

# EXECUTIVE COUNCIL

## RESTRICTED

**Title of Report:** Removal of Permitted Development Rights at the Leading Lights development, East Stanley

**Paper No:** 238/09

**Date:** 26 November 2009

**Report of:** Environmental Planning Officer

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### **1.0 Purpose**

1.1 To seek approval for the removal of specified permitted development rights at the Leading Lights development, East Stanley.

### **2.0 Recommendation**

2.1 That Honourable Members agree that permitted development rights granted under Schedule 2 Part 1, Class A (1) and (2) and Class B (2) of the General Development Order 1991 should be removed for the Leading Lights development, East Stanley.

### **3.0 Summary of Financial Implications**

3.1 None

### **4.0 Background**

4.1 In 2008 outline planning permission was granted for residential development in an area known as the Leading Lights, East Stanley.

4.2 In order to facilitate this development and continue to guide ships entering Stanley Harbour it has been necessary to relocate one of the Navigation Lights and increase the height of the other.

4.3 To ensure that mariners are readily able to identify and align their craft with the Navigation Lights it has been necessary to introduce additional controls on the development that takes place nearby. Some of these restrictions are being put in place through conditions imposed in the title deeds (Crown Grants) and other restrictions through conditions attached to detailed planning consents for dwellings.

- 4.4 The General Development Order 1991 (GDO) sets out a number of developments which can be carried out without planning permission. These include extensions and alterations to dwellings and the erection of outbuildings within the curtilage of residential plots. It is possible a future extension to a dwelling or a new outbuilding could impact on the ability of mariners to identify the Navigation Lights, thereby potentially endangering vessels, their crews and passengers.

## **5.0 Detail**

- 5.1 At the meeting of the Planning and Building Committee 29 October 2009 it was agreed to recommend to Executive Council that permitted development rights for extensions, alterations and outbuildings are removed from new residential development in the area of the Leading Lights, East Stanley in the interests of maritime safety.
- 5.2 In addition, the GDO Class B (2) allows property owners to re-roof and fit windows and doors into any existing building without consent. The installation of windows or roof lights at the Leading Lights development could potentially compromise the effectiveness of the Navigation Lights and should also require express planning permission.
- 5.3 The Governor in Executive Council can apply an Article 6 Direction to remove permitted development rights. A map showing the area to be covered by the proposed Direction is attached to this report.
- 5.4 The effect of the Direction is that planning permission is required for these types of development. It does not necessarily mean that permission would not be given, but it does allow the Planning and Building Committee and consultees to assess proposals for any potential impacts on the effectiveness of the Navigation Lights prior to granting consent.

## **6.0 Financial Implications**

None

## **7.0 Legal Implications**

The removal of permitted development rights from particular properties can only be achieved by an Article 6 Direction.

## **8.0 Human Resources Implications**

None

# Leading Lights Direction 2009

