

THE PLANNING AND BUILDING COMMITTEE

Minutes

These minutes are draft until confirmed by Chairman

Friday 4th December 2009

8.30am in the Liberation Room, Secretariat

Distribution List:-

Hon Mrs S Halford

Hon Mrs J Cheek

Miss A King

Mr G France

Mr R French

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
Friday 4th December 2009
8.30am
Liberation Room, Secretariat

Minutes

Present:	The Honourable Mrs S Halford	Chair
	The Honourable Mrs J Cheek	
	Mr R French	RF
	Miss A King	AK
	Mr G France	GF
	Miss H Norman	HN
	Mr B Summers	BS
In Attendance:	Mr A Payne	EPO
	Mr N Stephens	BA
	Mr M Keenleyside	DPS
	Ms A Inglis	SCC
	Mr G Fiddes	CFO
Secretary:	Mrs F Wallace-Nannig	Sec

Public & Press: 1

PART I

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

CFO declared an interest in item 4.1.

3 Confirmation of the minutes of the meeting held on 29 October 2009

The open minutes of the meeting held on 29 October 2009 were confirmed with no amendments.

4 Matters arising from the minutes of the meeting held on 29 October 2009

4.1 106/09 Land rear of 74 Davis Street – Outline application for erection of dwelling (Item 5.3) - EPO reminded Members that, while outline planning permission had been granted to the principle of developing the plot for residential use at the previous meeting, they had not been content with the indicative size of the proposed house footprint and considered it too large for the plot. The EPO had subsequently discussed Committees concerns with the applicant and the latter had responded with a proposal.

The applicant is now proposing to delete the garage/workshop and move the dwelling slightly north to enable the two off-street parking spaces to be created

adjacent to Callaghan Road. This would mean the house occupying 29% of the plot (was 36% in previous application) if the area for the shared drive is included. Without inclusion of the shared drive, coverage by the house equates to 36% (as opposed to 45% previously). Unlike the original proposal the new scheme would provide a useable rear garden area of 10.5m x 4.5m.

The EPO sought guidance from the Committee as to whether the proposed changes were sufficient to address their concerns. He added that if they were, an Article 6 Direction could be placed on the plot at the detailed planning stage to ensure that a garage was not subsequently built under 'permitted development rights'.

Councillor Cheek asked whether there were guidelines governing the percentage of coverage permitted. EPO advised that there was not and that the policy was that each application be considered on a case-by-case basis. Chair sought confirmation that there were other infill development on this block and was advised that there were, but on larger plots.

CFO noted that at least this application showed provision of access to the rear of 74 Davis Street for the use of occupants of that address. In his opinion this development was no more "tight" than that on other infill properties elsewhere in town.

Members agreed that this new proposal was acceptable and asked the EPO to advise the applicant accordingly.

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

Item	Ref	Site	Proposal	Key Policies
5.1	113/09	Byron House, 3 H Jones Road, Stanley	Extension and modifications to existing building for Byron Holdings Ltd.	D2 & B1

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

1. Four additional parking spaces shall be provided adjacent to the existing car park prior to the occupation of extension hereby approved.

Reason for Condition

1. In the interests of pedestrian and highway safety.

EPO reminded Members that this application had been deferred at the last meeting as they were concerned about the absence of any additional parking. He advised Members that there were no guidelines regarding the provision of

Item	Ref	Site	Proposal	Key Policies
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parking for offices but said that the typical requirement for such provision in the UK was 1 space per 30-35m² of office space. Using this calculation, this development would require an additional four parking spaces. DPS agreed that this was an appropriate number.

EPO reported that the applicant was not adverse to meeting this requirement, which could be provided adjacent to the existing building. In this regard the applicant had met with DPS to discuss the appropriateness (and suitability) of using an area of FIG land to the east of the existing car park. Permission was granted with a condition requiring the provision of four additional parking spaces to be provided adjacent to the existing car park prior to the occupation of the new extension.

5.2	114/09	18 Murray Heights, Stanley	Extension to dwelling for Mr & Mrs R Anderson	D2 & H8
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Planning Permission is **granted** subject to the standard condition.

Members were advised that a previous Committee had agreed to a maximum increase of 30% in dwelling size on plots at Murray Heights, except for corner plots where applications would be considered on a case by case basis. This development was on a corner plot.

