

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

PLANNING AND DEVELOPMENT SERVICES COMMITTEE

4 DECEMBER 2003

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

PRESENT:

Aldermen M Carten, J Dolan and G Robinson. Councillors A Brolly, F Brolly, L Cubitt, M Coyle (in the Chair), B Douglas, M McGuigan, J Rankin and E Stevenson.

IN ATTENDANCE:

Committee Clerk and the Chief Technical Services Officer. Mr A Brown and Mr J Duffy, Planning Service.

APOLOGIES:

Councillors B Brown, D Lowry and the Town Clerk.

WATER SERVICE:

The Chairman welcomed Mr J Aiken and Mr P Devlin to the meeting. Mr Devlin presented the Water Service Capital Works Programme and enlarged thereon. He and Mr Aiken answered questions put to them by members and the replies were noted as follows:

Category 1 - Projects under construction and projects scheduled to start during year 1 April 2003 and 31 March 2004:

Loughermore Distribution Rationalisation: Alderman Robinson referred to the fact that a resident at 250 Baranailt Road did not have their water supply pumped and to previous advice from Water Service that the scheme at Loughermore Road, which would involve the construction of a new service reservoir, the laying of new watermains and the removal of a number of old water booster stations, was due to commence in May 2003 and expressed concern at the delays associated with this project.

Similarly, Alderman Carten referred to the fact that the Faughanvale Sewerage Scheme had also been expected to commence on site at the end of May 2003. In response, Mr Devlin assured members that no further delays were anticipated with either of these schemes.

Bishops Road/Bolea Road, Limavady: Councillor Stevenson referred to the fact that residents at the above locations did not have access to a mains water supply and was advised by Mr Devlin that additional watermains were included within the programme for Minor Works and Small Contracts.

Category 2 – Projects scheduled to start in the next two years (1 April 2004 – 31 March 2006):

Limavady By-pass: The Chief Technical Services Officer highlighted the inappropriate location of the Limavady sewage works. He requested that the works be relocated to a more appropriate location and that remedial action be taken in the interim to reduce the emission of offensive odours and to screen the plant. Mr Aiken informed members that the relocation of the plant was not feasible; that it met Environment & Heritage Service standards and that it would benefit from a further £2.4 m investment in 2004.

Benone Area Sewerage: Mr Devlin advised members that Water Service was currently attempting to resolve land acquisition difficulties in relation to this scheme. Noted.

Category 3 – Other projects under consideration: Noted.

Limavady Area Watermains Rehabilitation: Councillor Rankin welcomed this scheme to ensure future compliance with the EC Drinking Water Directive and was reminded by Mr Aiken that water samples were monitored by an independent body, the results of which were publicly available.

General:

Banagher Glen: Councillor Coyle referred to previous discussions regarding the possible leasing of land at Banagher Glen to Feeny Community Association and requested an update thereon. Mr Aiken reported that Water Service had been advised by its legal representatives that it was not within its remit to lease the land to the community association and suggested that Council could facilitate this project by acting as the leaseholder.

Street Works: Following a query by Councillor Cubitt, Mr Aiken assured members of co-ordination between Water Service and other utility providers in relation to street works.

Water Charges: On behalf of the ratepayers of the Borough, Alderman Robinson expressed his opposition to any form of water charges.

The chair thanked Mr Aiken and Mr Devlin for attending and they then left the meeting.

GENERAL MEDICAL SERVICES CONTRACT:

The Chair welcomed Mr Eugene Gallagher, Western Health & Social Services Board who attended the meeting to discuss the new contract which had been negotiated for General Medical Services from 1 April 2004 and the implications thereon.

Mr Gallagher outlined the overall structure of the contract for Essential, Additional and Enhanced Services and pointed out that, whilst practices had the opportunity to opt out of additional services, their budgets would be adjusted and reduced accordingly, depending on the level of services provided. He also drew members' attention to the fact that from 31 December 2004, GPs could opt out of Out of Hours cover between 6.30 pm and 8 am, weekends, bank holiday and public holidays, which would result in further reductions in the practice's budget. Mr Gallagher answered a number of questions put to him by members, after which he left the meeting.

MINUTES:

Minutes of meeting dated 6 November 2003 were approved and signed on the proposal of Councillor Rankin, seconded by Councillor F Brolly.

