

# **THE PLANNING AND BUILDING COMMITTEE**

## **Minutes**

**These minutes are draft until confirmed by Chairman**

**Thursday 1 April 2010**

**8.30am in the Liberation Room, Secretariat**

Distribution List:-

**Hon Mrs S Halford, MLA**

**Hon Mrs J Cheek, MLA**

**Mr G France**

**Mr R French**

**Miss J Cotter**

**Miss H Norman**

**Mr B Summers**

**Environmental Planning Officer**

**Building Adviser**

**Director of Public Services**

**Senior Crown Counsel**

**Chief Fire Officer**

**Chief Medical Officer**

**Historic Buildings Committee**

**THE PLANNING AND BUILDING COMMITTEE**  
**Thursday 1 April 2010**  
**8.30am**  
**Liberation Room, Secretariat**

**Minutes**

<b>Present:</b>	The Honourable S Halford, MLA The Honourable J Cheek, MLA	Chair
	Mr R French Miss J Cotter Mr G France	RF JC GF
<b>In Attendance:</b>	Mr A Payne Mr N Stephens Mr M Keenleyside Ms A Inglis Mr G Fiddes	EPO BA DPW SCC CFO
<b>Secretary:</b>	Mrs F Wallace-Nannig	Sec

**Public & Press:** 0

**PART I**

*Chair opened the meeting by welcoming Miss Jackie Cotter as a new lay member. Members were then asked to approve the addition of an urgent item to Part II of the agenda. It was considered urgent because it may result in enforcement action being taken. Members agreed.*

**1 Apologies for absence**

Members noted that apologies had been received from Miss Heather Norman and Mr Brian Summers.

**2 Declarations of interest**

CFO declared an interest in items 5.2 and 5.9.

**3 Confirmation of the minutes of the meeting held on 4 March 2010**

The open minutes of the meeting held on 4 March 2010 were confirmed with no amendments.

**4 Matters arising from the minutes of the meeting held on 4 March 2010**

There were no matters arising.

5 **Planning applications**  
**Decisions**

Item	Ref	Site	Proposal	Key Policies
5.1	15/10	Hookers Point, Stanley	Erection of permanent granite memorial for HMS Glamorgan Falklands Association Memorial Committee	E5

Planning Permission is **granted** subject to the standard condition and the following condition:

1. The precise location of the memorial shall be agreed on site with the Environmental Planning Officer in consultation with the Director of Public Services and implemented as agreed.

**Reason for Condition**

1. To ensure that the development does not adversely affect vehicular circulation at Hookers Point.

*EPO advised Members that the memorial is not actually to be sited on the Point, rather it will be on an area immediately to the west. He added that, while there were no plans to provide designated parking, benches may be placed in the area in the future. EPO stated that the only concern he had with the application related to the precise location of the memorial. The proposed location he was shown by the applicant's agent on site was in the middle of an existing track. Vehicles would have to avoid the memorial, with the prospect of "cutting up" adjacent vegetated land. Members agreed that it would be preferred that this be avoided and decided that further discussion should take place between the applicant and the EPO to agree a final location.*

5.2	16/10	Rear of 67 Fitzroy Road, Stanley	Outline application for erection of dwelling for Miss M Middleton	D2 & H4
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Planning Permission is **granted** subject to the standard condition and the following condition:

1. A hardstanding for two off-street parking spaces shall be formed prior to the commencement of works on the site and the parking area completed prior to the occupation of the dwelling hereby approved.

**Reason for Condition**

Item	Ref	Site	Proposal	Key Policies
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1. In the interests of highway and pedestrian safety.

*EPO advised that access to the plot would be taken from Davis Street. GF suggested that the condition would be better worded if it required the parking spaces (or at least hardstanding for two parking spaces) to be provided prior to the commencement of works, in view of the fact that Davis Street is a busy road. Members agreed.*

5.3	17/10	Old Telephone Exchange, Ross Road, Stanley	Change of use from drop-in centre to studio/gallery for Mrs J Halliday	D2
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Planning Permission is **granted** subject to the standard condition.

*There was some discussion about the provision of parking, as there is no scope for it to be provided within the property due to the small plot size. EPO added that it had been argued that the limited hours of business and the nature of that business would mean a minimal requirement for parking. He also thought that it would be difficult to find an alternative use that did not generate a need for parking. EPO reminded Members of the decision made in regard to the parking provision for the new café on John Street. Councillor Cheek queried whether it was possible for one parking space to be provided just for loading and unloading of stock and materials. EPO and DPS said that this would not be possible and DPS added that the business would not be able to generate on-street parking by virtue of the clearway restrictions on Ross Road.*

5.4	18/10	88 Davis Street, Stanley	Removal of existing garage and erection of 16' Nissen hut for Mr & Mrs D Thorsen	D2
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Planning Permission is **granted** subject to the standard condition.

