

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Planning Appeal: against conditions 1, 2 and 5 imposed on full planning permission for food preparation (for home delivery) and a music studio at 98 Davis Street, Stanley (Mamma Sue's Pizza Delivery)

Paper No: 202/11

Date: 25 August 2011

Report of: Clerk of the Executive Council

1.0 PURPOSE

1.1 Marcus Morrison on behalf of Mrs Sue Goss has appealed under section 47 of the Planning Ordinance, against conditions 1, 2 and 5 imposed on full planning permission for food preparation (for home delivery) and a music studio at 98 David Street, Stanley (Mamma Sue's Pizza Delivery)

2.0 RECOMMENDATION

2.1 Executive Council is requested to determine this appeal against refusal of planning permission.

3.0 FINANCIAL IMPLICATIONS

None

4.0 BACKGROUND

4.1.1 The following are annexed to this paper for consideration by Executive Council.

- Annex 1 – Original Planning Application and site map;
- Annex 2 – Paper from the EPO to the Planning and Building Committee in respect of the application for full planning permission;
- Annex 3 – Extract from the minutes of the Planning and Building Committee of 5 May 2011;
- Annex 4 – File note recording the concern of Mrs Lidda Luxton in respect of the application for full planning permission;
- Annex 5 – Planning permission notice subject to conditions;
- Annex 6 – Notice of Appeal;
- Annex 7 – A statement from the appellant in support of the appeal;
- Annex 8 – Letter of representation from Mrs Lidda Luxton against planning permission which includes a letter from the Road engineer and a site map;
- Annex 9 – A statement by the EPO on behalf of the Planning and Building Committee; and

- Annex 10 – A copy of an email exchange between the Clerk and the Appellant in which the appellant confirms he had no further comment.

4.2.1 Executive Council are reminded that under section 112 of the Planning Ordinance, no Member of the Planning and Building Committee or public officer who was present at the Committee meeting when the application was considered may also be present at the meeting of Executive Council when the appeal is determined. However, section 112(2) of the Planning Ordinance which excludes the Planning Officer from Executive Council discussions on planning appeals was repealed under the Planning (Amendment) Ordinance 2007.

5.0 FINANCIAL IMPLICATIONS

None

6.0 LEGAL IMPLICATIONS

The revised Planning Appeal Process as agreed by Executive Council in August 2007 has been followed although due to the heavy workload of the Attorney General's Chambers the required amendments to the Planning Ordinance and the Planning (General) Regulations to accommodate the new procedures have not yet been made.

7.0 HUMAN RESOURCES IMPLICATIONS

None

Application for Planning Permission or a Building Permit

Registration Date: 04 APR 2011

Please submit three copies of this form with three copies of plans

Ref. No: 27/11/P [Signature]

<p>1. APPLICANT (Use Block Capitals)</p> <p>Name..... SUE GOSS</p> <p>Address..... 98 DAVIS STREET STANLEY</p> <p>Tel No.....</p> <p>Email.....</p>	<p>AGENT (if any)(Use Block Capitals) (All correspondence and the decision notice will be sent to this address when documents submitted by an agent acting for the applicant)</p> <p>Name..... MARCUS MORRISON</p> <p>Address..... 2A CAPRICORN RD STANLEY</p> <p>Tel No..... 22901 / 55535</p> <p>Email.....</p>
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2. Is this an application for -

(a) A Building Permit Yes No and/or

(b) Planning Permission Yes (see 2c) No

(2c) If you are applying for Planning Permission please state if this is an application for -

Outline Planning Permission

Full Planning Permission

Approval of details following grant of outline permission

(application number:.....)

3. Address or location of the site for which you are making this application

98 DAVIS STREET

4. Area of Site (square metres or hectares)

5. What are you applying to do

FULL PLANNING PERMISSION FOR CHANGE OF USE FROM STORAGE AND MUSIC STUDIO TO FOOD PREPARATION AREA (FOR HOME DELIVERY) AND MUSIC STUDIO

(include any overhead cables such as a telephone service line in your description)
(If you are applying for something temporary state how long you will need it -)

6. What is the site used for at the moment? (e.g. Vacant, Dwelling, Warehouse etc).....

PIZZA HOME DELIVERY SERVICE + MUSIC STUDIO

7. Please state how you will deal with the following -

Disposal of foul sewage..... TO BE CONNECTED INTO MANHOLE SITUATED ON DAVIS STREET

Disposal of surface water (roofs, drives etc)..... GUTTERING ALREADY ON BUILDING

Provision of water supply..... TO BE TAKEN FROM MAINS SUPPLY IN 98 DAVIS STREET

Provision of electricity supply..... BUILDING ALREADY HAS MAINS POWER

of finishing materials and colours..... TO BE DECIDED

Do you intend to make or alter an access onto a public road? Yes No Please tick one box and show position on the Site Plan

0. If proposal is of a COMMERCIAL or INDUSTRIAL nature please give the following information -

How will you deal with disposal of trade refuse..... VIA WHEELIE BIN SERVICE

How will you deal with disposal of trade effluent? (state details of its composition)..... NOT ANTICIPATED TO HAVE ANY TRADE EFFLUENT

Maximum number of employees when building in operation - male..... 1.....female..... 4

If a new retail unit is proposed, please advise nature of goods to be sold..... PIZZA DELIVERY

Daily requirements for water..... DOMESTIC USE.....litres, and max elec. load (kW).....

The following certificate must be complete by applicants for Planning Permission or by their agent. If you are only applying for a building Permit you need not complete the certificate.

LAND OWNERSHIP CERTIFICATE

- (a) The applicant owns all the land which makes up the application site (a)
- (b) The land is owned by the person(s) listed below and the applicant has notified them that he/she is making this application - (b)

Name	Address	Date of Notification
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.....
.....
.....

- (a) None of the land which makes up the site forms part of an agricultural holding (a)
- (b) All or part of the land is within an agricultural holding and the applicant has notified the following agricultural tenants that he/she is making this application (b)

Name	Address	Date of Notification
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.....
.....
.....

IMPORTANT - Prior to submitting your application please check that you have provided:

- 1) A site plan showing the location of the proposed development and footprint of all neighbouring buildings or structures (it is the applicant's responsibility to ensure that the site plan is up to date)
- 2) A site plan to a scale of 1:500 and other drawings that have been drawn to a recognised scale
- 3) Where application is for Planning Permission, ensure that the **Land Ownership Certificate** above is complete

Failure to comply with the above may mean that your application cannot be registered

For assistance with your application and advice on how to draw plans refer to the following provided booklets: "A Simple Guide to Plan Drawing" and "Planning Permissions and Building Permits".

Signature..... .....(applicant/agent) Date..... 14/04/2011.....

