



**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 6 MARCH 2019 AT 7:00 PM**

- Chair** : Councillor Knight-McQuillan
- Present** : Alderman Hillis
Councillors Baird, Knight-McQuillan, Fielding,
Quigley
- Non Committee Member** : Councillor P McShane
- Officers Present** : M Quinn, Director of Corporate Services
P Donaghy, Democratic & Central Services
Manager
M Wilson, Planning Officer
E Keenan, Council Solicitor
D McLaughlin, Land and Property Officer
T McKenna, Committee & Member Services Officer

1. APOLOGIES

None

2. DECLARATIONS OF INTEREST

Nil

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Hillis
Seconded by Councillor Quigley

AGREED - that the Sub-Committee proceed to conduct the following business
'In Committee'.

3. REQUESTS FOR USE OF COUNCIL LAND

The Director of Corporate Services presented a report and Appendices 1 – 3, previously circulated, on requests for use of Council land for Sub-Committee's consideration.

The following factors were taken into account when considering each request:-

- Right of way issues
- Setting precedent
- Impact on Council's strategy
- Valuation
- Long term impact on Council's asset
- Legal implications
- Health and Safety, Insurance, Risk Assessments and Event Management Plans

It is recommended - that the requests listed at Appendix 1 are considered and recommendation made with the exception of 236/18.

It was agreed that Ref No 236/18 was withdrawn from the discussion and would be brought to a future meeting of the Sub-Committee for consideration, when further detail was available.

It is recommended - that the requests at Appendix 2 and 3 are noted.

AGREED – to recommend that:

257/18 applicant to be informed of available options

258/18 is approved, subject to planning permission and licence being drawn up if required.

Proposed by Councillor Quigley, seconded by Councillor Fielding that 266/18 is approved, subject to Historic Environment Division confirming if location is within an area of archaeological interest and if planning permission is required, and that Council make full cost recovery plus £1 for a license and subject to Council's legal cost in drawing up the licence being discharged by the applicant.

Proposed by Councillor Baird, seconded by Councillor Quigley that 274/18 is approved.

Proposed by Alderman Hillis, seconded by Councillor Quigley that 245/18 is approved.

AGREED – to recommend that Council approves the requests at Appendix 2 and notes those on Appendix 3.

4. LEASES/LICENCES

4.1 Ref 06/18/NIE – Quarry Hill, Ballyreagh Road, Portstewart – NIE Networks Wayleave Agreement No 695982 – Proposed Underground Cabling

Northern Ireland Electricity (NIE) Networks have submitted Wayleave Agreement No 695982 for proposed underground cabling on Council land at Quarry Hill, Portstewart for approval.

NIE Networks propose to lay four underground electricity cables out of the new sub-station to be erected at this site.

The Planning Department is content that this proposal is permitted development and therefore planning permission for the proposed underground cabling is not required.

It is recommended - that Council grants approval “in principle” to Northern Ireland Electricity (NIE) Networks Wayleave Agreement No 695982 for the proposed underground cabling on Council land at Quarry Hill, Portstewart.

Proposed by Councillor Fielding
Seconded by Alderman Hillis

AGREED – to recommend that Council grants approval “in principle” to Northern Ireland Electricity (NIE) Networks Wayleave Agreement No 695982 for the proposed underground cabling on Council land at Quarry Hill, Portstewart.

4.2 Ref 07/18/P – Coleraine Yacht Club – Permission to Sublet Premises

Coleraine Borough Council granted a 99 year lease to the Trustees of Coleraine Yacht Club in 1982. The lease is due to expire in 2081 so it has still has a term of 62 years left.

The Trustees have asked Council to grant approval for them to sub-let the lease to a third party to be used as a café/restaurant subject to a successful planning application for change of use of the

premises. Coleraine Yacht Club currently hold a licence to serve alcohol and have advised that the proposed new tenant would be applying for a restaurant licence.