*CFO queried whether this would be for private or commercial use. EPO advised that, as far as he was aware, it would be private but that, if it were for commercial use, a further planning application would be required for change of use.*

5.5	19/10	Malvina House Hotel, Ross Road, Stanley	Extension to rear to include new kitchen and ancillary facilities, a meeting room and improved toilet facilities for Stanley Services Ltd	D2 & B10
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Planning Permission is **granted** subject to the standard condition.

Item	Ref	Site	Proposal	Key Policies
			<i>Permission was granted with no further comment.</i>	
5.6	20/10	Land rear of 10 Barrack Street, Stanley	Erection of 1 ½ storey dwelling for Mr G Bound	D2 & H14

Planning Permission is **refused** for the following reasons:

1. Parking arrangements are unsatisfactory. There is insufficient space to enter and leave in a forward direction and vehicles will have to reverse into/or from the site – giving rise to highway and pedestrian safety issues on Barrack Street. This, coupled with the general configuration of the proposed spaces is likely to make them unattractive to users and encourage undesirable on-street parking on neighbouring streets.
2. Inappropriate design by virtue of a dormer that gives the dwelling an unbalanced appearance and a roof that is out of scale with the lower part of the building.
3. A failure to safeguard the built heritage of Stanley in that the design of the dwelling and its proximity to the Tabernacle Church will adversely affect the setting of this listed building.

*EPO expanded further on the reasons recommended for refusal and referred Members to the letters of representation received. Chair commented that she was surprised that outline permission had been given for development of this area previously. Councillor Cheek added that the site would constitute 2 businesses and 2 dwellings if this application was approved, and that she considered this to be too much development in one area. Members agreed and endorsed the EPO's recommendation for refusal.*

5.7	21/10	12 Drury Street, Stanley	Change windows on listed building for Miss S Hirtle	E1
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*Consideration of this application had to be **deferred** due to the unavailability of sufficient (two) members of the Historic Buildings Committee. These Members are required to augment the P&BC when discussing an application relating to a listed building. Secretary reported that efforts are being made to recruit two more lay members to the HBC in order to ensure that there is a larger pool of people on whom to call on to attend P&BC when required.*

5.8	22/10	Land rear of 52 Davis Street, Stanley	Erection of bungalow for Mr N McKay	D2 & H4
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Planning Permission is **granted** subject to the standard condition and the following conditions:

Item	Ref	Site	Proposal	Key Policies
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1. Two off-street parking spaces shall be provided on site prior to the occupation of the dwelling hereby approved.
2. The blue container on site shall be removed prior to the occupation of the dwelling hereby approved.

**Reasons for Conditions**

1. In the interests of highway and pedestrian safety.
2. In the interests of the amenity of the occupiers.

*Members noted the objection received. EPO advised that in regard to the mobile home on site, it had been given an exemption from requiring planning permission by ExCo some years ago, with the proviso that it was not to be used for any purpose. It was sited in part of the garden that did not form part of the new property and, as such, it would be inappropriate to include a condition to secure its removal.*

*In regard to the blue container which was within the new plot, Members noted that it would be very close to the new dwelling and thought that it should be removed as a condition of approval as it would otherwise adversely affect the amenity enjoyed by the occupiers of the property.*

*There was some discussion about the impact on the existing sewerage system but it was acknowledged that this was a matter for consideration under the building permit application, in conjunction with DPS.*

*Members noted the concerns regarding the poor visibility at the junction of Callaghan Road and Philomel Street and asked the EPO to write to the applicant indicating support for the lowering of the existing boundary fence as part of the approved development, should the opportunity arise.*

5.9	23/10	28 Hansen Hill, Stanley	Erection of bungalow for Mr & Mrs N Francis	D2 & H4
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Planning Permission is **granted** subject to the standard condition and the following condition:

1. Two off-street parking spaces shall be provided on site prior to the occupation of the dwelling hereby approved.

**Reason for Condition**

Item	Ref	Site	Proposal	Key Policies
			1. In the interests of highway and pedestrian safety.	
			<i>Permission was granted with no further comment.</i>	
5.10	24/10	19 Brandon Road, Stanley	Erection of bungalow for Mr & Mrs K Grimmer	D2 & H4

