

THE PLANNING AND BUILDING COMMITTEE

Minutes

These Minutes are draft until confirmed by Chairman

Liberation Room Meeting Room

Wednesday 1st April 2015

At 8.30 am

Distribution List:-

**Hon Mr M Poole, MLA
Hon Mrs J Cheek, MLA
Mr B Summers
Mr G Clement
Miss J Cotter
Mr J Lewis**

**Head of Environmental Planning
Building Adviser
Planning Officer**

**Director of Public Works
Chief Fire Officer
Paralegal
Crown Counsel**

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Open Minutes

Present:	Hon M Poole, MLA Hon J Cheek, MLA Miss J Cotter Mr Brian Summers Mr Gary Clement Mr J Lewis	Chair MLAC JC BS GC JL
In Attendance:	Mr S Butler (Head of Environmental Planning) Ms Fiona Wallace-Nannig (Planning Officer) Mr. M. Keenleyside (DPW) Mr G Fiddes (CFO) Mr N Arculus (Crown Counsel)	HEP PO DPW CFO CC
Secretary:	Fiona Wallace-Nannig	
Public & Press:	3	

PART I

1.	<u>Apologies for absence</u> There were no apologies for absence.	
2.	<u>Declarations of interest</u> PO declared an interest in items 7.2 as did JC, both for the reason that their children attend the nursery in question. PO added that she had no personal gain from the outcome of the application and so has written the report and would brief Committee accordingly. Members agreed. GC also declared an interest in item 7.2. JC declared an interest in item 7.5.	
3.	<u>Confirmation of the minutes of the meeting held on 4th March 2015</u> The minutes were confirmed with no amendments.	
4.	<u>Matters arising from the meeting held on 4th March 2015.</u> HEP advised, in regard to application 27/15/PB (Page 9, item 9.12), he had spoken to the Head of the Hostel (Mrs Julie Courtney) and the Head	

	of IJS (Ms K Steen) regarding the parking provision at the application site and there will a scheme drawn up in due course to make best use of the available space within the grounds.				
4.1	<u>Lay members</u> Members noted that the advert for 2 lay members will go out in this week's edition of Penguin News, as well as next week.				
4.2	<u>Members Handbook</u> Members noted that these have been issued.				
4.3	<u>Waterfront Development Applications</u> Members noted that these applications have been withdrawn and that revised plans will be submitted in due course.				
5.	<u>Planning Appeal: 188/14 – Outline application for erection of retail premises on land north of Airport Road from Mr S Toolan</u> Members reviewed the response statement prepared by PO and advised that they had nothing further to add.				
6.	<u>Delegated Powers Update</u> Members noted that list of applications approved under delegated powers since the March meeting.				
7.	<u>Planning Applications</u>				
Item	Ref	Site	Proposal	Applicant	
7.1	183/14	37 Fitzroy Road	Construction of second storey with full length porch and decking on ground floor	Mr & Mrs J Chantada	
Members noted that this application has been withdrawn and a revised application will be submitted shortly.					
Item	Ref	Site	Proposal	Applicant	
7.2	11/15	Jersey Road (directly south of OK Corral playpark)	Outline application to construct a purpose built nursery/early years child care facility	Mrs L McRae	
<p>PO explained that the applicant had now submitted the information on access and parking as requested by the Committee at the March meeting, and members were shown the submitted plan with these details included.</p> <p>MLAC stated that she did not wish to see the applicant put a lot of time and effort into addressing these issues if the Committee were of a view that, ultimately, it was likely that the application would be refused. BS suggested that a one-way system through the site could be developed whereby parents/staff drove in off Philomel Street, dropped off/ parked within the</p>					

site, and exited onto Jersey Road. DPW argued that this would be problematic as the angle at which the road would come off Philomel Street would mean that users coming off the Bypass would have to wait for traffic to pass in order to manoeuvre into the nursery road. BS responded that drivers would quickly learn that the easiest way to access the nursery road would be to come up Philomel Street. DPW refuted this.