Provision is made within the current lease at clause 2(e), detailed below, which permits the sub-letting of the premises with the prior written consent of the landlord (Causeway Coast and Glens Borough Council).

Clause 2(e) – Not to assign, underlet or part with the possession of the demised premises or any part thereof without the prior written consent of the Lessor.

Legal advice has been sought and Council should not unreasonably withhold permission to the sub-letting of the premises.

Council Officers have been consulted regarding this request and they have not identified any use or need of these premises by Council.

It is recommended - that Council grants approval “in principle” to the request from the Trustees of Coleraine Yacht Club to sublet the premises for use as a café/restaurant subject to planning permission being granted.

It was agreed to recommend that the request is deferred for further written legal opinion to be sought and presented to the sub-committee at its next meeting.

4.3 Land at Mosside – Grazing Rights

Council own a field adjacent to the Community Centre and playing fields at Mosside. Moyle District Council previously had a licence agreement in respect of the land for grazing purposes for a six year period from 1st July 2012 to 30th June 2018. The Licence was not renewed on 1st July 2018.

Enquiries have been received from members of the public expressing an interest in leasing the land for the purposes of grazing.

Options for consideration:

a) An independent estate agent be instructed to advertise the site for a lease of the grazing rights by way of a public advertisement on the open market.

b) take back possession of the land

A map of Councils ownership of the land was set out within the report and is located to the right of the playing fields.

It is recommended - that Council considers the information presented and make a recommendation on the options for use of the field adjacent to the Community Centre and playing fields at Mosside.

Planning advised that Planning permission may be required. However if land had been used for the same purpose for a continuous period of 5 years or more, then a Certificate of Lawful Development/Use could be sought instead of planning permission.

Proposed by Councillor Baird
Seconded by Alderman Hillis

AGREED - to recommend that a Certificate of Lawful Use/Development be applied for and

Option a) - An independent estate agent be instructed to advertise the site for a lease of the grazing rights by way of a public advertisement on the open market for use of the field adjacent to the Community Centre and playing fields at Mosside.

4.4 Land at Armoy Playing Fields, Limepark, Armoy – Request for Grazing Rights

In June 2018 Council agreed to terminate the lease on the Armoy Playing fields Lime Park, Armoy at the request of Armoy Rugby Club effective from 31st July 2018.

The Land and Property Section has received correspondence from a member of the public advising of his informal arrangement with Armoy Rugby Club which permitted him to graze four miniature Shetland ponies on the land. Council was not advised of the agreement or held any record of such an agreement.

This informal arrangement has been in place for 3 years but no payment for the grazing rights was made to Armoy Rugby Club as the applicant drove the minibus to the away games for the club in lieu of payment.

The applicant has identified the area of Council land he has been using and wishes to formalise the current arrangement.

Options for consideration:

- a) An independent estate agent be instructed to advertise the site for a lease of the grazing rights by way of a public advertisement on the open market.
- b) Take back possession of the land.

It is recommended - that Council considers the information presented and make a recommendation on the options for use of the field at Limepark Playing Fields, identified by Map 3 within the report.

AGREED – to recommend that the matter is deferred to the sub-committee’s next meeting pending a Council Officer’s opinion on the current status of the site, i.e. are the Shetland Ponies continuously there and an estimation of time that the boundary fence has been erected / repaired.

Councillor P McShane left the meeting at 8.45pm.

4.5 Ref 22/18/P - Shop Unit at South Pier, Portrush – Amendments to Lease

In June 2018 Council deferred consideration of the request from the tenant of the South Pier shop unit, Portrush to permit the tenant to commence the application process through the Petty Sessions Court to obtain a Liquor Licence. In addition, it recommended that the request be brought back to the Land and Property Sub Committee with additional information on reconfiguration proposals, internal and external seating capacity within the premises and 2 valuations.

The tenant has now submitted details of his proposed alterations and the amendments required to the existing lease if the amendments were approved.