Mrs. Fiona Wallace-Nannig
Planning Administrative & Technical Assistant
Environmental Planning Department
Stanley

4th April 2011

Dear Fiona,

Planning Ordinance 1991
Registration Date: 04 APR 2011
Ref. No: 27/111P

**Planning Permission for Pizza Delivery Service
at: 98 Davis Street, Stanley Plan No: 27/10/PB**

Thank you for your letter dated 25th March 2011 explaining the above.

1. Changing from Temporary to Full Planning Permission

Please see attached sit planning outlining off street parking facilities at the rear of 98 Davis Street.

With regards to future relocation this has been looked into but due to high costs of building, renting and buying this will not be possible until at least a further 3-4 years or until the business brings in a profit year on year. All options are being looked at and will continue to be looked at as the building grows and progresses.

2. Lifting the restriction requiring deliveries to be made only by moped to permit use of 4WD vehicles

As winter is now approaching and to ensure the business continues to operate during adverse weather conditions it is imperative that we utilise 4WD vehicles to aid with delivery of goods. The business currently owns 2 mopeds and 2 4WD vehicles, with the mopeds allocated off-street parking at the front of 98 Davis Street. 1 4WD is currently utilised by me, where I not only use it for business, but for personal use. During the business open hours it would be utilised to deliver pizzas. The other 4WD car will be stationed at 98 Davis Street and parked in the off-street parking as displayed on the attached site plan, it will also be utilised for personal use.

During the business hours the 4WD vehicles would look to be parked at the front of 98 Davis Street to ensure quicker delivery time. At the end of the business hours 1 4WD will return to the rear of 98 Davis Street and with me taking the other home. Staff arriving in their own vehicles currently utilise the off-street parking at the rear of 98 Davis Street and would continue to do this in the future.

3. Lifting the restriction on foods permitted to be prepared on the premises

We are requesting that this restriction be lifted to enable the business to offer side orders such as BBQ chicken wings, potato wedges, calzones and garlic bread. All and any future products will be oven baked to ensure they are healthier to consume. There may be other side orders available in the future such as cold salads and coleslaw. With side orders this will not only provide a bigger menu to customers but will also increase revenue.

Yours sincerely,



Marcus Morrison
Mamma Sue's Pizza Delivery

Planning Ordinance 1991
APPROVED
Date: 05 MAY 2011



Scale 1:500

87 DAVIS ST

2 HEBE PLACE

1 KENT ROAD

91 DAVIS ST

105 DAVIS ST

3 KENT ROAD

Planning Ordinance 1991

DAVIS STREET

90 DAVIS STREET

ELIZA COVE ROAD

92 DAVIS STREET

94 DAVIS STREET

96 DAVIS STREET

98 DAVIS STREET

100 DAVIS STREET

102 DAVIS STREET

POLYTUNNEL

Planning Ordinance 1991

Date:

SUPERSEDED

PARKING AREA

Planning Ordinance 1991

Registration Date:

Ref. No:

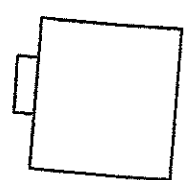
oP

CWP

TVC

Nc

F





Scale 1:500

87 DAVIS ST

2 HEBE PLACE

1 KENT ROAD

91 DAVIS ST

Planning Ordinance 1991

Registration Date:

0 APR 2011

Ref. No:

27/11/11

3 KENT ROAD

105 DAVIS ST

DAVIS STREET

90 DAVIS STREET

92 DAVIS STREET

94 DAVIS STREET

96 DAVIS STREET

98 DAVIS STREET

100 DAVIS STREET

102 DAVIS STREET

ELIZA COVE ROAD

Planning Ordinance 1991

Date:

POLYTUNNEL

PARK AREA

Planning Ordinance 1991

Registration Date:

Ref. No:

AMENDED PLAN

Scale 1:500

HERE
LACE

KENT ROAD

84 DAVIS ST

87 DAVIS ST

105 DAVIS ST

3 KENT ROAD

DAVIS STREET

ELIZA COVE ROAD

PICK
BUSINESS

Planning Ordinance

Date: 04 APR 2011

27/11/P

STREET MARKING
FOR STAFF
BUSINESS VEHICLES

Planning Ordinance 1991

APPROVED

Date: 05 MAY 2011

NOT TO SCALE

PLANNING AND BUILDING COMMITTEE

Title of Report: Planning Application 27/11/P

Date: 5 May 2011

Report of: Environmental Planning Officer

1.0 Purpose

- 1.1 To outline the issues associated with an application for full planning permission by Mrs S Goss for a food preparation area (for home delivery only), music studio and provision of off-street parking at 98 Davis Street, Stanley.

2.0 Site

- 2.1 The site of 98 Davis Street is on the south side of Davis Street and extends to the south, to have a boundary on Eliza Crescent.
- 2.2 The main dwelling is part of a terrace of four properties. The building associated with this application is detached from the main property and is sited to the east.
- 2.3 There is an off-street parking area provided to the north of the building (off Davis Street) but this is only 4.8m (length) x 3.7m (depth) and does not therefore meet the parking standard. There is also vehicular access to the property off Eliza Crescent to the south.

3.0 Proposal

- 3.1 The applicant is seeking full planning permission to operate a food preparation area (for home delivery only), music studio and to provide off-street parking off Eliza Crescent.
- 3.2 The applicant is also requesting that, should similar conditions to that attached to the temporary planning permission be attached to this permission, that they be amended to permit the use of 4WD vehicles for delivery and the preparation of side orders, in addition to pizzas.
- 3.3 During business hours the 4WD vehicles would be parked at the front of 98 Davis Street to ensure quicker delivery times. At the end of the business hours one vehicle would be returned to the rear of the property and the other would be taken off site. Staff arriving in their own vehicles currently utilise the off street parking at the rear of the property and would continue to do so in the future.

4.0 Background

4.1 In March 2010, the applicant submitted a planning application for the change of use of a building from storage to food preparation area for home delivery and music studio at 98 Davis Street, Stanley.

4.2 The application was considered by the Planning & Building Committee at its meeting on 6 May 2010. Members resolved to approve the application subject to conditions:

- a temporary consent (expiring on 31 May 2011);
- limiting pizza delivery operating times to between 8am and 10pm;
- restricting the mode of pizza delivery to moped only;
- prohibiting retails sales/ collection by personal callers from the premises;
- prohibiting the preparation of hot foods other than pizza;
- restricting use of the music studio to non-commercial and
- requiring that details of the external materials and colours of the building be agreed with the Environmental Planning Officer and implemented as agreed.

4.3 The minute from that meeting reads:

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.