Planning Permission is **granted** subject to the standard condition and the following condition:

1. Two off-street parking spaces shall be provided on site prior to the occupation of the dwelling hereby approved.

#### **Reason for Condition**

1. In the interests of highway and pedestrian safety.

*EPO advised that the outline planning permission granted had conditions that stipulated that the house be no more than one storey, with a footprint of no larger than 88m<sup>2</sup>. This proposal met these criteria.*

## **6 Use of Delegated Powers for determining Planning Applications –**

Councillor Cheek commenced deliberations by stating that this legislation would be at the back of a long queue for drafting and thus, she did not anticipate it being done within the time frame stipulated in the report. Chair agreed. SCC advised that she had already done the majority of the drafting and that it only required reviewing by either Principal Crown Counsel or the legislative drafter for approval, thus it is possible that the legislation could be produced sooner than anticipated.

Members then discussed the need for enforcement when planning conditions are not complied with. All were in agreement that the P&BC needed to ensure that it was clear that enforcement would be taken in such cases.

With regard to conditions, the EPO advised that he had a concern regarding the need for, and wording of, conditions. In previous meetings the Committee had often been content to grant planning permission, but had then spent some time debating the wording of conditions to be attached. The proposed scheme included the drafting of conditions for Members to comment on and approve before the Decision Notice was issued.

Members agreed that the paper should go to ExCo for approval. CFO commented that he would like to see all applications for infill development and commercial development come before the Committee regardless of whether they are complicated/contentious or not. DPS responded that this would require a definition of “infill development” as there were many and varied cases on

Item	Ref	Site	Proposal	Key Policies
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equally varied areas of land.

**7 Erection of dwelling, land rear of 27 Fitzroy Road, Stanley (93/09/PB) – Request to amend planning consent.**

Members referred to the EPO’s report. EPO explained that in the original planning application the applicant had shown access to the property through a shared drive running along the eastern boundary between his and a neighbouring property. The applicant was now requesting permission to have this element removed as he intended to use an existing track to the west of the property (the access to 33 Davis Street) to reach his parking spaces. He intended to surface the track with gravel or similar material.

Members noted the letter of objection from a neighbour in the area but concluded that this development would not have any significant impact on existing traffic levels.

Members thought that, provided the applicant could show that he had right of access through this route in perpetuity, then his request could be granted and agreed this part of the recommendation. However, notwithstanding the change of access, they thought that the applicant should be required to provide the parking spaces now, as per the condition attached to the planning consent.

**8 Building Permit Applications Reviewed by the Building Adviser**

Item	Ref	Site	Proposal	Status
8.1	27/09/1	Plot 11, Lookout Industrial Estate, Stanley	Erection of 3 single-storey retail units.	Conditionally approved
8.2	129/09	1 Felton Court, Stanley	Erection of garage for Mr V Stychoy	Conditionally Approved
8.3	133/09	Land east part of garden at 1 Fieldhouse Close, Stanley	Erection of dwelling for Mr J East	Conditionally approved
8.4	136/09	1a to 3b Hansen Hill, Stanley	Erection of 2 x pair of semi-detached dwellings for FIG	Rejected
8.5	02/10	19 Brandon Road, Stanley	Detailed plans for erection of dwelling for Mr & Mrs K Grimmer.	Approved
8.6	05/10	3 Ross Road West, Stanley	Change of use of Portakabin from storage to accommodation for family member for Mrs J Jaffray	Conditionally approved

<b>Item</b>	<b>Ref</b>	<b>Site</b>	<b>Proposal</b>	<b>Status</b>
<b>8.7</b>	06/10	3 Moody Street, Stanley	Extensions to dwelling for Mr & Mrs J Thomas	Approved
<b>8.8</b>	08/10	Moody Brook FIDC Aquaculture Site, Stanley	Siting of polytunnel, header tank and sump tank for Falkland Fish Farming Ltd	Exempt
<b>8.9</b>	10/10	Land rear of 33A Davis Street, Stanley	Erection of two-storey dwelling from Mr & Mrs M Bloomfield	Rejected
<b>8.10</b>	11/10	Land rear of 1 Goss Road, Stanley	Erection of bungalow for Mr & Mrs R Bryson	Rejected

*CFO queried whether, as the building permit application had been rejected and the fact that building works had already commenced on site, the applicant and agent were contravening the building regulations. BA confirmed that this was the case and added that the only action he could take would be enforcement action. He explained that he was unsure if the Committee were happy to take this course of action as in past cases, they had displayed reluctance to do so. Members agreed that, in future, enforcement action had to be taken.*