MATTERS ARISING:

Restricted Car Parking: The Chief Technical Services Officer reminded members that arrangements had been made for a sub committee of Council and Superintendent Hamilton to meet with Roads Service to discuss restricted car parking on 5 December 2003.

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/2002/0477/F – erection of three storey house at the junction of Farkland Road and Muldonagh Road, Muldonagh, Limavady (Mr S McLaughlin);

B/2001/0580/F – retention of change of use from rear garden to fuel oil distributor unit, 166a Clooney Road, Greysteel, Limavady (Vale Fuels);

B/2002/0613/F – erection of 12 No two storey dwellings between No's 68 & 78 Dunlade Road, Killywool, Limavady (Tullyverry Developments);

B/2003/0132/LB – proposed new sun lounge, Ballymaclary House, 573 Seacoast Road, Magilligan (Mr Boyd);

B/2003/0217/F – erection of 2 No. semi detached dwellings beside 20A Pollysbrae Road, Largy, Limavady (R Wilson);

B/2002/0230/F – Domestic store for tractor/trailor mover, quads, garden equipment etc, 40 Laurel Road, Glack, Limavady (Mr S Canning);

B/2002/0621/O – site for traditional rural dwelling and garage, 100 metres southwest of 133 Glenhead Road, Magheramore, Limavady (Mr B Maclurg);

B/2003/0406/O – site for dwelling adjacent to 23 School Road, Greysteel (Mr M Lynch);

B/2003/0562/F – erection of dwelling and domestic garage, site adjacent to 62 Craigbrack Road, Eglinton (Mr L King);

B/2002/0542/F – proposed roads and site layout for industrial/commercial development, Dowland Road, Limavady (Moylehill Properties Ltd);

B/2003/0508/O – site for domestic dwelling and detached garage adjacent to 22 Rallagh Road, Dungiven (Mr E McCloskey);

B/2003/0525/O – site for traditional rural dwelling with detached garage/store, Belraugh Road, Moneyguiggy, Drumsurn, Limavady (Mrs Dudgeon);

B/2003/0526/O – site for traditional rural dwelling with detached garage/store, Belraugh Road, Moneyguiggy, Drumsurn, Limavady (Mrs Dudgeon);

B/2003/0466/F – erection of housing development of 12 townhouses and 2 apartment blocks, 94/96 Irish Green Street, Limavady (Mr S Mullan): Mr Brown reported that this application was currently being considered under the Planning Service's Quality Housing Initiative and stated that Mr Martin White, Senior Planning Officer had offered to attend a future meeting to deliver a presentation on same. Members accepted this kind offer and requested that the necessary arrangements be made for Mr White to attend a future meeting of the Committee.

Traffic Calming Measures: As requested at the previous meeting, the Chief Technical Services Officer submitted a copy of the new criteria for traffic calming measures from Roads Service. Noted.

Designated Waterway, Oughtymoyle, Magilligan: The Chief Technical Services Officer referred the decision taken at the previous meeting that Council request the Northern Ireland Housing Executive to consider culverting the above waterway and referred to response dated 17 November 2003 which pointed out that the responsibility for improvement or maintenance works to designated watercourses rested with Rivers Agency. Noted.

Hungerstrike Memorial, Dungiven: The Chief Technical Services Officer referred to the decision taken at the previous meeting that Council request the Planning Service to enforce the law regarding illegally erected buildings and structures and, in particular, the removal of this monument and submitted letter dated 20 November 2003 from Acting Chief Executive of the Planning Service which reiterated the advice given in his letter of 4 September 2003 that an Enforcement Notice must be served on the owner and the occupier of the land (ie the person/organisation who erected the memorial) and that if an Enforcement Notice could not be served on the occupier this did not preclude enforcement action and, if necessary, prosecution of the owner of the land, which appeared to be Council, as it was responsible for maintaining the land. The Chief Technical Services Officer also submitted letter dated 18 November 2003 from the Divisional Planning Manager which advised that it would not be appropriate to provide Council with a list of cases of within the Borough of enforcement action given that they might be the subject of legal proceedings.

Councillor A Brolly referred to page 12, paragraph 31a of Council's Standing Orders and stated that a Notice of Motion should have been submitted to Council to rescind the decision to take no action in relation to this monument. Councillor Douglas, who had Chaired the meeting, pointed out that no decision had been taken at the October meeting of the Committee and that the proposal was, therefore, valid.

