

# **THE PLANNING AND BUILDING COMMITTEE**

## **Minutes**

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

**Thursday 6 May 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 6 May 2010**  
**8.30am**  
**Liberation Room, Secretariat**

**Minutes**

<b>Present:</b>	The Honourable J Cheek, MLA The Honourable G Short, MLA	Chair
	Miss J Cotter Mr G France Mr B Summers	JC GF BS
<b>In Attendance:</b>	Mr A Payne Mr N Stephens Mr M Keenleyside Ms A Inglis	EPO BA DPS SCC
<b>Secretary:</b>	Ms B Reid	For Sec

**Public & Press: 2**

**PART I**

*Chair opened the meeting by advising that the Committee would be augmented by two Members of Historic Buildings Committee as one application to be considered relates to a listed building. They left after Item 5.3 was discussed.*

**1 Apologies for absence**

Members noted that apologies had been received from Hon Mrs S Halford (Chair), Mr G Fiddes (CFO), Mr R French and Mrs F Wallace-Nannig (Sec).

**2 Declarations of interest**

None

**3 Confirmation of the minutes of the meeting held on 1 April 2010**

The open minutes of the meeting held on 1 April 2010 were confirmed with one amendment to Item 8.10. In the box in the first sentence where it says "the applicant and agent were contravening the building regulations" it should say "the builder was contravening the building regulations".

**4 Matters arising from the minutes of the meeting held on 1 April 2010**

**4.1 Use of delegated powers for determining planning applications –**  
Page 6, item 6.

EPO advised Members that this application was to be referred to the June ExCo meeting and that he hoped to report back to the Committee at the July meeting.

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

EPO advised Members that he had been in contact with the applicant who was is in process of providing parking spaces as per the condition attached to his planning consent.

**5** Planning applications Decisions

Item	Ref	Site	Proposal	Key Policies
5.1	21/10	12 Drury Street, Stanley	Change windows on listed building for Miss S Hirtle.	D2 & E1

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

1. The window in the lower right of the north elevation shall be replaced like for like in terms of design and glazing bars.
2. The window in the lower left of the north elevation shall be replaced by one with equally proportioned glazing bars.

**Reason for conditions:**

1. A replacement design on a like for like basis is more appropriate for this historic building and will better match the windows already installed on the upper floor of this prominent elevation.
2. This existing window is of a modern design and is out of character in a building designated for its historical and architectural interest. The replacement window will better match the windows hereby approved, and also the windows already installed in the upper floor of this prominent elevation.

*SCC pointed out to Members that the application says the traditional designed lower west window on the north elevation is to be changed to match the modern-design lower east window on the north elevation, but that it should be the west window that is replaced with a window of the same design, while the east window is to be changed to match the existing west window.*

*Members agreed that the proposed lower west window is out of character in a building designated for its historical and architectural interest. EPO said he would correct the conditions attached to the approval to address this issue. Members noted that HBC was prepared to offer a grant to support the replacement of the lower left window in the north elevation.*

5.2	31/10	Land rear of 5 Drury Street, Stanley	Outline application for erection of dwelling for Mr K Halliday	D2 & H4
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Planning Permission is **refused** as the proposal is contrary to Policy D2 of the Stanley Town Plan in that:

1. Built heritage is not safeguarded. The proposal would have an unacceptable impact on the character of the historic part of Stanley as it would be on a conspicuous elevation between the Victorian Cottages of Pioneer Row and Drury Street, the greatest concentration of historic houses in Stanley.
2. The proposed off-street parking space does not meet the parking standard as it is of insufficient length to accommodate two vehicles.
3. The proposed design of the dwelling (a log cabin) is inappropriate for this part of Stanley, with its concentration of historic buildings.

