit the use of red and green reflector studs across the mouth of junctions but if anyone was aware of a particular problem at junctions Roads Service would be happy to consider other measures.

Ballyquin Road Blackspot: The Acting Town Clerk & Chief Executive informed members that Road Service had advised in letter dated 28 February 2005 that Ballyquin Road was not designed to modern standards, though a number of improvement schemes have been carried out over several years, including erection of bend warning signs at the accident location. He said that a recent study showed that there were a number of areas of concern and that a more detailed study would be carried out on this road to see what further measures could be put in place.

Planning Applications: Mr Duffy reported that the following applications were still under consideration by the Planning Service:

B/2001/0401/O – proposed site for 4 dwellings adjacent to 5 Priory Lane, Dungiven (Mr M Coyle);

B/2003/0277/F – change of use of land to greyhound farm exercise facilities opposite 14 Farlow Road, Farlow, Limavady (Mineola Kennels);

B/2003/0579/F – two storey side extension to dwelling at 3 Ardcairn Road, Dungiven (Mr & Mrs C Mullan);

B/2003/0698/F - site for replacement traditional one and half storey dwelling with detached garage/store at 77 Bolea Road, Mullane, Limavady (Mr J Caskie);

B/2003/0708/O – site for dwelling to the rear of 125 to 129 Seacoast Road, Limavady (Mr & Mrs M O'Kane);

B/2003/0723/0 – site for traditional rural dwelling with detached garage/store 190 metres south east of 47 Newline Road, Moyse, Limavady (Mr W Riley);

B/2004/0049/O – site for traditional two storey dwelling with detached garage/store, 200 m west of 316 Seacoast Road, Oughtymoyle, Bellarena, Limavady (Mr A McLaughlin);

B/2004/0140/F - erection of 3 storey building to provide 6 two bedroom flats at 83 Catherine Street, Limavady (Mr S Mullan);

B/2004/0256/0 – site for two storey dwelling approximately 30 metres north of 117 Drumrane Raod, Largy, Limavady (Mr P Cromie);

B/2004/0313/0 – site for 2 dwellings adjacent to 75 Lomond Road, Limavady (Mr D O’Neill);

B/2004/0442/F – erection of apartment block with 12 two bedroom apartments and associated car parking, Connell Street, Limavady (opposite St Patrick’s Hall) (Mr & Mrs P Murphy);

B/2004/0533/F – 2 dwellings each with detached garage/store approximately 350 m north west of 171 Glenhead Road, Moys, Limavady (Mr W Deehan);

B/2004/0585/F – erection of 12 apartments in a three storey block with associated parking, 121 Irish Green Street, Limavady (Devarc Ltd);

B/2004/0612/O – site for dwelling adjacent to 155 Duncrun Road, Bellarena, Limavady (Mr C Kelly);

B/2004/0696/0 – site for detached dwelling to replace mobile home adjacent to 63 Pollysbrae Road, Limavady (Mr D Leake);

B/2004/0697/0 – site for detached dwelling above 69 and opposite 75 Pollysbrae Road, Limavady (Mr D Leake);

B/2004/0695/0 – site for detached dwelling 100m north of 63 Pollysbrae Road, Moys, Limavady (Mr D Leake);

B/2004/0351/0 – site for dwelling to rear of 730 Glenshane Road, Dungiven (Mr McCloskey);

B/2004/0353/0 – site for dwelling and garage opposite 68 Killunaght Road, Killunaght, Dungiven (G Colgan);

B/2004/0433/0 – site for dwelling adjoining 217 Legavallon Road, Drumsurn, Limavady (Mr G Quigg);

B/2004/0639/0 – site for traditional cottage style rural dwelling with detached garage/store 250 metres north east of 17 Drumalief Road, Limavady (Mr S Allen);

B/2004/0657/0 – site for traditional rural dwelling with detached garage/store 350 metres north east of 17 Drumalief Road, Limavady (Mr W Smyth);

B/2004/0663/0 – site for dwelling 120 metres south of 120A Dunlade Road, Minegallagher, Glebe, Limavady (Mr B Donaghey);