The EPO said that if the application was approved the original unit would have been extended by 70%. However, it was situated in a large plot and he said that he had no concerns regarding overdevelopment.

Permission was granted with no further comment.

5.3	115/09	Land rear of 1 & 2 Racecourse Road, Stanley	Outline application for erection of bungalow for Mr & Mrs Z Elbakidze	D2 & H5
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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

1. In the interests of highway and pedestrian safety.

EPO informed Members that outline permission had been approved at the meeting at the beginning of October for this development, but for a slightly different area. On applying to Lands Committee to purchase the land, that

Item	Ref	Site	Proposal	Key Policies
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Committee had concluded that a slightly different site would be more appropriate – hence the new application.

The new siting has largely removed the issues regarding overlooking and separation distances from 1 and 2 Racecourse Road. No representations or objections had been received. EPO advised, that if outline permission is granted he will be advising the applicants that the parking spaces will have to be re-configured to show them alongside each other as opposed to tandem (as indicated on the plans). Members agreed that this was appropriate.

Chair queried whether the site was an area of land infill. DPS advised that it was and that, considering its age, there should not be any problems developing it.

Permission was granted with no further comment.

5.4	116/09	17 James Street, Stanley	Porch extension for Mr & Mrs B Aldridge	D2 & H8
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This proposal was permitted development so there was no discussion.

5.5	117/09	9 James Street, Stanley	Erection of poly tunnel (4.27m x 9.15m) for Mr A Watson	
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Planning Permission is **granted** subject to the standard condition and the following condition:

1. The plastic covering and frame of the polytunnels shall be maintained in a tidy condition.

Reason for Condition

1. A poorly maintained polytunnels is likely to detrimentally effect visual amenity.

Permission was granted with no further comment.

5.6	118/09	Mullet Creek Farm, East Falkland	Erection of dwelling for Mr C Ross	Structure Plan BE2
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Planning Permission is **granted** subject to the standard condition.

Members were advised that planning permission had been granted in 2007 for a dwelling on this property but that the owner had now decided to change the

Item	Ref	Site	Proposal	Key Policies
			<i>design and size, hence this new application.</i>	
			<i>Permission was granted with no further comment.</i>	
5.7	119/09	23 John Street, Stanley	Change of use from retail to café with seating for 12 people and provision of toilet facilities for Mrs S Knipe.	D2 & B1

Planning Permission is **granted** subject to the standard condition.

EPO explained his reasoning for recommending refusal. The building has an established use as a retail unit (confirmed by SCC) and as such, it is a change of use to use it as a café. The established use as a shop includes a notionary two parking spaces (based on the parking standard of 1 space/50m² plus 1 space/1.5 staff), although none actually exist. The parking requirement for restaurants is calculated on the basis of 1 space/4 customers plus 1 space/1.5 staff. Hence, this change of use should require a total of at least four parking spaces. Taking into account the existing use of the building as a retail unit and its two spaces, there remains a shortfall of at least two spaces.

There was considerable debate regarding the requirement for parking in this area. It was acknowledged that this part of John Street has a parking problem and that, if parking is not provided for this development, it could exacerbate the situation. HN & AK argued that people visiting the café were unlikely to drive there and so there was little requirement for parking spaces. Chair noted that another restaurant premises nearby had no parking provision and yet continued to operate as such, with its clientele parking on the street. She also added that if this parking provision is truly required for this building, then it can never be anything other than a shop as there was no space near to it to provide the parking required.

DPS made the point that if the Committee agree to waive the requirement for parking provision, knowing that this will worsen an existing parking problem, how will they then be able to insist upon it elsewhere? Councillor Cheek supported this, adding that there needed to be consistency in the application of such policy requirements.

The matter was put to the vote. All five lay members voted to grant consent without the need for parking spaces, with Councillor Cheek supporting the EPO's recommendation to refuse. It was thus agreed that permission be granted without the requirement for parking spaces.