5.0 Planning Policy

5.1 Policy B3 (Business activity outside commercial areas) is one of two principal policies covering this site. It states that development proposals for new business activity outside areas identified in B1 and B2 will, in addition to meeting the criteria of D2, need to meet all the following:

- The scale or nature of the proposal does not adversely affect the main land use of the area;

- The proposal accords with policy H4 in a residential area; and
- The proposal accords with B4 if sales of goods from non retail premises are proposed.

5.2 The site is covered by policy H4 (Residential Areas) which states that applications for non-residential developments will only be acceptable if it is demonstrated that there would not be an unacceptable level of adverse impact on the amenity of existing residential occupiers and that proposals will be assessed against the criteria of D2.

5.3 Policy D2 states that all proposals within the Stanley Town boundary will 'in principle' be approved if they meet the relevant specific planning policy and certain criteria. Those pertinent to this application include:

- access, parking arrangements and level of traffic generation are acceptable;
- there is no significant loss of amenity; and
- the use does not conflict with the predominant use of the area.

6.0 Representations

6.1 Mrs Lidda Luxton (1 Kent Road) submitted a verbal concern that any further parking on Davis Street associated with this development would exacerbate a problem she is already having, entering and exiting her parking space on the north side of Davis Street.

7.0 Consultation

7.1 CFO has been consulted and not made any comments.

7.2 DPW has been consulted and made the following comments:

7.3 *This one is very much in the same league as taxis if larger vehicles, as opposed to scooters, are to be used for deliveries - except that the number of visits to site will be potentially greater as they need to pick up goods to deliver, as opposed to being potentially at least able to be picked up at start of shift and then simply directed to move from one taxi run to another without necessarily having to go back to base. This then begs the question would you allow a taxi service to operate from the same site for limited hours a day and - if yes - would you allow them to park on street during the operational period?*

7.4 *The working day may be shorter for the pizza business, but it will operate at the time of day when other residents in the area are likely to be home and therefore needing to make use of such parking space as is available on street as most in the two terraces of which this application site forms part do not have off street parking.*

7.5 *Conversely of course, given that it is an established property with no on street parking and the owners might well have two vehicles it could be argued that the change in impact is the noise from vehicles coming and going rather than the intermittent parking on street of two vehicles.*

- 7.6 *I find it difficult to support any business proposing to park on street even if it is not going to operate all day, otherwise the requirement for off street parking will get eroded.*

8.0 Assessment

- 8.1 98 Davis Street is within an area designated for residential use within the adopted Stanley Town Plan. As such, and in accordance with Policy B3, any non-residential development within the area must be assessed against the criteria of Policy D2 (as listed in 5.3 above).

Traffic generation and parking

- 8.2 The proposal is to continue the operation of a pizza delivery service from the property but with permission to use 4WD vehicles as delivery vehicles, as well as mopeds.
- 8.3 Currently, the business operates its delivery service using mopeds which are parked a small off-street parking area to the north of the associated building. This has not caused any problems relating to parking or traffic generation, illustrated by the lack of representations from the public.
- 8.4 The applicant proposes to use 4WD vehicles to do deliveries particularly during the winter. It is proposed that two vehicles will be used for deliveries, one owned and operated by a member of the delivery staff and one owned by the business.
- 8.5 It is not proposed to provide any additional parking off Davis Street, the 4WD vehicles will be parked on the street whilst awaiting deliveries.
- 8.6 Staff parking will take place to the rear of the property, accessed from Eliza Crescent. Current parking guidelines state that for staff parking, there should be 1 space per 1.5 members of staff. As such, with 5 members of staff, 3 or 4 spaces provided to meet the requirements of the business.
- 8.7 The proposed parking area is long, narrow and of an irregular shape and could accommodate a maximum of three vehicles allowing for turning room within the property, which broadly meets the requirement.
- 8.8 At the end of the working day one of the 4WD vehicles used for deliveries will be parked in one of the spaces vacated by staff, with the other taken off site.
- 8.9 The proposal to run two 4WD vehicles for deliveries using on street parking on Davis Street is contrary to the general requirement that new businesses (and indeed residential accommodation) should provide off street parking to minimise congestion on the street. This part of Davis Street already suffers from a lack of off street parking for residential properties, which places a greater reliance on parking on the street. One neighbour has raised a concern that an increase in on street parking may make it increasingly difficult for her to manoeuvre into her off street space.

- 8.10 There is limited parking outside the premises for the two mopeds and the only way that additional off street parking could be provided would be via the construction of a lay-by immediately in front of 98 Davis Street. This would be very tight and take up most of the small front garden and would still only provide one additional space, rather than the two required.
- 8.11 An alternative way to resolve the off street parking issue for delivery vehicles would be to make use of the land to the rear of the property, accessed from Eliza Crescent. However, there are two problems with this.
- 8.12 Firstly, the available space is already taken up by staff parking and the remaining area is not well suited to accommodate a further two cars. In addition, there is a residential caravan (26 Eliza Crescent) sited alongside the parking area, the occupiers of which could experience a considerable reduction of amenity as well as problems parking if the adjacent area was used by delivery vehicles.
- 8.13 Secondly, even if space was available delivery vehicles there will be traffic and amenity implications for Eliza Crescent. The Director of Public Works has been consulted on this option and he has expressed concerns at the traffic likely to be generated by deliveries along Eliza Crescent. This is not necessarily because of sight lines exiting the proposed parking area (where there is already a dropped kerb and fence lines are low), or Eliza Crescent itself, which has a quite good junction layout with Eliza Cove Road but more from the level of traffic in a relatively narrow residential street, as drivers cannot take the short route out. To transit the full length is going to cause traffic noise, particularly as the houses are for the most part very near to the road due to plot sizes and shapes.

Amenity

- 8.14 The potential effect on amenity of this type of business was recognised by the original permission with particular regard to cooking odours, by limiting the types of food that could be prepared to pizzas only.
- 8.15 The applicant now wishes to add 'side-orders' to their menu and proposes that this will include food items such as BBQ chicken wings, potato wedges, calzones and garlic bread. Other side orders such as salads may be added in the future.
- 8.16 There have been no reports of any negative effects on the amenity of the area from neighbours with the business preparing pizzas only and no representations made on the proposed expansion of items which could be cooked on site. Placing limits on what can or cannot be cooked on the premises based on an expanding menu will prove increasingly difficult to enforce and it may be more straightforward to remove the condition entirely, although this could in future result other food products, such as curries and other takeaway food being produced.

- 8.17 The music studio element of the proposal has not given rise to any issues in the past year and I do not see that its continued use will have any detrimental impacts on the area.

Potential conflict with predominant use of area

- 8.18 As stated previously, the predominant use of the area is residential. Temporary planning permission was granted in 2010 for a period of one year so that the environmental, amenity, parking and traffic implications of the business could be evaluated.
- 8.19 To date, there have been no reports or representations against the business relating to any negative effects that it may have caused.