*EPO advised Members that, prior to the Planning Ordinance two dwellings had been built north of Pioneer Row but that since it came into force there had been four applications refused due to this being an historic part of Stanley. He then informed Committee that the Historic Buildings Committee did not support infill development in this highly sensitive area.*

*Members noted the other concerns raised by the EPO and agreed to refuse the application for the reasons stated in his recommendation.*

5.3	33/10	"Speedwell Paddock", Villiers Street, Stanley	Erection of pair of 1 ½ storey semi-detached dwellings for Mr J McKay	D2 & H4
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Planning Permission is **refused** for the following reason:

1. The proposal would result in overdevelopment by virtue of the bulk of the building being too great for the site such that it will dominate (in a negative way) the buildings and open areas around it.

*EPO advised Members that this was the same proposal as was submitted in 2008 which the Committee refused on the grounds of overdevelopment and which was then dismissed on appeal by ExCo. Members sought more information on the grounds for refusal and the EPO said that the only reference on file was to "overdevelopment".*

*Members asked about the impact on traffic in the area and DPS advised that changes have been approved for pedestrian crossings at the IJS and that it is a fine balance whether additional development would lead to increased traffic.*

*Members noted the view of Historic Buildings Committee that the design was appropriate for the area but that a one single storey house would be more appropriate.*

*EPO reported on the objection that had been received and sought to show, by way of a drawing, how the proposed plans would not greatly change the northern outlook from 4 Villiers Street when compared to the existing view which was dominated by a garage/shed formerly used as a shop.*

*After some discussion over the merits of the scheme the matter went to a vote resulting in 3 against 2 in favour, with the Committee resolving to refuse the application on the grounds of overdevelopment.*

- 5.4** 25/10 1 Watson Way, Stanley Extension to dwelling for D2 & H8  
Mrs K Drysdale

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

*In response to a query, DPS advised that there were no road safety or visibility issues arising from the proposal. Permission was granted without further comment.*

- 5.5** 26/10 "The Stables", Moody Siting of Portakabin for D2  
Brook, Stanley storage for Mr D G  
Fiddes

Planning Permission is **granted**, subject to the following condition:

1. Planning permission is granted for a limited period only, expiring on 30 April 2015 at, or before which time, unless permission is renewed, the Portakabin shall be removed from the site.

**Reason for condition:**

1. The Portakabin is a temporary structure for which a permanent planning permission would not be appropriate

*EPO in response to the Chair's query confirmed that the site would be checked at the end of the five years for compliance with the condition. He also confirmed that the applicant could reapply once the five years were up. Members thought that the proposed siting was better than the current location of the portakabin and resolved to approve the application.*

- 5.6** 27/10 98 Davis Street, Stanley Change of use from D2, H4 & B3  
storage and music studio  
to food preparation area  
(for home delivery) and  
music studio for Mrs S  
Goss

Planning Permission is **granted**, subject to the following conditions:

1. This is a temporary permission that expires on 31 May 2011, after which

time the preparation of pizzas and their delivery from the premises must cease unless a further permission has been granted.

2. Pizza deliveries shall only be made between the hours of 8 am and 10 pm.
3. Pizza deliveries shall only be made by moped.
4. No retail sales or collection by personal callers are permitted from the premises.
5. No hot food, other than pizzas, is to be prepared on site and delivered from these premises.
6. The premises shall not be used for commercial sound recording.
7. Details of the external materials and colours for the building shall be agreed with the Environmental Planning Officer and implemented as agreed.

#### **Reason for conditions**

1. In order to evaluate the environmental, amenity, parking and traffic implications of the proposed development.
2. In order to safeguard the amenity enjoyed by neighbouring residents.
3. This is the mode of transport proposed in the application and because the development site contains insufficient off-street parking provision for four-wheeled vehicles.
4. To safeguard the amenity of neighbouring residents who could otherwise be adversely affected by visiting customers by virtue of noise and disturbance that would be compounded by the absence of off-street parking.
5. In the interests of amenity, by limiting the range of cooking related smells which might adversely affect neighbouring residents.
6. The music studio is an ancillary use incidental to the enjoyment of the main dwellinghouse and the absence of off-street parking makes the building unsuitable as a commercial recording studio.
7. In the interests of visual amenity.