5.8	120/09	Land rear of 88 Davis Street, Stanley	Outline application for erection of dwelling for Mr & Mrs D Thorsen	D2 & H4
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Planning Permission is **granted** subject to the standard condition and the following conditions:

1. Two off-street parking spaces shall be provided on site prior to the occupation of the dwelling hereby approved.
2. A vehicular track shall be provided through the site from Callaghan Road prior to the commencement of works, to facilitate access to the rear of 88 Davis Street, Stanley.

Reasons for Conditions

1. In the interests of highway and pedestrian safety.
2. To ensure that off-street parking is still available to the occupiers of 88 Davis Street.

Members noted the letter of objection. EPO explained that he had discussed the matter of the capability of the existing sewage system to accommodate a third house with DPS. DPS advised that the problem was a long-standing one to do with the clay pipe currently used. This section is to be replaced soon and he could see no reason why, after this was done, the system could not take on the load from a third house.

EPO advised that he had discussed the application with SCC who had advised that the provision of access to the rear of 88 Davis Street (stipulated in condition 2) be amended to require construction prior to the commencement of any works on the infill plot. Members agreed.

Permission was granted with no further comments.

5.9	121/09	Computer Section, Lookout Industrial Estate, Stanley	Provision of hardstanding and installation of power generator for FIG	D2 & B1
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Planning Permission is **granted** subject to the standard condition.

EPO reported that he had been initially concerned about noise from the generator but could confirm, having read the manufacturers specification, that the levels of noise would be minimal and should not affect the amenity of nearby residential properties.

Permission was granted with no further comments.

5.10 122/09 15 Sullivan Street, Stanley Erection of single-storey dwelling for Mr A Steen & Ms K McRae D2 & H5

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.

Permission was granted with no further comments.

5.11 123/09 33 Coastel Road, Stanley Erection of warehouse for Byron Holdings Ltd D2 & B5

Planning Permission is **granted** subject to the standard condition.

Permission was granted with no further comments.

5.12 127/09 33 Coastel Road, Stanley Erection of two silo plants for Bryon Holdings Ltd D2 & B5

Planning Permission is **granted** subject to the standard condition.

Permission was granted with no further comments.

6 Building Permit Applications Reviewed by the Building Adviser

At the start of this item the Building Adviser informed Members that the main reason why so many permit applications were marked as rejected was because the applicant had not provided all the necessary information that he required within an eight week period. Once the outstanding information was received the BA would continue to process the application.

Item	Ref	Site	Proposal	Status
6.1	94/08	Mullet Creek Farm, East Falkland	Erection of dwelling for Mr & Mrs M Barlow	Conditionally Approved

6.2	10/09	1-3 Lellman Way, Stanley	Erection of dwelling for Mr M K Summers	Approved
6.3	25/09	10 Snake Hill, Stanley	Single-storey extension and internal alterations for Mr W Clement	Rejected & resubmitted
6.4	29/09	BAS Offices, Marmont Row, Stanley	Change of use from residential for FIC Ltd	Take off as PP only
6.5	42/09	Felton Cottage, Felton Stream, Stanley	Extension of existing cottage and erection of 3 flats to west for Mr & Mrs D Harris	Take off as PP refused
6.6	94/09	6 McKay Close, Stanley	Erection of garage for Mr T Berntsen	Exempt
6.7	95/09	10 Sullivan Street, Stanley	Erection of garage for Mr M Stroud	Conditionally approved.
6.8	96/09	5 Jersey Road, Stanley	Erection of garage and home office for Mr N Bishop & Miss T Newman	Approved
6.9	104/09	30 Hansen Hill, Stanley	Erection of single-storey dwelling for Mr K Marsh	Awaiting information
6.10	105/09	5 Gleadell Close, Stanley	Erection of garage for Mr J Moffatt	Approved
6.11	109/09	13 Sullivan Street, Stanley	Erection of single-storey dwelling for Mr & Mrs S Toolan	Awaiting information
6.12	112/09	33 Coastel Road, Stanley	Construction of modularised office accommodation, creation of container laydown area, erection of fence, car parking and bund for Byron Holdings Ltd.	Rejected
6.13	116/09	17 James Street, Stanley	Porch extension for Mr & Mrs B Aldridge	Approved
6.14	119/09	23 John Street, Stanley	Change of use from retail to café with seating for 12 people and erection of new toilet facilities.	Awaiting information