9. Conclusion

- 9.1 The main concern with the proposal is that related to the pizza delivery service and the use 4WD vehicles. Mopeds will continue to be used and are satisfactorily catered for in terms of parking by the off-street parking on Davis Street but this cannot accommodate large 4WD vehicles.
- 9.2 The agent for the applicant has stated that during the winter 4WD vehicles are a must as mopeds will not be effective and if pizzas cannot be delivered it will cripple the business with serious financial implications.
- 9.3 Alternative solutions to provide off street parking (either a lay-by on Davis Street or to the rear of the property) do not satisfactorily resolve this issue.
- 9.4 The Director of Public Works does not support this application because of the traffic implications and has drawn comparison to other businesses operated in residential areas, notably taxis. This is a view which I share - Policy D2 of the Town Plan supports businesses in residential areas where access, parking arrangements and level of traffic generation are satisfactory, which is not the case in this instance.
- 9.5 The business has become established in the past year and has already expanded its operation. The original proposal anticipated that two people would be employed in the building – a figure which has risen to 5 in the current application. In the future the business may continue to grow – both in size and also hours of operation.
- 9.6 The applicant is looking for a more appropriate location for the business but has advised that it is unlikely that it will move in less than 3 to 4 years, as it has to make a profit year on year in order to make this viable. The future of the business is likely to be adversely affected if 4WD delivery vehicles are not permitted during winter months.
- 9.7 It remains my view that this is not an appropriate location for this type of business and the more successful it becomes the more problems it will create for the neighbourhood. Siting the business in a more suitable location should be the overall objective. The granting of a permanent permission will not

encourage the business to pursue alternatives and should not therefore be supported. It should also be noted that the granting full consent would permit this use of the building in perpetuity without course to redress issues such as parking, should it be sold as a going concern in the future.

- 9.8 However, if the 4WD delivery issue is not resolved there may not be a business to relocate. Although there are sound policy reasons for refusing this application a more pragmatic solution would be to grant consent subject to a condition restricting the use of 4WD delivery vehicles to the forthcoming winter months only. This would allow the business to continue for a further year and develop a case for relocating to more suitable premises.
- 9.9 Adding the proposed side-orders to the menu may not adversely affect neighbourhood amenity, but this could change if a wider range of products were to be permitted to be cooked on site in the future.

10. Recommendation

- 10.1 I recommend that the application be approved subject to the standard conditions and the following:

1. Permission is granted for a limited period only commencing on the date of this Notice and expiring on 31 May 2012 at or before which time, unless the permission is renewed, the preparation of pizzas and side orders from the premises shall cease.

Reason for Condition

To enable the business to continue to operate in the short-term pending its relocation to a more suitable non-residential location.

2. Only side orders as those stated in the supporting letter submitted with the application hereby approved and pizzas may be prepared on site and delivered from these premises.

Reason for Condition

In the interests of amenity, by limiting the range of cooking related smells which might adversely affect neighbouring residents.

3. No retail sales or collection by personal callers are permitted from the premises.

Reason for Condition

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.

4. Food deliveries shall only be made between the hours of 8 am and 10 pm.

Reason for Condition

In order to safeguard the amenity enjoyed by neighbouring residents.

5. Food deliveries using 4 wheeled vehicles shall be permitted only between the months of May and August inclusive. At all other times deliveries shall only be made by moped.

Reason for Condition

The development site contains insufficient off street parking provision for four wheeled vehicles, which are only permitted during the months specified in recognition that the use of mopeds during this period may endanger riders, other road users and pedestrians.

6. The premises shall not be used for commercial sound recording.

Reason for Condition

The music studio is an ancillary use incidental to the enjoyment of the main dwelling house and the absence of off-street parking makes the building unsuitable as a commercial recording studio.

FWN 19/04/11



Permission was granted with no further comment.

5.6	27/11	98 Davis Street, Stanley	Full planning permission for food preparation area (for home delivery) and music studio for Mrs S Goss	B3, D2 & H4
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Planning Permission is **granted** subject to the following conditions:

1. Permission is granted for a limited period only commencing on the date of this Notice and expiring on 31 May 2012 at or before which time, unless the permission is renewed, the preparation of pizza and side orders from the premises shall cease.
2. Only side orders such as those stated in the supporting letter submitted with the application hereby approved and pizzas may be prepared on site and delivered from these premises.
3. No retail sales or collection by personal callers are permitted from the premises.
4. Food deliveries shall only be made between the hours of 8 am and 10 pm.
5. Food deliveries using cars (4 wheel drive) shall be permitted only between the months of May and August inclusive. At all other times deliveries shall only be made by moped.
6. The premises shall not be used for commercial sound recording.

Reasons for Conditions

1. To enable the business to continue to operate in the short-term pending its relocation to a more suitable non-residential location.
2. In the interests of amenity, by limiting the range of cooking related smells which might adversely affect neighbouring residents.
3. 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.
4. In order to safeguard the amenity enjoyed by neighbouring residents.
5. The development site contains insufficient off-street parking provision for four wheel drive vehicles, which are only permitted during the months specified in recognition that the use of mopeds during this period could

endanger riders, other road users and pedestrians.

6. The music studio is an ancillary use incidental to the enjoyment of the main dwelling house and the absence of off-street parking makes the building unsuitable as a commercial recording studio.

Members resolved to approve the application but stressed that they hoped to see the business relocate to a more suitable site in the near future.



6 Building Permit Applications Reviewed by the Building Adviser

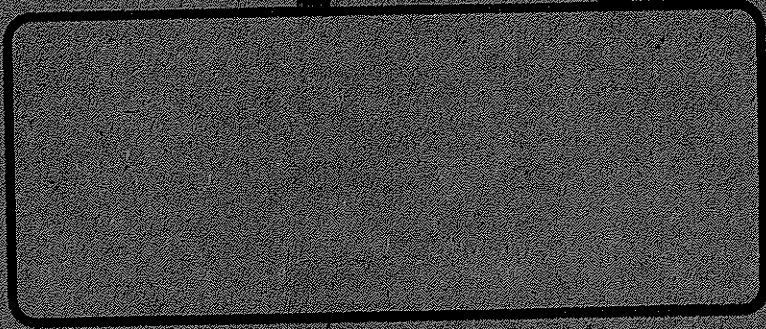
Item	Ref	Site	Proposal	Status
6.1	129/10	14-16 Goss Road, Stanley	Change to approved plans for erection of bungalow to erection of 1 ½ storey dwelling	Awaiting information
6.2	12/11	South of Plot 25, Lookout Industrial Estate, Stanley	Erection of single-storey timber framed building for shops/offices	Conditional approval
6.3	13/11	Rear of 29 Callaghan Road, Stanley	Detailed plans for erection of dwelling for family member	BP rejected
6.4	15/11	108 Davis Street, Stanley	Demolition of Nissen hut and erection of garage	Conditional approval
6.5	17/11	74 Davis Street, Stanley	Erection of garage	Conditional approval
6.6	22/11	1 Jersey Road, Stanley	Extension to dwelling	Awaiting further information
6.7	24/11	Aquaculture site, Moody Brook, Stanley	Erection of polytunnel	Exempt
6.8	26/11	72 Davis Street, Stanley	Change of use from workshop to residential unit	Awaiting further information

7 Date of next meeting

The next meeting was confirmed as **Thursday 2nd June 2011** at 8.30am in the Liberation Room, Secretariat. EPO advised that he would not be able to attend this meeting and extended his apologies. Sec/PATA will attend in his place and secretarial cover will be arranged.