- a) Grant approval to commence the application process through the Petty Sessions Court to obtain a Liquor Licence to permit the sale of alcohol. Clause 2.6 of the current licence refers – Council’s written prior approval, as Landlord, is required for the sale or consumption of alcohol at catering functions or evening meals and provided the Tenant obtains all the necessary Licences for the sale and consumption of alcohol at such functions. The lease would be amended accordingly.
- b) Permission to install a café canopy/awning to allow for an external seating area – funding applied for under the Revitalise scheme. Current use of the external seating area to be formalised.
- c) Permission to install/use temporary moveable barriers around the external seating area.
- d) The lease area for points b) and c) above to be amended accordingly.
- e) Permission to install a temporary unit at the point of the building. The temporary unit is to be used to enhance storage facilities during the busy season and to use as a point of sales (P.o.S) for beach paraphernalia (excluding the sale of inflatables or other items deemed contentious by RNLI). The current lease will have to be amended to include the additional area at the front of the building for the temporary storage facility and clause 2.5 amended to include the sale of beach paraphernalia if the request is approved.
- f) Permission to repaint to repaint the exterior of the building (existing colour scheme).
- g) Permission to paint the small railed section at the point of the building.
- h) Permission to paint the shutters.
- i) All 3 requests to paint/repaint are subject to funding being granted by the Revitalise scheme.
- j) Should funding for the paint/repaint areas be denied under the “Revitalise” scheme, the tenant asks Council as landlord, to update the external painting of the building, railings and

shutters prior to the British Open Golf Tournament.

- k) The internal capacity would remain at the same – maximum of 30 people – average of 26 plus 4 staff.
- l) The external seating capacity averages at 12 seats - on exceptional days the internal seating may be relocated outside up to a maximum of 20 tabled seats in total externally. Tenant has advised he been using the outdoor space for the last 4 years.

Should all or any of the above requests be approved the lease will be amended accordingly subject to the necessary planning permission and the appropriate licences being granted. Council's Planning section have advised planning permission will be required for:

- The canopy/awning
- External seating area
- Temporary unit for storage and for retail sale of items (shop)

Valuations have been sought and advised to the Land and Property Sub Committee.

Any approvals granted will be subject to Council's legal costs being discharged by the tenant.

It is recommended - that Council considers the information presented and make a recommendation on each of the following points:

- a) Grant approval to commence the application process through the Petty Sessions Court to obtain a Liquor Licence to permit the sale of alcohol.
- b) Grant permission to install a café canopy/awning to allow for an external seating area subject to the awning be quickly retractable and to allow sufficient space for Council vehicular access to the pier and beach.
- c) Formalise the current use of the external seating area
- d) Permission to install/use temporary moveable barriers around the external seating area.

- e) Permission to install a temporary unit at the point of the building. The temporary unit to be used to enhance storage facilities during the busy season and to use as a point of sales (P.o.S) for beach paraphernalia (excluding the sale of inflatables or other items deemed contentious by RNLI).
- f) Permission to repaint to repaint the exterior of the building (existing colour scheme).
- g) Permission to paint the small railed section at the point of the building.
- h) Permission to paint the shutters.
- i) Should funding for the paint/repaint areas be denied under the “Revitalise” scheme, Council as landlord, is requested to update the external painting of the building, railings and shutters prior to the British Open Golf Tournament.

AGREED – to recommend that;

- a) Grant approval to commence the application process through the Petty Sessions Court to obtain a Liquor Licence to permit the sale of alcohol. Councillor Fielding recorded his disagreement to the recommendation.
- b) Defer a decision on the permission to install a café canopy/awning to allow for an external seating area until site meeting has been completed.
- c) Defer the formalisation of the current use of the external seating area until completion of site meeting.
- d) Defer decision for permission to install/use temporary moveable barriers around the external seating area until completion of site meeting.
- e) Defer decision for permission to install a temporary unit at the point of the building. The temporary unit to be used to enhance storage facilities during the busy season and to use as a point of sales (P.o.S) for beach paraphernalia (excluding the sale of inflatables or other items deemed contentious by RNLI) until completion of site meeting.
- f) Grant permission to repaint to repaint the exterior of the building (existing colour scheme) subject to funding being

granted for the paint/repaint areas under the “Revitalise” scheme.