The Chief Technical Services Officer referred to page 4 of the Standing Orders which stated that "So long as the Chairman acts bona fide (in good faith) and remains in the Chair, he/she has virtually absolute rule. The full Committee or Council could by majority decision dislodge the person presiding (not Mayor or Deputy Mayor). While acting in good faith the Chairman's decisions (even if not strictly correct) will be upheld by the Court provided no substantial injustice has arisen therefrom. (Breavy v Brown 1896 41 Sol. Jo. 159)." He also reiterated previous advice given by the Town Clerk, based on 'The Law & Practice of Local Authority Meetings' by Raymond Knowles, which stated that the purpose of Matters Arising was to allow members to be advised of the current position of matters discussed at a previous meeting and not for motions to be put to Council.

Planning Service Staffing Shortages: The Chief Technical Services Officer advised that the Town Clerk had written to the Divisional Planning Manager on 13 November 2003 to highlight the delays in having applications processed due to lack of permanent staff and that a response was awaited thereon.

Roads Service Consultation: The Chief Technical Services Officer reported that the Roads Service Consultation meeting had been scheduled for 8 December 2003 at 2 pm.

Limavady Sewage Plant: The Chief Technical Services Officer submitted letter dated 27 November 2003 from Divisional Water Manager, Water Service which indicated that a detailed appraisal study had been carried out and that the relocation of the wastewater treatment works had been ruled out on economic grounds. He added, however, that an upgrade of the treatment works, which was expected to cost in the region of £2.4 m, was due to commence in June 2004 and would incorporate modern odour control systems and screening of the works from the adjacent roadways. Noted.

Occupational Therapists: The Chief Technical Services Officer submitted letter dated 23 October 2003 from the Chief Executive of Foyle Health & Social Services Trust in response to the request that it consider appointing a full time equivalent occupational therapist in Limavady which advised that it was in the process of filling two senior vacancies in Limavady and that there was a general shortage of senior occupational therapists across Northern Ireland. Mrs Way added that that Trust was currently developing an assessment clinic for occupational therapy services at Gransha Park so that clients could be assessed at the clinic rather than waiting to be seen at home. Noted.

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

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

B/2001/0143/F – 10 No holiday chalets behind Ballymaclary House, 573 Seacoast Road, Ballymaclary (Mr R Copeland);

B/2002/0425/F – redevelopment of existing petrol filling station to provide 2 No retail units, 57 & 59 Church Street, Limavady (Mr S Mullan);

B/2003/0071/O – site for dwelling approximately 400 metres south east of 33 and 35a Glenedra Road, Coolnamonan, Feeny (Mr D O’Neill);

B/2003/0308/O – site for dwelling adjacent to 42 Carnamuff Road, Limavady (Mr I Townley);

B/2003/0505/F – ground floor extension to rear of dwelling, 21 Drumavalley, Bellarena, Limavady (Northern Ireland Housing Executive).

B/2003/0183/O – site for dwelling with yard and outhouse, Ballyavelin Road, Ardgarvan, Limavady (Mr K McKeever): The recommended refusal of this application was noted.

B/2003/0487/O – site for dwelling and garage, Margymonaghan, Seacoast Road, Limavady (Mr S Canning): Mr Brown reported that the Planning Service’s opinion to refuse this application remained unchanged and undertook to allow the applicant 10 days to withdraw the application before issuing a refusal decision.

B/2003/0551/F – erection of temporary portacabin for beauty therapy use, 31 Mitchel Park, Dungiven (Mr F McTaggart): Mr Brown reported that the Planning Service was of the view that to approve this application would set an unwelcome precedent in a residential area but undertook to defer a decision until the next meeting.

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:

Site/Office Meetings: Site/office meetings were arranged for Tuesday 16 December 2003 commencing at 10 am for the following applications:

B/2003/0488/O – site for dwelling, lands 100 m south west of 125 Almover Road, Dungiven (Mr P Moore);

B/2003/0513/O) – site for dwelling 200 m south east of 10 Tarnakilly Road, Limavady (Messrs B&R Laughlin);

B/2003/0515/O) – site for dwelling 160 m west of 10 Tarnakilly Road, Limavady (Messrs B&R Laughlin);

B/2003/0550/O – site for dwelling rear of 96 and 102 Bolea Road, Limavady (Mr W Irwin);