ANNEX 4

27/11/19



L1004 LUXTON REPRESENTATION



Manilla Wallet

21/11/11 - Gravel entrance in place but
no plans to put more gravel
down in parking area.

19/11/11 Lidia Luxton visited office
concerned that parking vehicles on
Boulevard Street will exacerbate her
existing problem of entering parking
her parking space (1 West Rd).



Falkland Islands Government

The Planning Ordinance 1991

PLANNING PERMISSION SUBJECT TO CONDITIONS

Reference Number: 27/11/P

To: Mr M Morrison
2A Capricorn Road
Stanley

Planning Permission is hereby **GRANTED** for **food preparation area (for home delivery) and music studio at 98 Davis Street, Stanley** for **Mrs S Goss** in accordance with your application received on **4 April 2011** and the plans, drawings and documents which form part of the application subject to the Standard Condition printed overleaf and the following conditions:

1. Permission is granted for a limited period only commencing on the date of this Notice and expiring on 31 May 2012 at or before which time, unless the permission is renewed, the preparation of pizza and side orders from the premises shall cease.
2. Only side orders such as those stated in the supporting letter submitted with the application hereby approved and pizzas may be prepared on site and delivered from these premises.
3. No retail sales or collection by personal callers are permitted from the premises.
4. Food deliveries shall only be made between the hours of 8am and 10pm.
5. Food deliveries using cars (4 wheel drive) shall be permitted only between the months of May and August inclusive. At all other times deliveries shall only be made by moped.
6. The premises shall not be used for commercial sound recording.

Reasons for Conditions

1. To enable the business to continue to operate in the short-term pending its relation to a more suitable non-residential location.
2. In the interests of amenity, by limiting the range of cooking related smells which might adversely affect neighbouring residents.
3. 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.
4. In order to safeguard the amenity enjoyed by neighbouring residents.
5. The development site contains insufficient off-street parking provision for four wheel drive vehicles, which are only permitted during the months specified in recognition that the use of mopeds during this period could endanger riders, other road users and pedestrians.
6. The music studio is an ancillary use incidental to the enjoyment of the main dwelling and the absence of off-street parking makes the building unsuitable as a commercial recording studio.

**THIS NOTICE DOES NOT IMPLY ANY DECISION ON
AN APPLICATION FOR A BUILDING PERMIT UNDER
THE BUILDING REGULATIONS 1999**

Signed by authority of the Planning and
Building Committee:

AM PL

Date: 5 May 2011

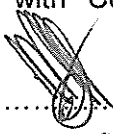
THE PLANNING ORDINANCE 1991
THE GENERAL DEVELOPMENT ORDER 1991

NOTICE OF APPEAL

Planning Application reference number 27/11/P

I give notice that (a) Mrs. Sue Goss of (b) 98 Davis Street, Stanley having applied to the Falkland Islands Government to (c) obtain full planning permission for food preparation (for home delivery) and music studio at (d) 98 Davis Street, Stanley is appealing to the Governor in Executive Council

- against the refusal of Planning Permission by the Planning and Building Committee.
- against the decision by the Planning and Building Committee to impose Condition number(s) (1, 2, and 5) on the Planning Permission.
- against the decision by the Planning and Building Committee to refuse permission for details submitted in accordance with Condition number(s) (e)..... on the Planning Permission.
- against the failure of the Planning and building Committee to give notice of a decision on the Planning Application.
- against the failure of the Planning and Building Committee to give notice of a decision on details submitted in accordance with Condition number(s) (e) on the Planning Permission.

Signed 

*On behalf of MRS SUE GOSS

Date 3rd June 2011

-
- Delete if inappropriate

Insert	(a) Mrs. Sue Goss
	(b) 98 Davis Street, Stanley
	(c) Fast food preparation area (Home Delivery)
	(d) 98 Davis Street
	(e) 1, 2, and 5

Mr. Marcus Morrison
Manager/Owner
Mamma Sue's Pizza Delivery
Stanley

Executive Council
Falkland Islands Government
Stanley

3rd June 2011

Dear Members,

Appeal against Planning Application Reference 27/11/P

I am writing to appeal against the conditions as mentioned in the letter dated 5th May 2011 by the Planning and Building Committee. Mrs. Sue Goss and I as the owners of Mamma Sue's Pizza Delivery feel very strongly that the following conditions will;

1. Restrict the growth of the business and;
2. Prevent the business from running effectively and efficiently

Mamma Sue's Pizza Delivery is a small family run business that is currently utilising premises on 98 Davis Street to undertake its business. So far no complaints have been raised against us and we have had nothing but praise for introducing a much needed business in the Falkland Islands. We were led to believe that the Falkland Islands Government would look to support small private business ventures to aid with the economic growth of the Falkland Islands. The following planning and building conditions that have been forced upon us do not seem to support this.

- 1. Permission is granted for a limited period only commencing on the date of this Notice (5th May 2011) and expiring on 31st May 2012 at or before which time, unless the permission is renewed, the preparation of pizza and side orders from the premises shall cease.**

Appeal: Full planning is being sought to enable the business to run efficiently and effectively without any hindrances in place. As we are only a small family business and as projected in the business plan the business will not be looking to move into new premises for many years to come. We feel that the we are having undue pressure put onto the business to move into new premises a lot sooner than anticipated.

- 2. Only side orders such as those stated in the supporting letter submitted with the application hereby approved and pizzas may be prepared on site and delivered from these premises**

Appeal: This condition will prevent the business keeping up with the competition. Various companies are moving into pizzas and have free range as to what extra items they can offer and could in reality push Mamma Sue's out of business. Our menu

needs to have flexibility to keep up with the competition and to ensure customer satisfaction. Are other businesses forced to a set menu by the Planning and Building Committee and if not then why is this the case for Mamma Sue's Pizza Delivery? No complaints have been received with regards to cooking smells and smells leaving the kitchen are no different to that of a private dwelling. Many businesses around Stanley are located in residential areas and offer a menu with a variety of food products with smells being very noticeable, why is this condition being forced onto Mamma Sue's Pizza Delivery?