B/2004/0666/0 – site for dwelling and garage adjacent to 37 Vale Road, Greysteel (Mr C O’Hara);

B/2004/0673/0 – site for traditional rural dwelling with detached garage/store 800 metres south of 59 Killunaght Road, Killunaght, Dungiven (Mr J Stevenson);

B/2004/0718/0 – site for traditional rural dwelling with detached garage/store opposite 28 Carlaragh Road, Limavady (Mr J Morrison);

B/2004/0720/0 – site for traditional rural dwelling with detached garage/store 130 metres south of 16 Gortgarn Road, Gortgarn, Limavady (Mr R Fallows);

B/2004/0721/0 – site for traditional rural dwelling with detached garage/store adjacent to 16 Gortgarn Road, Gortgarn, Limavady (Mr R Fallows);

B/2004/0744/0 – site for traditional ‘cottage’ style bungalow with detached garage/store 90 metres north of Gortgarn Road, Gortgarn, Limavady (Mr & Mrs Hall);

B/2004/0751/0 – site for traditional rural dwelling with detached garage/store 140 metres north of 109 Bolea Road, Limavady (Mr L Currie);

B/2004/0785/0 – site for rural style dwelling and detached garage on lands adjacent to 744 Feeny Road, Rallagh, Dungiven (Mr J O’Neill);

B/2004/0788/0 – site for traditional dwelling and garage approximately 150 metres to north west of St Mathews Primary School, 296 Drumsurn Road, Limavady (Mr E McKeever).

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

B/2004/0486/0 – site for cottage style bungalow with detached garage/store opposite 30 Gortgarn Road, Limavady (Mr R Fallows) Members noted that this application had been previously approved through an administration error and that the revised decision by Planning Service was to refuse this application.

B/2004/0494/O – site for traditional rural dwelling with detached garage/store, 100 m north of Windyhill Road, Stradreagh, Limavady (Mr K Johnston) It was agreed on the proposal of Councillor Stevenson, seconded by Alderman Dolan not to accept the recommended refusal.

B/2004/0606/0 – site for dwelling adjacent to south side of 107 Altmover Road, Dungiven (Mr J McLaughlin) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2004/0651/0 – site for dwelling adjacent to 49 Bolea Road, Derrymore, Limavady (Mr J Campbell); B/2004/0668/O – site for dwelling 160 m north east of 44a Gortnarney Road, Limavady (Mr G Smith) Mr Duffy agreed to hold the application for one month before issuing a refusal decision.

B/2004/0668/O – site for dwelling 160 m north east of 44a Gortnarney Road, Limavady (Mr G Smith) It was agreed on the proposal of Councillor Douglas, seconded by Alderman Dolan not to accept the recommended refusal.

B/2004/0719/0 – site for traditional rural dwelling with detached garage/store 80 metres south south west of 15 Gortgarn Road, Limavady (Mr J Gault) It was agreed on the proposal of Councillor Douglas, seconded by Alderman Dolan not to accept the recommended refusal.

B/2004/0784/0 – site for dwelling in land adjacent to 741 Feeny Road, Rallagh, Dungiven (Mr D Deeney) Mr Duffy agreed to hold this application for 10 days before issuing a refusal decision.

B/2004/0833/0 – site for dwelling adjacent to 127 Baranailt Road, Glack, Limavady (Mr J Miller) Mr Duffy agreed to hold this application for 10 days before issuing a refusal decision.

Members welcomed the change of opinion to a recommended approval in respect of the following applications:

B/2004/0091/0 - site for one and half storey dwelling and garage adjacent 128 Carrowclare Road, Myroe, Limavady (Mr & Mrs G Miller);

B/2004/0092/0 - site for one and half storey dwelling and garage adjacent 128 Carrowclare Road, Myroe, Limavady (Mr & Mrs G Miller);

B/2004/0093/0 - site for one and half storey dwelling and garage adjacent 128 Carrowclare Road, Myroe, Limavady (Mr & Mrs G Miller);