- g) Grant permission to paint the small railed section at the point of the building subject to funding being granted for the paint/repaint areas under the “Revitalise” scheme.
- h) Grant permission to paint the shutters subject to funding being granted for the paint/repaint areas under the “Revitalise” scheme.
- i) Should funding for the paint/repaint at areas f) to h) be denied under the “Revitalise” scheme, Council as landlord, will assess the request.

Sub-committee members agreed to conduct a site visit on Monday 11th March at 1730 hours, and requested that an invite be extended to all Elected Members for this visit. Following the site visit, the matter will be discussed at the subsequent CPR Committee meeting on 19th March 2019.

Councillor J Baird left the meeting at 9.13pm

4.6 Café at 3 Berne Road, Portstewart – Permission to Carry Out Alterations to Premises

Councillor Fielding declared an interest as a member of the Planning Committee. However, in order to maintain a quorum, he remained in the meeting and advised that he would declare an interest at the Planning Committee and take no part or vote on any Planning application.

At its meeting in August 2018 the Sub Committee agreed to defer consideration of the request from the proposed assignee for permission to build a small extension, subject to Council seeking additional information in relation to financing, legal, planning considerations, including a potential increase in the requirement for Car Parking at the site.

Since the meeting in August 2018 the lease has been assigned and the tenant has submitted revised plans for the extension to the existing premises. These plans have been scaled down from the plans originally presented to the Sub Committee in August 2018

and the proposed extension will remain within the existing boundary line of the current lease.

Revised plans have been submitted to the Planning Department for approval.

The proposed plans indicate an external seating area which will remain within the current footprint of the building. The architects drawing incorrectly places some of the external seating outside the boundary line of the current lease. Any alterations will be carried out within the existing lease boundary and no amendment to the current lease area is required.

Should the proposed extension and alterations be approved a Licence to carry out the extension and alterations will have to be drawn up.

It is recommended - that Council grants approval “in principle” to the proposed extension and alterations to the premises at 3 Berne Road, Portstewart subject to planning permission being granted, a Licence to carry out the extension and alterations being drawn up and Council’s legal costs being discharged by the tenant.

Proposed by Councillor Quigley
Seconded by Councillor Fielding

AGREED- to recommend that Council grants approval “in principle” to the proposed extension and alterations to the premises at 3 Berne Road, Portstewart subject to planning permission being granted, a Licence to carry out the extension and alterations being drawn up and Council’s legal costs being discharged by the tenant.

5. LEGAL ISSUES

5.1 Development at Causeway Street Portrush, request for access to East Strand Car Park

Council’s solicitor updated members on progress in relation to an ease of access from a development at Causeway Street Portrush to the East Strand Car Park. Council Solicitor advised that she had reviewed the file, in light of correspondence received from the developer’s solicitor in relation to the Deed of Easement. She further advised that an updated valuation had been obtained and

sought in October 2018. Members were advised that the relevant background papers and associated documents would be circulated to members after the Meeting.

Following discussion it was;

Proposed by Councillor Fielding
Seconded by Alderman Hillis

AGREED to recommend that a further valuation is obtained and this is brought back to the Corporate Policy and Resources Committee on the 19th March 2019.

5.2 Portstewart Town Hall

The Director of Corporate Services advised the Sub-Committee that correspondence had been received from the Montague Estate in relation to Portstewart Town Hall. She advised that initial legal advice has been sought in relation to the correspondence and further research and advice is required. Members will be kept updated.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Quigley
Seconded by Councillor Fielding

AGREED - that Sub-Committee proceed to conduct the following business 'In Public'.

There being no further business the Chair declared the meeting closed.

The meeting concluded at 10:02pm.