DPW advised that he thought there might be a solution that would involve provision of parking outside the site, on the north side of Jersey Road, by the flats. HEP reminded members that conditions requiring the applicant to do something on land not under their ownership were invalid. However, a Grampian Condition, could be imposed which would basically state that the development cannot happen on the site until something (in this case, off-site parking) was provided elsewhere. As such, the applicant is not required to do works on another's land but cannot undertake their project until the works elsewhere are done.

After considerable debate, members resolved to **defer the application** and ask the applicant to work with DPW to formulate a satisfactory solution for the parking/access issue, which can then be brought to the committee when this application is considered again in May.

Item	Ref	Site	Proposal	Applicant
7.3	32/15	North part of garden at 1 Kent Road	Outline application for dwelling	Mr M Neves

Members agreed to **grant the application** subject to the conditions attached to the agenda plus one other, requiring the applicant to provide off-street parking spaces x 2, for the existing dwelling.

8. Work on the development hereby approved cannot commence until two parking spaces, each measuring 2.5m x 5m, are provided for the existing house at 1 Kent Road.

Reason

In the interests of pedestrian and highway safety.

Item	Ref	Site	Proposal	Applicant
7.4	36/15	Studio 52, Ross Road	Extension to shop	Mrs J Halliday

GC commented that he would rather see the extension finished in render as opposed to the proposed cement fibreboard cladding. PO advised that this could be conditioned. She also highlighted that a condition has been included requiring the roof to be hipped as opposed to dual-pitch (as stated in the application). Members were in agreement that it was important to retain/continue the original roof finish. HEP pointed out that the building, whilst not listed, is in the Conservation Area and is in a prominent position on the waterfront. As such, it was important to ensure that the correct development was permitted and suggested that the Committee might be minded to defer decision and request further information from the applicant in terms of finishes and intentions for the roof. Committee **agreed to defer the application** pending further information.

Item	Ref	Site	Proposal	Applicant
7.5	37/15	FIC Complex, Crozier Place	Demolition of two buildings and formation of 2-way access point	FIC Ltd

MLAC queried whether the parking areas would be finished in tarmac and each space clearly

marked out. HEP advised that this would be the case, which was confirmed by Mr Matthew Blyth (FIC representative). Members were in agreement that the works done within the complex so far have drastically improved the area. It was noted that the creation of a 2-way access point would constitute a new junction and so parking would have to be prohibited 15m either side on Crozier Place. Committee resolved to grant the application.		
8.	<u>Development Plan Consultation Results</u> Members were advised by HEP that the consultation period ended on 30 th March and, to date, 18 responses have been received. Late responses will be accepted should they arrive in the next week or two. It was agreed that the deadline could be extended by two weeks and that an advert will go out to that effect on FIRS this week. Members agreed that a meeting of P&BC just to discuss the review should be held when required.	
9.	<u>Date of next meeting</u> The date of the next meeting was confirmed as Wednesday, 6 th May 2015 at 8.30am in the Liberation Room, Secretariat. MLAC sent her apologies for this meeting.	
10.	<u>Exclusion of Press and Public</u> 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 (EXEMPT)

11.	<u>Confirmation of the exempt minutes of the meeting held on 4th March 2015</u> The exempt minutes of the meeting held on 4 th March 2015 were confirmed with no amendments.	
12.	<u>Matters arising from the exempt minutes of the meeting held on 4th March 2015</u> HEP advised that he had checked the issue of land ownership of the land at Narrow View and could advise that the land had not changed hands in recent times. He had also spoken to the person identified as the caretaker of the property in question, who denied all knowledge of the property or the original owner. Members suggested that HEP establish whether the current owner is still alive. In regard to the caravan on the site, members were unanimous in their support that formal enforcement action should be taken at the earliest opportunity	

The meeting closed at 09.30 am

Confirmed this

day of

2015.

Chairperson