5. Food deliveries using cars (4 wheel drive) shall be permitted only between the months of May and August inclusive. At all other times deliveries shall only be made by moped.

Appeal: Utilising four wheel drive vehicles all year round is a must to aid the growth of the business and to support the use of mopeds. As members will understand the Falkland Islands weather is not always favourable and one of the major factors that prevent the use of mopeds is high winds. High winds can occur all year round and if we are unable to utilise four wheel drive vehicles then we will be forced to close. Again this we feel is a condition that is preventing the growth of the business.

We also disagree with the statement that there is '*insufficient off-street parking provision for four wheel drive vehicles*', 98 Davis Street has enough land space to hold 6+ four wheel drive vehicles. Vehicles would have space to manoeuvre, park up then drive out onto Eliza Crescent. No vehicle would need to reverse onto Eliza Crescent. Delivery drivers that are now being hired are also utilising their own vehicles to deliver. During opening times four wheel drive vehicles will be parked on Davis Street for short periods before delivering and at the end of the night the car will be driven home by the staff member. Parking space only needs to be provided for 4 four wheel drive vehicles, 2 for staff utilising mopeds that have arrived in their own vehicle and 2 for the business vehicles. It must be noted that 1 business vehicle is utilised by the manager and will not be parked at the premises full time.

We do hope that members understand the current and future impact that the conditions as stated by the Planning and Building Committee will have on Mamma Sue's Pizza Delivery. We strongly believe that these conditions will prevent business growth and could result in the overall closure of Mamma Sue's Pizza Delivery.

Members help and support is greatly appreciated to ensure that Mamma Sue's Pizza Delivery can continue to

- a) operate effectively and efficiently and;
- b) offer employment opportunities within the Falkland Islands

Yours sincerely,



Marcus Morrison
Manager/Owner
Mamma Sue's Pizza Delivery

Clerk of the Assembly

E.M.Luxton

Gilbert House
Ross Road
Stanley

1, Kent Road
Stanley

12/07/2011

Dear Claudette

Appeal by Marcus Morrison against Planning Application Reference 27/11/P

Dear Claudette,

I am writing in response to the above appeal

My off road parking area is situated on the opposite side of Davis Street, a few yards to the East of "Mama Sue's Pizza Delivery". Access to this area spans a deep ditch and is not much wider than the width of my vehicle. Consequently, I can only drive straight in or out of the area and any vehicle parked opposite effectively blocks my entrance or exit.

I spoke to Mr Ian Goss prior to the opening of the business and he assured me that the only vehicles associated with the business would be two mopeds. Despite this I notified the Planning Committee of my concerns.

I have lived at this address for over eleven years and only on a few occasions have parked vehicles caused me problems. However, since the opening of the Pizza Delivery business, the number of occasions has escalated.

In May I contacted the road engineer at P.W.D to enquire about the possibility of widening my access to allow me to enter or exit at an angle. I enclose his response and, in view of the likelihood of my continuing to have problems and the cost of the works, I do not feel inclined to pursue this option.

I note in Mr Morrison's appeal (section 5 paragraph 2) that he envisages the need to park **four** 4 wheel drive vehicles on Davis Street. Because of on road parking by residents in houses to the West of the Goss household, these four vehicles will have to be parked to the East of the premises and will therefore impact on access to my off road parking area. The fact that they may only be parked there for short periods of time between deliveries is immaterial if that coincides with my wishing to access or egress my parking area.

Given that the Falkland Island Government is committed to promoting off road parking, I would argue that , where such facilities exist, every effort should be made to preserve access to them.

I sincerely hope that Honourable Members will take into consideration the points that I have made when reaching their decision.

Yours Sincerely

Hidda Luxon.



Falkland Islands Government

Public Works Department, Stanley, Falkland Islands

Telephone: +500 27387

Fax: +500 27199

E-mail: road.engineer@megabid.gov.fk

Ref: RE/001

29th June 2011

Ms Lidda Luxton
1 Kent Road
Stanley

Dear Lidda

Works to access on Davies street - 1 Kent Road

Further to our telephone conversation in May regarding the above and your request to widen your access.

Firstly may I apologise for my delay in answering your query.

As far as I can see this can only be widened to the east side and only up to your boundary which is about 500mm at the back we could then splay it at 45° from this point to the kerb thus widening by 2.5m at the front. (See attached plan). This will be constructed in concrete; some drainage work will also be required. It will also mean you won't be able to use the access until the concrete has gone off which usually takes 28 days.

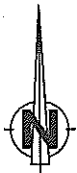
It would help you to manoeuvre into your access especially coming from the east but may not be enough for manoeuvring out on to the road.

PWD now charge a flat rate of £440 for this type of access works. This includes all plant/labour and materials necessary to complete the job.

If you're happy to pay this amount and you would like us to carry out this work please let us know and we will programme it in.