B/2004/0252/0 - site for traditional rural dwelling with detached garage/store 50 metres east of 138 Carrowclare Road, Carrowclare, Limavady (Mrs M Colgan);

B/2004/0507/0 – site for dwelling with detached garage/store 370 metres north of 31 Sheskin Road, Greysteel Beg, Greysteel, Limavady (Mr J Murray);

B/2004/0599/O – site for dwelling, Temain Road, Limavady (Mr W Loughrey);

B/2004/0600/O – site for dwelling, Temain Road, Limavady (Miss L Loughery);

B/2004/0791/F – erection of one and a half storey replacement dwelling 120 metres east of 49 Umrycam Road, Feeny (Mr D Coll).

The recommended refusal of the following applications was noted:

B/2004/0465/0 – site for rural style dwelling and detached garage approximately 100 metres north west of 35 Corick Road, Carrownagananagh, Dungiven (Mr N McGilligan);

B/2004/0580/O – site for detached dwelling with detached garage, Terrydoo Road, Aughansillagh, Limavady (200 m north west of 102 Terrydoo Road) (Mrs J Loughery);

B/2004/0593/0 – site for dwelling opposite 42 Carnamuff Road (site2), Limavady (Mr I Townley);

B/2004/0597/0 – site for dwelling opposite 42 Carnamuff Road, Ballykelly (Mr I Townley);

B/2004/0598/O – site for dwelling, Temain Road, Limavady (Mr W Loughrey);

B/2004/0602/O – site for dwelling, Temain Road, Limavady (Mrs H Peppard);

B/2004/0648/0 – site for bungalow approximately 240m north west of 89 Gortnaghey Road, Gortnaghey, Dungiven (Ms L Colgan);

B/2004/0682/0 – site for rural style dwelling and detached garage approximately 40 metres north east of 30 Killew Road, Dungiven (Mr G O’Kane);

B/2004/0686/0 – site for retirement farm bungalow and garage approximately 100 metres south of 82 Magheramore Road, Dungiven, BT47 4SP (Mr D Murphy).

Members noted that the following applications had been withdrawn:

B/2004/0389/0 – site for two storey dwellings adjacent to 3 Brisland Road, Eglinton (Ms R McAlinden);

B/2004/0451/0 – site for dwelling 60 metres to east of 33 Coolagh Road, Greysteel (Mr D O’Neill);

B/2004/0502/O – site for traditional cottage style bungalow with detached garage/store, 125 m south of 162 Baranailt Road, Glenhead, Limavady (Mr & Mrs Whiteside);

B/2004/0852/0 – site for dwelling opposite 12 Carnanbane Road, Dungiven (Mr J B Murphy).

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

Mr Brown answered various questions on the applications listed on the schedule and the recommendations were accepted, subject to the following:

B/2004/0331/0 – site for traditional rural dwelling with detached garage/store situated 50m south of “Keady Vista”, 60 Drumalief Road, Drumalief, Limavady (Mr & Mrs Sherrard) Mr Duffy agreed to hold this application for one month before issuing a refusal decision.

B/2004/0747/0 – site for traditional rural dwelling with detached garage/store between 21 and 23 Killew Road, Dungiven (Mr P McCloskey) Mr Duffy agreed to hold this application for one month before issuing a refusal decision.

B2004/0748/0 – site for dwelling with detached garage/store near 30 Cluntygeeragh Road, Dungiven (Mr P McCloskey) Mr Duffy agreed to hold this application for one month before issuing a refusal decision.

B/2005/0023/F – erection of two storey dwelling with detached garage/store adjacent to 127 Baranailt Road, Drumraighland, Limavady (Mr P McArthur)
Mr Duffy agreed to hold this application for one month before issuing a refusal decision.

B/2005/0037/0 – site for dwelling on lands adjacent to 7 Bolea Park, Bolea, Limavady (Mr C Henry) The Chair welcomed residents from Bolea and surrounding area to the meeting. Mr Duffy explained that whilst there were a number of objectors to this application, Planning Service recommendation to refuse the application was that the development of the site would mar the distinction between Bolea Hamlet and open countryside.

