LIMAVADY BOROUGH COUNCIL COMHAIRLE BHUIRG LÉIM AN MHADAIDH

PLANNING AND DEVELOPMENT SERVICES COMMITTEE

7 APRIL 2005

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

PRESENT:

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

IN ATTENDANCE:

Committee Clerk, Chief Technical Service Officer, Senior Technical & Waste Management Officer, Chief Recreation & Tourism Officer, Interim Human Resource Officer, Mr A Brown and Mrs Nicola Carr, Planning Service.

APOLOGIES:

Councillor Coyle.

MINUTES:

Minutes of meeting dated 3 March 2005 were approved and signed on the proposal of Alderman Dolan, seconded by Councillor Rankin, subject to deletion of the penultimate paragraph on page 10 ... 'Councillor Lowry said that claims of intimidation were an attack on the integrity of the members comprising the disciplinary hearing panel.'

Minute of special planning meeting held 21 March 2005 were approved on the proposal of Alderman Dolan, seconded by Councillor Cubitt.

It was agreed that the discussion on land at Bovally and the Change Management Sub Committee be held **IN COMMITTEE.**

SOUTH EASTERN LANDS:

Councillor Cubitt voiced his opposition to having the discussion in committee and said he had no intention of adhering to this ruling.

The Chief Technical Service Officer referred to previous discussion and again outlined the proposal put forward by B Mullan & Sons for development of south eastern land at Bovally. He highlighted the features which would be provided free of charge to Council in return for permission to construct private dwellings on approximately half the lands zoned for open space. He confirmed that the developer would also sell to Council further lands at Rathbready Beg which would meet Council's longer term recreational need.

Members noted the benefit to Council and to the people of the area if the proposal was approved by Planning Service.

It was also noted that Mr Michael Graham, DTZ Pieda had considered the drawings presented to Council and was of the opinion that this was an excellent opportunity for Council to maximise the development potential of the lands and to meet the local and wider recreational needs of the town.

In the debate that followed a number of members suggested consultations should be held with residents in the area regarding the proposed additional houses and that Council should try and renegotiate the cost and location of land to be acquired for future recreational needs.

It was agreed on the proposal of Councillor Lowry, seconded by Councillor Brolly that the proposal put forward by B Mullan be accepted and that officers be authorised to continue negotiations with the developer to bring the proposal to fruition. It was also agreed that the services of Michael Graham be engaged to assist in this exercise.

Councillor Cubitt requested a recorded vote and the motion on being put to the meeting was declared carried with 10, Councillor Rankin, Councillor Stevenson, Alderman Dolan, Alderman Carten, Councillor Mullan, Councillor Lowry, Councillor Donaghy, Councillor Brolly, Councillor Chivers and Councillor McGuigan voting for and 1 against, Councillor Cubitt, with 2 abstentions, Alderman Robinson and Councillor Douglas.

Councillor Brown joined the meeting at 8.15 pm.

CHANGE MANAGEMENT SUB COMMITEEE:

The Interim Human Resource Officer detailed the recommendations of the Change Management Sub Committee as follows:

- to offer the Chief Technical Service Officer voluntary redundancy and immediate payment of his pension benefits in accordance with Council's Redundancy and Early Retirement Policy;
- to assimilate the Chief Environmental Health Officer into the new Director of Environmental Services post; and
- to commence the recruitment campaign to fill the Director of Development post.

The minutes of Change Management Sub Committee held 1 April 2005 were approved on the proposal of Councillor Cubitt, seconded by Councillor Rankin. **OUT OF COMMITTEE.**

MATTERS ARISING:

Halting Site for Travellers: The Town Clerk explained that Mr Mackie, Area Manager of Housing Executive had stated in letter dated 16 March 2005 that following consultation, five transit sites to be located in Belfast, Derry, Strabane, Craigavon and Newry would be provided by the Housing Executive for members of the travelling community.

Various Roads Issues: The Town Clerk advised that Road Service had responded to Council's letter dated 8 March 2005 as follows:

- 1. *Traffic Calming Rossmara:* This site was considered low priority for traffic calming compared with other sites.
- 2. Parking in Loading Bay on Main Street: This was an enforcement problem but unfortunately the PSNI did not have resources to deal with it effectively. The Decriminalisation of Parking Enforcement, which was due to be introduced during the summer of 2006, should result in improved enforcement taking place.
- 3. Newtowne Square: To alter the radius of turning corner at Lucille's Café in Central Car Park would involve the relocation of pay and display machine and associated signs, with a loss of at least 2 parking bays in addition to 4 bays recently lost and Roads Service did not propose altering the radius of this corner at present.