<b>8.11</b>	17/10	Old Telephone Exchange, Ross Road, Stanley	Change of use from drop-in centre to studio/gallery for Mrs J Halliday	Approved
<b>8.12</b>	18/10	88 Davis Street, Stanley	Removal of existing garage and erection of 16' Nissen Hut for Mr & Mrs D Thorsen	Awaiting information
<b>8.13</b>	19/10	Malvina House Hotel, Ross Road, Stanley	Extension to rear to include new kitchen and ancillary facilities, meeting room and improved toilet facilities for Stanley Services Ltd	Awaiting information
<b>8.14</b>	20/10	Land rear 10 Barrack Street, Stanley	Erection of dwelling for Mr G Bound.	Conditionally approved
<b>8.15</b>	21/10	12 Drury Street, Stanley	Change windows on Listed building for Miss S Hirtle	Exempt
<b>8.16</b>	22/10	Land rear of 52 Davis Street, Stanley	Erection of bungalow for Mr N McKay	Awaiting information
<b>8.17</b>	25/10	1 Watson Way, Stanley	Extension to dwelling for Ms K Drysdale	Awaiting information

Item	Ref	Site	Proposal	Status
8.18	26/10	'The Stables', Moody Brook, Stanley	Siting of Portakabin for storage for Mr D G Fiddes	Exempt
8.19	27/10	98 Davis Street, Stanley	Change of use of building from storage and music studio to food preparation area (for home delivery) and music studio for Mrs S Goss	Awaiting information
8.20	28/10	1 Anderson Drive, Stanley	Erection of attached garage for Mr I Summers	Awaiting information
8.21	29/10	Marmont Row, Ross Road, Stanley	Change of use of BAS premises to 2 x houses and improvements to house 7 for FIC Ltd.	Awaiting information

## 9 Date of next meeting

The next meeting was confirmed as **Thursday 6 May 2010** at 8.30am in the Liberation Room, Secretariat.

Chair, CFO and Sec advised that they would not be attending. Beth Reid will be taking the minutes at this and the June meeting.

## 10 Exclusion of Press and Public

The Chairman moved that the press and public be excluded on the grounds that the next items to be considered were exempt within the terms of Part 1 of Schedule 2 of the Committees (Access to Information) Ordinance 2000.

## PART II

### 11 Confirmation of the Exempt Minutes of the meeting held on 4 March 2010

The exempt minutes of the meeting held on 4 March 2010 were confirmed with no amendments.

### 12 Matters arising from the Exempt Minutes of the meeting held on 4 March 2010

#### 12.1 21 Fitzroy Road –.

**EPO**

*(Not for publication by virtue of Paragraph 13 of Part 1 of Schedule 2 of the Committees (Access to Information) Ordinance 2000 for reason that enforcement action might be*

taken)

**13 Erection of dwelling, land rear of 27 Fitzroy Road, Stanley (93/09/PB) – non-compliance with planning condition**

EPO advised that the applicant has yet to provide the off-street parking for this dwelling, despite having occupied it for a few weeks. The planning permission granted for this property was subject to a condition that the parking had to be provided **prior** to the occupation of the dwelling. EPO asked Members whether they wished to initiate enforcement action against the owner because of this non-compliance. Members agreed.

It was also agreed that a similar case on Davis Street be investigated and dealt with in the same manner if required.

**EPO**

*(Not for publication by virtue of Paragraph 13 of Part 1 of Schedule 2 of the Committees (Access to Information) Ordinance 2000 for reason that enforcement action might be taken)*

**Urgent item Definition of a conservatory**

BA advised that he was seeking the Committee's endorsement of the definition of a conservatory as he had stipulated in the "Exempt Buildings Guidance Note". Members reviewed it and agreed that the definition given was satisfactory.

BA then went on to explain a situation at a private property where the owner has erected a structure which he is claiming to be a conservatory (and therefore exempt from requiring a building permit) whereas BA is arguing that it does not fit the definition above and as such is an extension, requiring a building permit.

Members reviewed the photographs of the structure and concurred with the BA's view. They also agreed that the applicant be required to submit an application for a building permit forthwith or face enforcement action.

**BA**

*(Not for publication by virtue of Paragraph 13 of Part 1 of Schedule 2 of the Committees (Access to Information) Ordinance 2000 for reason that enforcement action might be taken)*

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***The meeting closed at 1030 am***

***Confirmed this***

***day of***

***2010***

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***Chairperson***