

Causeway Coast and Glens Borough Council

Planning Committee Wednesday 22nd April 2015

Table of Adoptions

No	Item	Adoptions
3.	Committee Terms of Reference	<i>Adopt</i>
4.1	Item A - C/2014/0364/F - Creative Gardens (NI) Limited - 88 Ballyclogh Road, Bushmills, BT57 8XA	<i>Grant subject to conditions</i>
4.3	Item C – E/2014/0233/F – Mr and Mrs S Mc Shane - Sheep Island View, 42A Main Street, Ballintoy, Co Antrim	<i>Grant subject to conditions</i>
5.	Transitional Arrangements for Planning Appeals	<i>Deferred</i>
6.	Listing of Court House, Ballymoney	<i>Agree to proposed listing</i>
7.	Listing of Former Police Station, Ballymoney	<i>Disagree to proposed listing</i>

Planning Committee

Minutes of the Meeting of Causeway Coast and Glens Borough Council Planning Committee, held in Council Chamber, Civic Headquarters, Coleraine on Wednesday 22nd April 2015 at 2.00 pm.

In the Chair: Councillor T McCaul

Members present: Councillor Callan, Alderman Cole, Councillor Fielding, Alderman Finlay, Councillor Fitzpatrick, Councillor King, Councillor Loftus (Vice-Chair), Alderman S McKillop, Councillor P McShane, Councillor Mullan, Councillor Nicholl, Alderman Robinson

In attendance: D Jackson, Chief Executive
D Dickson, Head of Planning
S Duggan, Programme Administrator
S Mathers, PPTO

Also in Attendance: Councillor J Baird
Councillor G Duddy
D Hunter
P Kingston
S Mulhern, PPTO

Press
Public

1. Apologies

Apologies were recorded from Councillor McGuigan and Alderman McKeown.

2. Declarations of Interest

There were no Declarations of Interest¹.

3. Committee Terms of Reference

It was proposed by Alderman S McKillop, seconded by Councillor Fitzpatrick and **AGREED that Committee adopt the Committee Terms of Reference, attached as Appendix A.**

4. Schedule of Planning Applications

S Mathers presented the applications.

* **Alderman J Finlay arrived at the meeting at 2.05pm.**

Part A – Mandatory applications for determination by the Planning Committee

¹ Councillor P McShane, arrived at the meeting at 2.15pm and *Declared an Interest* at Item 4.3.

4.1 Item A - C/2014/0364/F - Creative Gardens (NI) Limited - 88 Ballyclogh Road, Bushmills, BT57 8XA

New safer access to public roadway, extending the existing car park, and increasing the size of an existing yard to allow for a turning circle (for large articulate vehicles)

Recommendation: GRANT subject to conditions

The Chair invited Elected Members to request points of clarification from the Officer.

The Chair advised there were no representations.

It was proposed by Alderman King, seconded by Councillor Fitzpatrick **that committee grant Planning Application C/20104/0364/F - Creative Gardens (NI) Limited - 88 Ballyclogh Road, Bushmills, BT57 8XA, subject to the conditions and informatives set out in the report, attached as Appendix B.**

The Chair reminded Alderman Finlay that as he was not present in the Council chamber for the entire item, he could not take part in the debate nor vote on the item.

On being put to the vote, the proposal was carried unanimously, 10 votes for.

Alderman J Finlay did not vote.

* **Councillor P McShane arrived at the meeting at 2.15pm.**

Part B Applications which, in accordance with the Scheme of Delegation, need to be determined by the Planning Committee because they are local applications attracting more than 5 objections from separate addresses raising material planning considerations or submitted by or on behalf of the immediate family of an elected member.

4.2 Item B – D/2014/0103/O – Mr Dermot Smyth - Adjacent to 27 Princess Gardens, Cloughmills, Ballymena, Co. Antrim

The Chair advised committee that the Head of Planning had withdrawn the schedule from the Agenda.