B/2005/0041/0 – site for dwelling with detached garage 100 metres south west of 38 Curragh Road, Limavady (access off Limestone Road) (Mr J McGee) Mr Duffy agreed to hold this application for one month before issuing a refusal decision.

Site/Office Meetings: Site/office meetings were arranged for Tuesday 15 March 2005 at 9.30 for the following applications:

B/2003/0405/0 – site for farm house 200 metres east of 51 Largy Road, Limavady (Mr & Mrs D Gillespie) Members noted that this application had been approved (with agricultural backing) in September 2003 and Mr Duffy agreed to re schedule an additional office meeting.

B/2004/0548/0 – site for dwelling and garage 250 metres south west of 80 Magheramore Road, Dungiven (Mr B Murphy);

B/2004/0605/0 – site for dwelling 30 metres north of 25a Newline Road, Limavady (Mr A Craig);

B/2004/0755/0 – site for replacement dwelling adjacent to 923 Glenshane Road, Carn, Dungiven (Mr J OKane);

B/2004/0759/0 – site for replacement dwelling 170 metres north of 203 Foreglen Road, Muldonagh, Limavady (Miss K McGonigle);

B/2004/0813/0 – site for dwelling and garage south of 151 Bolea Road, Limavady (Mr C McCausland);

B/2004/0816/0 – site for traditional two storey farmhouse with detached garage/store 120 metres south west of 25 Vale Road, Glebe, Greysteel, Limavady (Mr & Mrs U Mackey);

B2/2004/0822/0 – site for dwelling and detached garage adjacent to 173 Gelvin Road, Dungiven (Mr & Mrs McNicholl);

B/2004/0857/0 – site for dwelling and detached bungalow Derryork Road, East of Ballyquin Road, Dungiven (Mr R Wilson);

B/2004/0867/F – erection of 4 commercial units (using existing approved entrance) Broad Road, beside Rathbuan development Fruit hall, Limavady (Linley Properties Ltd);

B/2004/0870/0 – site for dwelling 500 metres north of junction of Short Road and Clooney Road, Greysteel (Mr E McGinnis);

B004/0871/0 – site for dwelling on land to the west of 97 Killylane Road, Greysteel, Limavady (Mr E McGinnis);

B/2005/0005/0 – site for two storey dwelling at Nedd Road, Ballykelly, Limavady (adjacent to 51 and 53 Nedd Road) (Mr S McLaughlin);

B/2005/0022/0 – site for traditional ‘cottage’ style bungalow with detached garage/store Newline Road, (140 metres north west of the Ballydarrog/Newline Road junction) Limavady (Mr T Hamilton);

B/2005/0038/0 – site for traditional rural dwelling with detached garage/store 500 metres north of Gortgarn Road (adjacent to 76 Broad Road) Keady, Limavady (Mr B Young).

Planning Appeals: Details of Planning Appeals as listed in the Schedule were noted.

Report on the Handling of Meeting: It was agreed that the Acting Town Clerk & Chief Executive would submit a report on the handling of the Planning & Development Services Committee meeting and that specific recommendations be made regarding requests for office meetings and attendance by applicants or agents.

ROADS:

Traffic Calming – Rossmara: Councillor Cubitt said he had received several complaints from residents regarding speeding at Rossmara and suggested traffic calming measures might alleviate this problem. It was agreed on the proposal of Councillor Lowry, seconded by Councillor Rankin that the Acting Town Clerk & Chief Executive write to Roads Service requesting consideration of traffic calming at this location and that the PSNI monitor speeding in the area.

Councillor McGuigan let the meeting at 9 pm.

ANY OTHER BUSINESS

Proposal for Draft Traffic Management: The Acting Town Clerk & Chief Executive tabled a public consultation titled ‘Proposal for a draft Traffic Management (Northern Ireland) Order’. He said that Council’s views were sought on the draft legislation, which would enable the Department to undertake civil enforcement of specified traffic contraventions that were currently criminal offences and enforceable by the PSNI Traffic Warden Service. It was agreed on the proposal of Councillor Cubitt, seconded by Councillor Rankin that members would forward comment to the Corporate Policy Officer for submission by the 10 May 2005 deadline.