B/2003/0561/O – site for dwelling and garage 160 m north of 34 Teeavan Road, Dungiven (Mr P McCloskey);

B/2003/0565/O – site for dwelling approximately 100 m to the east of 11 Cloghan Road, Drumsurn (Mr G Foster);

B/2003/0566/O – site for dwelling approximately 50 m south of junction between Cloghan Road and Gornarney Road, Limavady (Mr G Foster);

B/2003/0620/O – site for traditional two storey dwelling with detached garage/store to the rear of Ardinarive Orange Hall, Drumrane Road, Limavady (Mr M Douglas): Councillor Douglas declared a family interest in this application and left the room prior to any discussion taking place.

B/2003/0625/O – site for single storey dwelling and detached double garage adjacent to 41 Pollys Brae Road, Largy, Limavady (Mr R W Whiteside);

B/2003/0641/O – site for dwelling adjacent to 17 Windyhill Road, Artikelly, Limavady (Mr T Oliver).

Further site/office meetings were arranged for Tuesday 6 January 2004 commencing at 10 am for the following applications:

B/2003/0614/F – erection of bungalow and detached garage 306 m north east of 130 Bolea Road, Largantea, Limavady (Mr & Mrs McDonald);

B/2003/0493/O – site for traditional two storey rural dwelling with detached garage/store 150, north of 38 and 40 Mill Road, Drumsurn, Limavady (Mr C Feeney);

B/2003/0076/F – erection of shooting range consisting of 9 lane 125 m indoor pistol range, 8 lane 25 m outdoor pistol range, 15 lane 200 m outdoor range and clay pigeon trap with associated landscaping and carparking, lands to rear of 17 Corrick Road, Dungiven (Northern Ireland Target Sports Association).

BUILDING REGULATIONS APPLICATIONS (schedule enclosed):

The District Chief Building Control Officer's report detailing applications approved, acknowledged and issued between 3 November 2003 and 28 November 2003 was tabled and noted.

MAJOR PLANNING APPLICATION CONSTRUCTION OF AN UNDERGROUND PIPELINE, 450 MM DIAMETER AND MAXIMUM WORKING PRESSURE OF 85 BAR WITH ONE NUMBER ABOVE GROUND INSTALLATION (AGI) AT LAND WITHIN THE LIMAVADY BOROUGH COUNCIL AREA FOR BGE (NORTHERN IRELAND) (B/2003/0031):

The Chief Technical Services Officer submitted letter dated 19 November 2003 from Planning Service Headquarters which advised that it had decided to issue a Notice of Opinion to Approve this development. Noted.

DATE OF DECEMBER COUNCIL MEETING:

It was agreed on the proposal of Alderman Dolan, seconded by Councillor Rankin that the Finance & General Purposes Committee and Monthly Meeting of Council be held on 17 December 2003, with the Finance & General Purposes Committee commencing at 7 pm.

ANY OTHER BUSINESS:

Dungiven Civic Amenity Site: It was agreed that this item be discussed **IN COMMITTEE**.

The Chief Technical Services Officer reported that residents of Bleach Green had protested against the above works as they were unaware that such a development was to take place when they purchased their properties. The Chief Technical Services Officer advised that the following three options were available to Council and outlined the advantages and disadvantages thereon:

1. stop completely and do not construct site;
2. instruct the contractor to continue immediately under the terms and conditions of the contract;
3. instruct the contractor to defer the contract for a short period prior to continuing under the terms and conditions of the contract.

A number of members highlighted that members of the public had been consulted as part of the planning process and felt that any objections made at this stage should not be revisited as they had already been considered by the Planning Service. Concern was also expressed at the potential cost associated with the delay of this project. However, the Chief Technical Services Officer's recommendation that option 3 be adopted and that Council facilitate a meeting with objectors to the development in an attempt to allay their concerns was agreed by members. **OUT OF COMMITTEE**.

Traffic Calming Measures: Councillor A Brolly highlighted the need for traffic calming measures in Gortnaghey and reported that Gortnaghey Community Association had been involved in negotiations with a local developer, who had offered to undertake the work free of charge on behalf of and in accordance with Roads Service standards and requested that enquiries be made as to whether Roads Service would consider such an arrangement.

NEXT MEETING:

8 January 2004

THIS CONCLUDED THE BUSINESS

(The meeting ended at 11 pm)