Yours sincerely,

Mark Ashton, I.Eng, F.I.H.E
Road Engineer



Scale 1:200

1 KENT ROAD

3 KENT ROAD

DAVIS ST

DAVIS STREET

DRAINAGE
MANHOLE

MH

EX CORN

3.0m

500mm

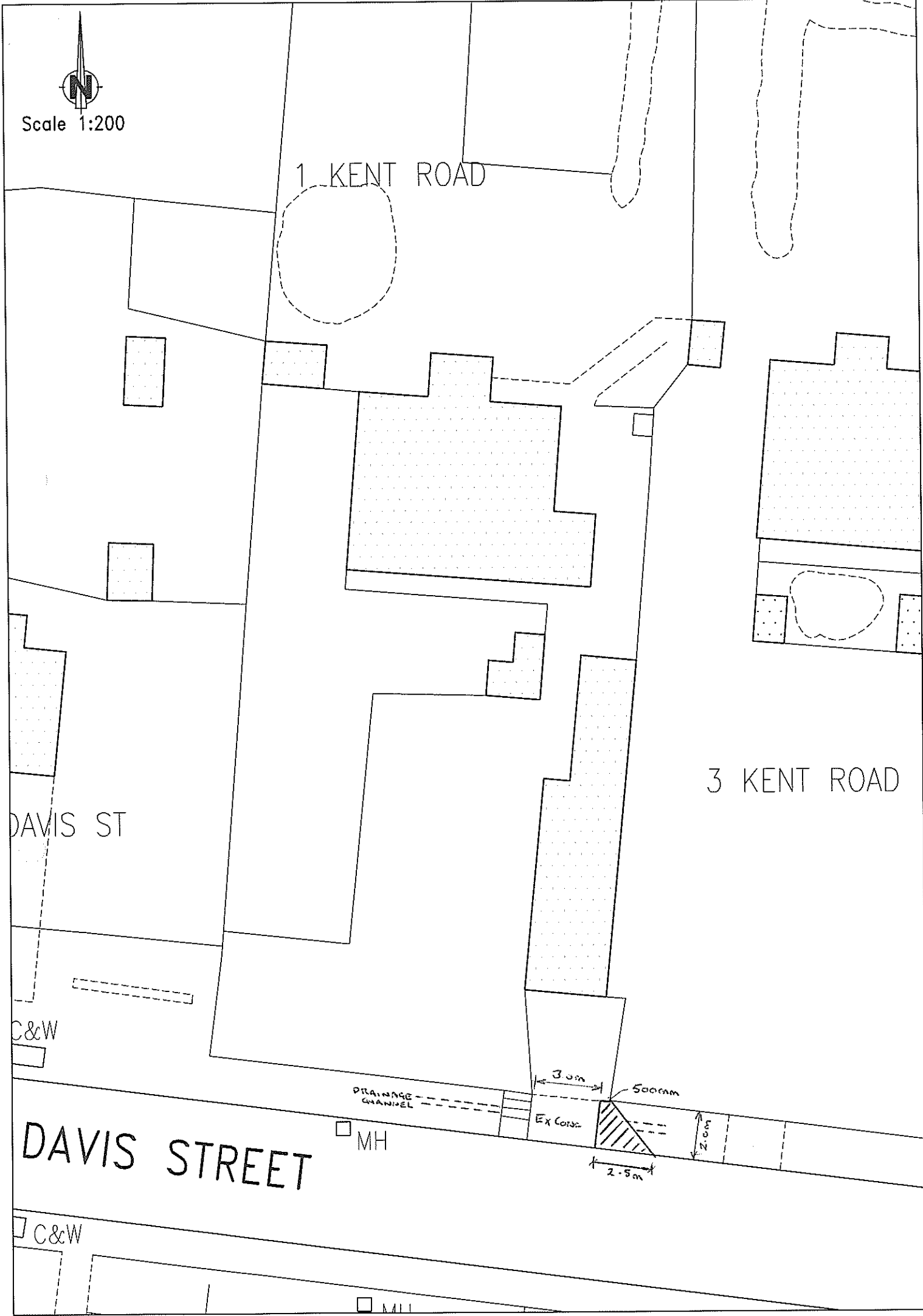
2.5m

2.0m

C&W

C&W

MH



Appeal against conditions of planning permission (application 27/11/P) for the food preparation area (for home delivery) and music studio and provision of off-street parking at 98 Davis Street, Stanley for Mrs S Goss

**Statement by Environmental Planning Officer
on behalf of the Planning and Building Committee**

1. Background

1.1 In March 2010, Mrs Goss submitted an application for full planning permission for the change of use of a building from storage to food preparation area for a home delivery service and a music studio. The building was already existing on site, next to Mrs Goss' dwelling at 98 Davis Street.

1.2 This application was considered by the Planning & Building Committee at its meeting on 6 May 2010. The minutes state:

SCC queried the view of 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.

1.3 Permission was subsequently granted subject to various conditions including limiting the permission to a temporary permission for one year; restricting pizza deliveries to being by moped only and only between 8am and 10pm, prohibiting retail sales from the premises, collection from the premises and the preparation of other hot foods.

1.4 In March 2011, Mrs Goss' agent contacted the EPD querying whether it would be possible to obtain full [permanent] planning permission for the pizza delivery service, permitting delivery by 4WD vehicles and the preparation of other hot foods (side orders).

1.5 PATA responded in writing on 25 March 2011 advising that issues such provision of adequate off-street parking for staff and delivery vehicles would need to be addressed. Information relating to the number of delivery vehicles and the associated level and incidence of vehicular movement would also need

to be provided. Mr Morrison was also asked to provide details regarding the efforts made to find and relocate to more appropriate premises.

1.6 An application for permanent planning permission was received on 4 April 2011 (Ref: 27/11/P) and was discussed by the Planning & Building Committee on 5 May 2011. In the report for this meeting I recommended that only temporary planning permission be granted on the basis that the location of the business is not appropriate (being within a residential area) and the granting of a permanent permission would not encourage the applicant to look elsewhere for more suitable premises. I did, however, recognise that without the use of 4WD vehicles the business may not be able to continue and recommended that the use of such vehicles be permitted for 4 months of the year (the winter months – May to August inclusive). The time restriction was put in place so that the potential effect of the lack of off-street parking for these vehicles would not be continuous throughout the year. Ultimately the aim of my recommendation was to ensure that the applicant is able to continue the business operation without losing sight of the fact that more appropriate premises elsewhere must be found.

1.7 The minute of the P&BC discussion reads:

Members resolved to approve the application but stressed that they hoped to see the business relocate to a more suitable site in the near future.

1.8 Permission was granted for a temporary period only (expiring on 31 May 2012), with the conditions that only side orders such as those stated in the supporting letter could be prepared on site, no retail sales or collection from the premises, restricting delivery hours to between 8am and 10pm and permitting the use of 4WD vehicles for deliveries between the months of May and August inclusive.

1.9 An appeal by Mrs Goss against was duly lodged against the following three conditions:

1. Condition 1: restricting the permission to a temporary period only, expiring on 31 May 2012;
2. Condition 2: restricting the preparation of side orders to only those stated in the supporting letter; and
3. Condition 5: permitting the use of 4WD vehicles for deliveries only between the months of May and August inclusive.

2. Appeal Site

2.1 The site of 98 Davis Street is bounded on the north by Davis Street, to the east by 100 Davis Street (Mr R Rowlands), to the west by 96 Davis Street (Mr & Mrs Browning) and to the south by Eliza Crescent and the property of Mr H Peck (26 Eliza Crescent).

2.2 The precise location of the building for the proposed development is within the property of 98 Davis Street, to the east of the dwelling house. It is some 4m off Davis Street and has a small parking area within this distance for mopeds.

3. Proposed Development

- 3.1 The applicant is seeking full [permanent] planning permission for the food preparation area (for home delivery) with the inclusion of additional foods to be prepared on site and the use of 4WD vehicles for deliveries.

4. Planning Policy

- 4.1 The site is designated as a residential area under the adopted Stanley Town Plan and as such Policies H4, B3 and D2 are applicable.

- 4.2 Policy H4 states that development proposals for non-residential development within areas shown as 'residential' will only be acceptable if it is demonstrated that there would not be an unacceptable level of adverse impact on the amenity of existing residential occupiers and that proposals will be assessed against the criteria in D2.

- 4.3 Policy B3 states that development proposals for new business or expanded business activity outside areas identified in B1 and B2 (commercial and local commercial areas respectively) will, in addition to meeting the criteria of D2, need to meet all of the following:

- the scale or nature of the proposal does not adversely affect the main land use of the area;
- the proposal accords with H4 in a residential area;
- the proposal accords with B4 if sales of goods from non retail premises are proposed.