4.3 Item C – E/2014/0233/F – Mr and Mrs S Mc Shane - Sheep Island View, 42A Main Street, Ballintoy, Co Antrim

* **Councillor P McShane Declared an Interest (DOI) and left the meeting at 2.20pm.**

Proposed demolition of existing sub-standard accommodation block and replacement accommodation block, including meetings room and associated works to comply with modern tourism standards, and NITB accommodation ratings.

Recommendation: GRANT subject to conditions

* **Councillor Nicholl arrived at the meeting at 2.25pm.**

The Chair invited Elected Members to request points of clarification from the Officer.

The Chair advised there were no representations.

It was proposed by Councillor Fitzpatrick, seconded by Councillor Loftus that **committee grant Planning Application E/2014/0233/F – Mr and Mrs S Mc Shane - Sheep Island View, 42A Main Street, Ballintoy, Co Antrim, subject to the conditions and informatives set out in the report, attached as Appendix C.**

On being put to the vote, the proposal was carried unanimously, 10 votes for.

Councillor D Nicholl did not vote.

5. Transitional Arrangements for Planning Appeals

The Head of Planning presented the report, summarised as undernoted:

The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015 sets out the transitional provisions for a number of the planning functions carried out by the Department prior to the transfer of the majority of planning powers to local government on 1 April 2015.

Article 3 of the Transitional Provisions relate to planning appeals against a decision or determination of the Department under the Planning (Northern Ireland) Order 1991 (or any order or regulations made under the 1991 Order) which was made before the transfer date.

The transitional provisions state that where an appeal on the decision or determination made by the Department was made to the Planning Appeals Commission (PAC) before the transfer date (1st April 2015) and has not been decided by that date by the PAC then for the purposes of the appeal the relevant decision shall be treated as if it has been made by the appropriate council. It goes on to state that if an appeal has not been made to the PAC by 1st April 2015 but the time limit prescribed in the 1991 order for making such an appeal has not expired before the transfer date, again the relevant decision shall be treated as if it had been made by the appropriate council.

Members are advised that there are a number of live planning appeals cases in the system which relate to decisions made by the Department prior to 1st April 2015. These cases are all at different stages in the appeal system. The responsibility for such appeal cases transferred to the Causeway Coast and Glens Borough Council as part of the transfer of the majority of the planning functions on 1st April 2015.

The planning committee's approval is therefore sought for the council to defend those cases where the department's decision to refuse is appealed. A list of appeals that are at an advanced stage are detailed at Appendix 1 (circulated at the meeting) for information but there are others where the appeal may not yet be lodged.

IT IS RECOMMENDED that the Planning Committee agree that those transitional cases where there is an appeal lodged against a decision taken by the department on a planning or other related application is defended by the Council.

Councillor Loftus stated she could not support the Officer recommendation, without knowing the full details of the cases.

The Head of Planning provided additional explanation of the Transitional Provisions Order that appears within subordinate legislation, that the recommendation was an operational issue and required a timely decision.

The Head of Planning reminded Members of the NI Local Government Code of Conduct for Councillors, if a view had been expressed on a previous application, the Planning committee member can not vote on the decision coming before committee.

It was proposed by Alderman S McKillop, seconded by Councillor Callan that the Planning Committee agree that those transitional cases where there is an appeal lodged against a decision taken by the department on a planning or other related application is defended by the Council.

An amendment was proposed by Councillor Loftus, seconded by Councillor Finlay **that committee defer the Item until more detailed information is provided on each case.**

The Chair put the amendment to the committee to vote, 8 voted for, 3 voted against the Chair declared the amendment carried.

At the request of the Chair, Councillor Loftus provided additional clarification, that committee would have no idea what they were allowing their Officers to defend and what decision the Council took at that time.

* **Councillor P McShane re-joined the meeting at 2.42pm.**

6. Listing of Court House, Ballymoney

The Head of Planning reported, summarised as undernoted:

On 19th March 2015 the Northern Ireland Environment Agency (NIEA) wrote to Ballymoney Borough Council advising that the listing of Ballymoney Court House, 75 Charlotte Street, Townparks, Ballymoney is being considered under Article 42(1) of the Planning (NI) Order 1991 (see report at Appendix A, circulated at the meeting).