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/2003/0405/0 – site for farm house 200 metres east of 51 Largy Road, Limavady (Mr & Mrs D Gillespie);

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

B/2004/0585/F – erection of 12 apartments in a three storey block with associated parking, 121 Irish Green Street, Limavady (Devarc Ltd) Adrian Brown advised that this application was being appealed.

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

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);

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/2005/0023/F – erection of two storey dwelling with detached garage/store adjacent to 127 Baranailt Road, Drumraighland, Limavady (Mr P McArthur)

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

B/2004/0433/0 – site for dwelling adjoining 217 Legavallon Road, Drumsurn, Limavady (Mr G Quigg) Mr Brown agreed to hold the application for 10 days before issuing a refusal decision.

B/2004/0605/0 – site for dwelling 30 metres north of 25a Newline Road, Limavady (Mr A Craig) Mr Brown agreed to hold this application for 10 days before issuing a refusal decision.

B/2004/0695/0 – site for detached dwelling 100m north of 63 Pollysbrae Road, Moys, Limavady (Mr D Leake) Mr Brown agreed to hold the application for one month before issuing a refusal decision.

B/2004/0696/0 – site for detached dwelling to replace mobile home adjacent to 63 Pollysbrae Road, Limavady (Mr D Leake) Mr Brown agreed to hold the application for one month before issuing a refusal decision.

B/2004/0697/0 – site for detached dwelling above 69 and opposite 75 Pollysbrae Road, Limavady (Mr D Leake) Mr Brown agreed to hold the application for one month before issuing a refusal decision.

B/2004/0718/0 – site for traditional rural dwelling with detached garage/store opposite 28 Carlaragh Road, Limavady (Mr J Morrison) 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/2004/0788/0 – site for traditional dwelling and garage approximately 150 metres to north west of St Mathew's Primary School, 296 Drumsurn Road, Limavady (Mr E McKeever) 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/2004/0813/0 – site for dwelling and garage south of 151 Bolea Road, Limavady (Mr C McCausland) 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/2004/0668/O – site for dwelling 160 m north east of 44a Gortnarney Road, Limavady (Mr G Smith) Mr Brown informed members that this application was being appealed for non determination.

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) Mr 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.

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

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

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

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).

The recommended refusal of the following applications was noted:

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

B/2004/0651/0 – 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);

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/2004/0666/0 – 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/2004/0721/0 – 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/2004/0755/0 – 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).

Members noted that the following applications had been withdrawn:

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

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

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

B/2004/0784/0 – site for dwelling in land adjacent to 741 Feeny Road, Rallagh, Dungiven (Mr D Deeney);

B/2004/0833/0 – site for dwelling adjacent to 127 Baranailt Road, Glack, Limavady (Mr J Miller);

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

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/2004/0470/F – erection of single storey replacement dwelling, 17 Drumalief Road, Limavady (Mr S Allen) It was agreed that a decision in respect of this application be deferred for 2 weeks to allow the applicant to submit a revised proposal.

B/2005/0027/0 – site for dwelling with detached garage to rear of 58 and 60 Bovevagh Road, Dungiven (Messrs Whiteside & Wilson) It was agreed that a decision in respect of this application be deferred until the next meeting.

B/2005/0143/0 – site for dwelling 100 metres north of 250 Clooney Road, Limavady (Mr R Harper) Mr Brown agreed to hold this application for one month before issuing a refusal decision.