Planning Appeal – B/2004/0404/F: The Acting Town Clerk & Chief Executive tabled letter dated 2 February 2005 from Planning Service, which advised that a planning appeal for the above application had been lodged under Article 33 of the Planning (NI) Order 1991, default of a planning decision by the Planning Service. Noted.

Seminar by LGSC and the Equality Commission: It was agreed on the proposal of Councillor Lowry, seconded by Councillor Rankin that Councillor Mullan would attend the LGSC/Equality Commission seminar to be held on Tuesday 22 March 2005 in Equality House, Belfast.

Closure of Mayor's Tsunami Appeal: Members congratulated the Mayor, Councillor Jack Rankin on the close of his appeal which had raising in excess of £15,000 towards the Asian Tsunami disaster.

Visitors from the Travelling Community: Councillor Stevenson referred to members of the travelling community who had returned to the Borough and said he hoped Council premises were made secure. Councillor Cubitt said that it was regrettable that businesses had resorted to paying money for the travellers to move from Belfast.

Councillor Mullan highlighted that there was a need to find a resolution on where the travellers parked and that he had been advised that the travellers would not interfere with property when they were parked in Aghanloo. The Acting Town Clerk & Chief Executive agreed to write to the Housing Executive requesting an update on the provision of halting sites for the travelling community.

It was agreed on the proposal of Alderman Dolan, seconded by Councillor Rankin that the remaining items be discussed **IN COMMITTEE**.

Lands to the east of Limavady Cemetery - Planning Application B/2004/0322/0: Councillor Brown declared an interest and left the room prior to discussion taking place. The Acting Town Clerk & Chief Executive informed members that Planning Service had recommended refusal of the above application under Article 33 determination and that the views of Council were now sought on the development of lands to the east of Limavady Cemetery, north of Whitehill Park & Lowry Park, south of Meadowvale Park & Thorndale, west of Mount Eden for the appeal of the application to be heard on 23 March 2005.

Members noted that in June 2004 the Town Clerk had responded to the Planning Service consultation to the development and had raised serious concerns that the site was to be accessed off roads originally designed to service limited housing in existing sites.

Councillor Lowry proposed that Council forward the comments as outlined within the Town Clerk's letter of response to the consultation and that additionally a copy of Council's submission to the land as detailed within the Northern Area Plan also be forward to Planning Service. This was seconded by Councillor Mullan.

Councillor Douglas proposed that Council should not respond or get involved in the appeal process. This was seconded by Councillor Cubitt who pointed out that there were 325 objectors to the application.

Councillor Cubitt requested a recorded vote.

The motion to respond to the Planning Service was put to the meeting and 6, Councillor Lowry, Councillor Brolly, Councillor Chivers, Councillor Mullan and Alderman Carten voting for and 6, Councillor Rankin, Councillor Douglas,

Councillor Stevenson, Alderman Dolan and Councillor Cubitt voting against. The Chair used his casting vote in favour of the motion which was declared carried.

Application to the Fair Employment Tribunal: The Acting Town Clerk & Chief Executive informed members that following the disciplinary hearing of 15 February 2005, 18 people were named in case number 56/05 taken for decision by the officer concerned to the Fair Employment Tribunal. Subsequent to this, the Acting Town Clerk & Chief Executive recommended that Council obtain legal advice and that Council's solicitor respond on behalf of the 18 respondents.

Councillor Douglas suggested that the situation regarding this officer should have been resolved years ago and said that he could not agree to the seeking of legal advice as Council had not been kept fully informed and had been grossly misled by officers.

Councillor Lowry said that claims of intimidation were an attack on the integrity of the members comprising the disciplinary hearing panel.

Councillor Stevenson proposed that Council seek the necessary legal advice as recommended. This was seconded by Alderman Dolan. **OUT OF COMMITTEE.**

NEXT MEETING:

7 April 2005

THIS CONCLUDED THE BUSINESS

(The meeting ended at 10.40 pm)