The building is classified as “an elegant, well-proportioned and nicely detailed former courthouse that played an important role in the history of the town for over 130 years. It also formed a part of a group with the adjoining jail; it is rare in Ireland that adjoining court houses and jails have survived.”

The extent of the listing covers the two storey bay rectangular building with adjoining road wall and steps, plus flanking gate and low side-lane wall.

NIEA has requested Council view on this proposed listing, within 6 weeks of the date of the letter (by 30th April 2015).

It was proposed by Councillor Finlay, seconded by Councillor Fitzpatrick and **AGREED to agree the proposed listing of the Court House, Ballymoney.**

7. Listing of Former Police Station, Ballymoney

The Head of Planning reported, summarised as undernoted:

On 19th March 2015 the Northern Ireland Environment Agency (NIEA) wrote to Ballymoney Borough Council advising that the listing of the Former Police Station, 79 Charlotte Street, Townparks, Ballymoney is being considered under Article 42(1) of the Planning (NI) Order 1991 (see report at Appendix A).

The building is classified as “an important surviving group comprising a former jail and adjacent former court house. Although converted into a police station in the 20th Century, the core of the original jail building and its former “keeper’s house” are clearly identifiable and considerable original building fabric remains. The 1920’s conversion involved adding some good architectural details; most notable a fine Art Deco full height open newel type staircase. Generally the complex with its adjacent court house, are of considerable social importance, having placed a significant role in the lives of 19th Century Ballymoney.”

The extent of the listing covers the main three storey block and former constable’s house and walling.

NIEA has requested Council view on this proposed listing, within 6 weeks of the date of the letter (by 30th April 2015).

* **Mr P Kingston left the meeting at 2.42pm.**

IT IS RECOMMENDED that the Causeway Coast and Glens Borough Council agree the listing as detailed in Appendix A (circulated at the meeting).

It was proposed by Councillor Finlay, seconded by Councillor Fitzpatrick and **AGREED to disagree with the proposed listing of the Former Police Station, Ballymoney.**

The Head of Planning advised she would write to NIEA.

The Chair put the proposal to the committee to vote, 11 voted for, the Chair declared the proposal carried.

8. Matters for reporting to Partnership Panel

There were no matters for reporting to the Partnership Panel.

9. Correspondence - DoE Subordinate Legislation for Planning Reform and Transfer to Local Government

Committee noted the correspondence above, circulated.

10. Consultations

There were no consultation documents.

11. Update on Enforcement Statistics

It was proposed by Councillor Loftus, seconded by Councillor Callan and **AGREED that committee move 'in committee'**.

* **Members of the Public and Press left the meeting.**

The Head of Planning reported for information, summarised as undernoted:

The Causeway Coast and Glens Borough Council adopted the "protocol for the Operation of the Planning Committee" at its meeting held on 26th March 2015. It was agreed that the Planning Committee shall have an overview role of the enforcement function and officers shall prepare a quarterly report on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained).

The Head of Planning provided a table to monitor progress for the quarterly enforcement reports and also provided statistics in relation to the number of enforcement cases opened and closed in the month of March and the number of court hearings that took place in the month of March. Details were also supplied of the number of pending Court cases.

It was proposed by Councillor Callan, seconded by Councillor P McShane and **AGREED that committee move out of "in committee"**.

12. Date of Next Meeting

Wednesday 27th May 2015, Civic Headquarters, Coleraine, 2pm.

This being all the business the meeting closed at 2.50pm.

Appendix A: [Terms of Reference](#)

Appendix B: [Item A - C/2014/0364/F - Creative Gardens \(NI\) Limited - 88 Ballyclogh Road, Bushmills, BT57 8XA](#)

Appendix C: [Item C – E/2014/0233/F – Mr and Mrs S Mc Shane - Sheep Island View, 42A Main Street, Ballintoy, Co Antrim](#)