Site/Office Meetings: Site/office meetings were arranged for Tuesday 19 April at 9.30 for the following applications:

B/2005/0004/0 – site for replacement dwelling adjacent to 200 Drum Road, Dungiven (Mr R McCartney);

B/2005/0007/0 – site for two detached dwellings approximately 60 metres south west of 6 Priory Lane, Glenshane Road, Dungiven (Mr & Mrs C McGuigan);

B/2005/0020/0 – site for dwelling Site A, 180 metres north east of 67 Drumaduff Road, Drumsurn, Limavady (Mr T McReynolds);

B/2005/0053/0 – site for traditional rural dwelling with detached garage/store adjacent to 20 Edenmore Road, Bovally, Limavady (Mr B Hunter);

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B/2005/0055/0 – site for traditional cottage style rural dwelling with detached garage/store 300 metres north north east of 55 Carrowclare Road, Myroe, Limavady (Mr W Smyth);

B/2005/0061/0 – site for dwelling on Glenedra Road, Coolnamonan, Feeny (north east of 21 Glenedra Road) (Mr M Hasson);

B/2005/0063/F – erection of detached double domestic garage 272 Seacoast Road, Bellarena, Limavady (Mr P Smyth);

B/2005/0067/0 – site for rural style dwelling and detached garage adjacent to 42 Corick Road, Tullyard, Dungiven (Mr T McCloskey);

B/2005/0068/0 – site for traditional 'cottage' style bungalow with detached garage/store adjacent to 7 Drumbane Road, Gortnagross, Dungiven (Mr G McFarland);

B/2005/0070/0 – site for one and a half storey dwelling with adjoining double domestic garage approximately 100 metres south east of 100 Carnamuff Road, Ballykelly (Mr F O'Hara);

B/2005/0075/F – replacement of existing workshops/stores with modern workshop relocated to allow for the modernisation of yard & the formation of additional vehicle parking (Limavady Gear Company Ltd);

B/2005/0079/0 – site for replacement traditional rural dwelling with detached domestic garage/store 500 metres south of Ash Park, Feeny Road, Dungiven (Mr J Stevenson);

B/2005/0083/0 – site for traditional rural dwelling with detached domestic garage/store 350 metres SSW of 47 Killunaght Road, Feeny (Mr J Stevenson);

B/2005/0084/0 – site for traditional rural dwelling with detached domestic garage/store 700 metres SSW of 47 Killunaght Road, Feeny (Mr J Stevenson);

B/2005/0088/F – erection of dwelling and garage 130 metres north east of 253 Seacoast Road, Limavady (Mrs M Hughes);

B/2005/0091/0 – site for dwelling 240 metres west of 42 Dunbrock Road, Limavady (Miss A Nutt);

B/2005/0092/0 – site for dwelling adjacent to 453 Seacoast Road, Limavady (Mr & Mrs D McLaughlin);

B/2005/0095/0 – site for retirement bungalow with detached domestic garage/store adjacent to 9 Carrowclare Road, Myroe, Limavady (Mrs R Kane);

B/2005/0097/0 – site for traditional rural dwelling with detached domestic garage/store Carrowclare Road, Myroe, Limavady (adjacent to Crindle House, Seacoast Road, Limavady) (Mr M Kane);

B/2005/0102/0 – site for traditional rural dwelling with detached domestic garage/store 260 metres NNW of 127 Pollysbrea Road, Limavady (Mr R Hylands);

B/2005/0110/0 – site for dwelling with detached domestic garage 60 metres south east of Teeavan Road, Dungiven (Mr H Morrow);

B/2005/0113/0 – site for traditional rural dwelling with detached domestic garage/store 550 metres west of south west of 59 Killunaght Road, Dungiven (Mr & Mrs A Smyth);

B/2005/0117/0 – site for dwelling opposite 20 Gortnagross Road, Derryork, Dungiven (A McFarlane);

B/2005/0120/0 – site for dwelling 110 metres south west of 23 Temain Road, Drumsurn, Limavady (Mr R McAteer);

B/2005/0121/0 – site for dwelling 70 metres south of 23 Temain Road, Drumsurn, Limavady (Mr S McAteer);

B/2005/0122/0 – site for dwelling 110 metres south of 23 Temain Road, Drumsurn, Limavady (Mr D McAteer).

Planning Application B2004/0637: The Town Clerk raised the issue of Planning Application for Invessel Compositing, ORM Drennagh Farm, 15m north west of Bolea/Dowland Road, Limavady. Mr Brown confirmed that Planning Service had no objection to the approval of this application. Agreed.

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

ROADS:

Kerb Realignment – Lilac Avenue: Councillor Mullan said an agreement had been reached by the residents of Lilac Avenue that a bus come alongside the estate to collect the school children each morning and to facilitate this, kerbs would need to be realigned. The Chief Technical Service Officer agreed to investigate this with NIHE and Roads Service.