*SCC queried the view on the Health Services on the kitchen and BA advised that he had checked with CFO and CMO but had not received anything back yet.*

*BS said that when it comes to smells just down the road you have Shorty's.*

*EPO in response to SCC query about how many neighbours had been notified said that it was three - two on either side of the property and one on the opposite side of Davis Street.*

*Members spent some time considering the traffic, parking and amenity issues raised by the proposal and the options available to them by way of a decision.*

*The matter went to a vote resulting in 1 against and 4 in favour of granting a temporary permission for one year in order to evaluate the environmental, highway and parking implications of the development, subject to a number of conditions. Members also agreed that some off-street parking for staff would be necessary if the proposal was to be granted a permanent consent and asked the EPO to inform the applicant of this.*

**5.7** 28/10 1 Anderson Drive, Stanley Erection of attached garage for Mr I Summers D2

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

*Members agreed with the recommendation from the EPO.*

**5.8** 30/10 17 Sullivan Street, Stanley Erection of single-storey dwelling for Mr N Gilbert 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.
2. The colour of finishing materials for the roof and cladding shall be agreed with the Environmental Planning Officer and implemented as agreed.

**Reason for condition**

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

*Members agreed with the recommendation from the EPO.*

*9.50 am - BS apologised and left the meeting.*

**5.9** 32/10 7 Allardyce Street, Stanley Extension to dwelling and internal alterations for Miss N Heathman D2 & H8

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

*Members agreed with the recommendation from the EPO.*

**5.10** 34/10 10 Brandon Road, Stanley Erection of conservatory for Mr F Leyland D2 & H8

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

*Members agreed with the recommendation from the EPO.*

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| <b>5.11</b> | 35/10 | Stanley Cemetery, Ross Road East, Stanley | Erection of 1.8m fence on roadside boundary for Public Services Department | D2 |
|-------------|-------|---|--|----|

*DPS advised Members that he had been approached by various people expressing their concerns that they felt exposed when visiting their family's graves and that's why he had submitted an application for the proposed fence. He said that it would be ideal to carry on with the stone wall but that the costs were too high.*

*Members felt that there should be more public consultation to ascertain the views of the community. They could understand that some families may feel exposed and that maybe something should be done, but overall thought that the proposed fence would change the view too much.*

*The matter went to a vote resulting in all Members being against the application on the grounds that the benefits of screening the lower part of the cemetery for visitors did not outweigh the adverse visual effects of introducing a stark and unattractive feature into an open local landscape.*

*EPO then informed Members that as this was a Crown application it would have to go to ExCo for the final decision. DPS said that in light of the Committee's decision, he would consider whether to withdraw the application instead.*

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|-------------|-------|----------------------------------|---|---------|
| <b>5.12</b> | 36/10 | 11/13 Boxer Bridge Road, Stanley | Full planning permission for excavation, backfilling, bund construction, road access, culverts, security fencing and security lighting/floodlights. Outline application for erection of warehouse and office units for Byron Holdings Ltd | D2 & B1 |
|-------------|-------|----------------------------------|---|---------|

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

1. Details of construction of road access points shall be agreed with the Roads Engineer.
2. Security lighting shall be configured such that it does not impact on road

safety due to glare or orientation.

3. The siting, design and finishes of all buildings, and the location and size of associated car parking areas within the site are reserved matters that require the submission of a further detailed application.

**Reason for conditions:**

- 1 & 2. In the interests of road safety.
3. For the avoidance of doubt.

*EPO drew attention to the Committee of the CFO's concern regarding the lack of fire hydrants in the area and the DPS's response to those concerns. He also recommended two additional conditions to be attached to the consent to address concerns raised by DPS over the access and security lighting.*

*Members agreed the recommendation with the additional conditions.*

<b>5.13</b>	104/07/R10	Gypsy Cove car park	Temporary siting of coach tea rooms	D2, E5 & B10
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Planning Permission is **granted**, subject to the following condition:

1. The coach tea rooms hereby approved shall only be placed on site between 1 October and 30 April each year, until 30 April 2013. From 1 May until 30 September each year the coach tea rooms shall be removed from the site.

**Reason for condition:**

1. Gypsy Cove is part of Cape Pembroke and Stanley Common National Nature Reserve and it is inappropriate to site the coach tea room in this location outside the tourist season when it will not be in use.