6.15	123/09	33 Coastel Road, Stanley	Erection of warehouse for Byron Holdings Ltd	Approved.
6.16	102/07	Mullet Creek Farm, East Falkland	Erection of single-storey dwelling for Mr & Mrs C Ross	Rejected see app 118/09
6.17	22/08	4 Fitzroy Road East, Stanley	Erection of two-storey extension for Dr & Mrs R Davies	Rejected
6.18	29/08	Stanley Services Office, Stanley	Erection of two-storey office extension for Stanley Services Ltd	Rejected
6.19	39/08	80 Davis Street, Stanley	Erection of sun-room for Mr J Lazo	Rejected
6.20	79/08	1 Biggs Road, Stanley	Erection of conservatory and associated decking for Mr R Morrison & Miss S Owen	Rejected
6.21	97/08	34 Eliza Crescent, Stanley	Extension to garage for Mr G Peck	Rejected
6.22	02/09	11 Jersey Road, Stanley	Extension to dwelling for Mr & Mrs R May	Removed
6.23	13/09	1 Moody Street, Stanley	Erection of dwelling for Mr T Morris	Rejected
6.24	22/09	10 Haskard Rise, Stanley	Detailed plans for erection of dwelling for Mr K Harris	Rejected
6.25	26/09	Old Balloon Site, Bypass Road, Stanley	Erection of 4 semi-detached dwellings for Ian Stewart Construction Ltd	Rejected
6.26	27/09	Plot 11, Lookout Industrial Estate, Stanley	Erection of 3 retail units for Ian Stewart Construction Ltd	Rejected
6.27	33/09	4 Drury Street, Stanley	Erection of sunroom for Mr J Birmingham	Approved conditionally

6.28	37/09	SAMS, Boathouse, Ross Road, Stanley	Extension to boathouse and amendment to 75/08 – erection of small store with washroom facility and bedsit for SAMS Ltd	Rejected
6.29	46/09	3 Mink Park, Moody Brook Road, Stanley	Erection of garden room with internal barbecue area for Mr & Mrs M Olmedo	Rejected
6.30	83/09	Rear of 7 Fitzroy Road, Stanley	Detailed plans for erection of dwelling for Mr & Mrs M Clarke	Rejected
6.31	84/09	25 Callaghan Road, Stanley	Change of use from garage to dwelling of Mr M Sackett	Rejected
6.32	103/09	24 Goss Road, Stanley	Change of use of part of dwelling as self-contained bedsit for Mrs C Cant	Approved conditionally
6.33	114/09	18 Murray Heights, Stanley	Extension to dwelling for Mr & Mrs R Anderson	Approved conditionally
6.34	118/09	Mullet Creek Farm, East Falkland	Erection of dwelling for Mr C Ross	Approved
6.35	122/09	15 Sullivan Street, Stanley	Erection of dwelling for Mr A Steen & Ms K McRae	Awaiting information
6.36	124/09	Lookout Industrial Estate, Stanley	Erection of storage building for Mr I Bury	Awaiting information
6.37	125/09	Capricorn Road, Stanley	Erection of sunroom for Mr C Kirkham	Awaiting information
6.38	126/09	1 Felton Court, Stanley	Erection of garage for Mr V Sytchov	Awaiting information
6.39	127/09	1 Fieldhouse Close, Stanley	Erection of dwelling for Mr J East	Awaiting information
6.40	136/09	1a to 3b Hansen Hill, Stanley	Erection of 2 x pair of semi-detached dwellings for FIG Ltd	Awaiting information

7 Date of next meeting

The next meeting was confirmed as **Thursday 7 January 2010** at 8.30am in the Liberation Room, Secretariat (to be confirmed).

SCC passed on her apologies for this meeting.

8 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

9 Confirmation of the Exempt Minutes of the meeting held on 29 October 2009

The exempt minutes of the meeting held on 29 October 2009 were confirmed with no amendments.

10 Matters arising from the Exempt Minutes of the meeting held on 29 October 2009

- 10.1 21 Fitzroy Road – Demolition of chimney** (Item 11) – SCC queried whether the AG had made a decision on this matter. EPO advised that he has to submit further information to the AG but has not done so yet.

Merry Christmas and a Happy New Year

The Meeting closed at

Confirmed this

day of

2010

Chairperson