HOUSING:

None.

REVIEW OF RATING POLICY:

The Town Clerk summarised the pertinent points of the consultation on Rates Relief for Small Business in Northern Ireland. It was agreed on the proposal of Councillor Stevenson, seconded by Alderman Robinson that points raised be welcomed and that members submit additional points to the Acting Economic Development Officer by 17 June 2005.

REGIONAL STRATEGIC TRANSPORT NETWORK TRANSPORT PLAN 2015:

In noting the Regional Strategic Transport Network Transport Plan, members welcomed the inclusion of Dungiven Bypass in the forward planning schedule.

PROPOSED 02 RADIO BASE STATION AT DRD WATER SERVICE LIMAVADY:

It was agreed that Council would not comment at this stage on the proposed 02 Radio Base Station at DRD Water Service, Limavady WWWTW, Mill Place Limavady but would await a formal planning application.

PRE-APPLICATION CONSULTATION FOR PROPOSED SITE SHARE IN LIMAVADY:

It was agreed that Council would not comment at this stage on the Pre-Application Consultation with Local Authority for a proposed site share in the Limavady Area and would await a formal planning application.

ANY OTHER BUSINESS

Flying of Foreign Flags: Alderman Robinson appealed to members of the nationalist community for removal of foreign flags flown in the Irish Green Street area. Councillor A Brolly said Sinn Fein would be using their influence to ensure the flags were removed before the end of the week.

Development of Apartments – Connell Street: On the request of Mr & Mrs Patrick Murphy, it was agreed on the proposal of Alderman Dolan, seconded by Councillor Lowry that the new development along Connell Street be named 'Charles Close.'

Neighbourhood Watch Northern Ireland: The Town Clerk advised that the PSNI had sought Council's support for the erection of Neighbourhood Watch Signs by utilising the expertise of the Technical Services Department. This was agreed on the proposal of Councillor Lowry, seconded by Councillor Cubitt.

Mayor's Parade – Hospitality: It was agreed on the proposal of Alderman Dolan, seconded by Councillor Brown that Council provide hospitality to visitors from Westport and Vigneux Sur Seine during the Mayor's Parade.

ASPE – **Review of Public Administration Consultative Forum:** The Town Clerk informed members that APSE Northern Ireland were hosting a consultative forum on the Review of Public Administration to be held Friday 22 April 2005 at 10 am in the Clotworthy Arts Centre, Antrim. It was agreed that those wishing to attend would inform the Town Clerk's Department.

Last Meeting of Council: On the last meeting of Council before the election, members reflected on their last term in office. Members paid tribute to officers who were retiring and wished those standing in the local elections best wishes.

On his last meeting as Councillor, D Lowry thanked members for remarks made. He said that whilst the new Council would have many challenges and debates, there was

a need for elected members to work with the officers, given the agreed major capital works projects and changes to Council, which would come through the Review of Public Administration.

Finally, Councillor Rankin reflected on his year as Mayor and said it had been an honour to serve the people of the Borough. He thanked his family for their support and said he had been given outstanding advice from officers.

Industrial Tribunal Unfair Dismissal Cases 1935/03 & 1936/03: IN COMMITTEE. The Town Clerk provided an overview of events which had lead to the Industrial Tribunal, scheduled to take place on 6 May 2005 and advice from Council's barrister.

It was agreed on the proposal of Councillor Lowry, seconded by Councillor A Brolly that Council proceed with the matter to Industrial Tribunal, which was estimated to cost in the region of £5,000 if the hearing went on for three days.

McNally –V- Limavady Borough Council: The Town Clerk tabled a legal opinion from Mr Liam McCollum QC and Mr Adrian Harkin BL on an appeal by Council of FET 377/01.

It was agreed on the proposal of Councillor Lowry, seconded by Councillor Brolly to instruct the barristers to lodge an appeal of this decision to the Court of Appeal. Council also noted that the Disciplinary Appeal Panel, at a meeting on 4 April 2005 had upheld the decision to dismiss Mr McNally.

Councillor Cubitt and Councillor Douglas voiced their opposition to any additional expenditure on this appeal. **OUT OF COMMITTEE.**

NEXT MEETING:

2 June 2005

THIS CONCLUDED THE BUSINESS

(The meeting ended at 11.15 pm)