*A Member asked if the tea rooms were well used on cruise ship days and was informed that it was. Permission was granted without further comment.*

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

<b>Item</b>	<b>Ref</b>	<b>Site</b>	<b>Proposal</b>	<b>Status</b>
<b>6.1</b>	127/09	Land east part of garden at 1 Fieldhouse Close, Stanley	Erection of dwelling for Mr J East	Approved conditionally
<b>6.2</b>	136/09	1a to 3b Hansen Hill,	Erection of 2 x pair of semi-	Resubmitted – Awaiting

		Stanley	detached dwellings for FIG	information
<b>6.3</b>	10/10	Land rear of 33A Davis Street, Stanley	Erection of two-storey dwelling from Mr & Mrs M Bloomfield	Rejected
<b>6.4</b>	11/10	Land rear of 1 Goss Road, Stanley	Erection of bungalow for Mr & Mrs R Bryson	Approved
<b>6.5</b>	18/10	88 Davis Street, Stanley	Removal of existing garage and erection of 16' Nissen Hut for Mr & Mrs D Thorsen	Approved conditionally
<b>6.6</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>6.7</b>	22/10	Land rear of 52 Davis Street, Stanley	Erection of bungalow for Mr N McKay	Approved conditionally
<b>6.8</b>	25/10	1 Watson Way, Stanley	Extension to dwelling for Ms K Drysdale	Approved
<b>6.9</b>	26/10	'The Stables', Moody Brook, Stanley	Siting of Portakabin for storage for Mr D G Fiddes	Exempt
<b>6.10</b>	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
<b>6.11</b>	28/10	1 Anderson Drive, Stanley	Erection of attached garage for Mr I Summers	Awaiting information
<b>6.12</b>	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
<b>6.13</b>	32/10	7 Allardyce Street, Stanley	Extension to dwelling and internal alterations for Miss N Heathman	Awaiting information
<b>6.14</b>	34/10	10 Brandon Road, Stanley	Erection of conservatory for Mr F Leyland	Awaiting information
<b>6.15</b>	36/10	11/13 Boxer Bridge Road, Stanley	Excavation, backfilling, bund construction, road access, culverts, security fencing and security lighting/floodlights. Outline for erection of	Exempt

			warehouse and office units	
6.16	34/10	10 Brandon Road, Stanley	Erection of conservatory for Mr F Leyland	Awaiting information
6.17	36/10	11/13 Boxer Bridge Road, Stanley	Excavation, backfilling, bund construction, road access, culverts, security fencing and security lighting/floodlights. Outline for erection of warehouse and office units	Approved

**7. Date of next meeting**

The next meeting was confirmed as **Thursday 3 June 2010** at 8.30am in the Liberation Room, Secretariat.

Mrs F Wallace-Nannig (Sec) has advised that she cannot attend. Beth Reid will be taking the minutes at 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 1 April 2010**

The exempt minutes of the meeting held on 1 April 2010 were confirmed with one amendment. In persons present it states that Helen Norman was there, this is not correct as she was not present at this meeting.

**10. Matters arising from the Exempt Minutes of the meeting held on 4 March 2010**

**10.1 21 Fitzroy Road – Demolition of chimney – Item 12.1 refers**

EPO is still awaiting an update from Crown Counsel.

*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*

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

EPO advised Members that he had been in contact with the owner of the property in question who is in the process of laying stone on the new driveway and will be commencing the car park asap. In the meantime he has formed and is using the off-street parking area approved under 10/10/PB (rear of 33A Davis Street) until his space is built. EPO said that he was content not to pursue this matter at present if the Committee agreed, which it did.

*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*

## **11 Enforcement**

EPO advised Members that he had been dealing with three property owners regarding non-compliance with planning conditions requiring the provision of off-street parking spaces. As all three are actively seeking to resolve the issue he did not advocate any further action at present. Members agreed

*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 may be taken.*

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***The meeting closed at 10.25 am***

***Confirmed this***

***day of***

***2010***

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***Chairperson***