- 4.4 Policy D2 states that all proposals for development within the Stanley Town boundary will 'in principle' be approved if they meet relevant specific planning policy and other criteria, the relevant ones of which for this application are:

- Access, parking arrangements and level of traffic generation are acceptable;
- There is no significant loss of amenity; and
- The use does not conflict with the predominant use of the area.

5.0 Appellants Grounds of Appeal

- 5.1 The appellant is appealing against the temporary condition (Condition 1) on the following grounds:

- a) Full planning permission is sought to enable the business to run efficiently and effectively without any hindrances. We feel that we are having undue pressure put onto the business to move into new premises a lot sooner than anticipated.

EPO observation: The location of this business is within a residential area and as such the policies described in section 4 above apply. It has been accepted that the business has not raised any issues regarding neighbourhood amenity. However, there are two other issues that have to be considered; (i) the fact that the staffing levels have increased from 2 to 5 in the first year and thus, may continue to increase as the business grows; and (ii) the possibility that in the future the business (with

building) may be sold on. Both of these issues have traffic generation and parking implications inasmuch as more staff will mean more vehicles and thus more parking spaces will be needed and, if sold on, additional parking will need to be provided on a site (outwith the property of 98 Davis Street) which is not able to provide sufficient car parking currently. As such, the business has the potential to have a negative effect on neighbourhood amenity in the future and cannot be deemed as being totally appropriate for being within a residential area.

By issuing a temporary planning permission the business is able to continue operating as currently whilst the applicant is encouraged to seek other more suitable premises elsewhere. It also enables the impact of the business on the surrounding residential area to be continually assessed. Renewal of temporary planning permission is an easy process and, dependant upon the impact of the business in terms of amenity etc and what Planning & Building Committee decide, can potentially be renewed year after year until such a time as either problems arise or new premises are found.

I do not see that this permission is a hindrance to the running of a business but accept that it may apply some pressure on the applicant to find other premises. However, I do not believe that this implies that a change of premises has to be done immediately rather that it must be looked into and carried out as soon as feasibly possible for the business. A temporary permission ensures that the applicant does not lose sight of this.

A permanent planning permission, if approved, could potentially result in the creation of on-street parking problems, traffic congestion problems and also amenity issues caused by the increased traffic generation, movement and associated sounds, lights etc. If this were to happen there would be no way for the matter to be redressed by virtue of the fact that a permanent permission had been granted.

5.2 The appellant is appealing against the condition restricting the preparation of side orders to those stated in the supporting letter (Condition 2) on the following grounds:

- a) This condition will prevent the business keeping up with competition...the menu needs flexibility. Many businesses around Stanley are located in residential areas and offer a menu with a variety of food products with smells being very noticeable, why is this condition being forced onto Mamma Sue's Pizza Delivery?

EPO observation: The other businesses engaged in food preparation are sited within recognised commercial areas (as designated by the adopted Stanley Town Plan). Some of these are adjacent to a mix of different uses, including other businesses and some dwellings. This is in contrast to Mamma Sue's, which is surrounded by dwellings on all sides (some of which are very close) and, whilst it is accepted that there have been no representations regarding odours, it is possible that the preparation of stronger smelling foods may have a significant effect on amenity.

By restricting the menu to those side-orders stated in the supporting letter (which will not generate strong smells), the amenity of the area is protected. Should the applicants wish to prepare other foods, a variation to this condition may be applied for in writing (stipulating what other foods they propose to prepare). This can then be deliberated by the Planning & Building Committee at the next available meeting and either approved or refused.

Were the business premises sited in a more appropriate (commercial) location, such restrictions would not be necessary.

5.3 The appellant is appealing against the condition restricting the use of 4WD vehicles to the months of May to August inclusive (Condition 5) on the following grounds:

- c) Utilising four wheel drive vehicles all year round is a must to aid the growth of the business and to support the use of mopeds. Falklands weather is not always favourable and one of the major factors that prevent the use of mopeds is high winds. High winds can occur all year round and if we are unable to utilise four wheel drive vehicles we will be forced to close. We disagree with the statement that there is *insufficient off-street parking provision for four wheel drive vehicles*.

EPO observation: Current parking guidelines state that for staff parking, there should be 1 space per 1.5 members of staff. As such, with 5 members of staff, 3 or 4 spaces provided to meet the requirements of the business. It is proposed that two vehicles will be used for deliveries. Thus, a total of 6 spaces is required.

The standard for car parking spaces is that each space should be 2.5m x 5m, arranged side-by-side, with sufficient space behind them (approximately 6m) to enable vehicles to turn within the property and exit in a forward direction. The proposed parking area to the rear of the property is long, narrow and of an irregular shape and could accommodate a maximum of three vehicles allowing for turning room within the property, which broadly meets the requirement for staff parking only. There is insufficient space to the front of the premises to accommodate anything larger than a moped.

As it is not possible to provide the required 6 off-street parking spaces it is expected that this would result in a number of business-related vehicles being parked on Davis Street during operational hours. This has implications for traffic congestion and generation in a residential street. However, it is accepted that mopeds cannot operate easily in the winter months and that an alternative mode of delivery is preferable to closure. As such it was decided that an adequate compromise would be to permit the use of 4WD vehicles but limiting this to only during those winter months. This would ensure that any problems generated by their use could be identified and assessed, and that neighbourhood amenity was protected by virtue of ensuring that any such problems would not occur year round.

It is widely accepted that developments, be they residential or commercial, should provide sufficient off-street parking to meet the needs of the development. The present location of Mama Sue's does not meet these requirements, which is why the initial planning approval was for the use of mopeds only for delivery purposes. If an exception is made for this business it will make it much easier for other developers to request a relaxation of parking standards associated with their developments. This in turn will increase the level on street parking, leading to more traffic congestion and potentially increasing risks to pedestrians and other road users.

AP 08.07.11

ANNEX 10

Claudette Prior

Subject: FW: MAMMA SUE'S PIZZA APPEAL

From: Marcus Morrison
Sent: 09 August 2011 10:59
To: Claudette Prior
Subject: RE: MAMMA SUE'S PIZZA APPEAL
Hi Claudette,

Thanks for the e-mail and quick response.

I would prefer to continue with the appeal without any further comments. I believe I have fully explained my issues in the original appeal letter.

Kind regards,

Marcus

From: Claudette Prior
Sent: 09 August 2011 10:55
To: Marcus Morrison
Subject: RE: MAMMA SUE'S PIZZA APPEAL

Hi Marcus

No you don't need to respond unless you have any further comment on the statement from the EPO and in respect of Mrs Luxton's letter. However if you do not then can you confirm that you still want the appeal process to continue , or if that is not the case that you withdraw the appeal and accept the conditions contained in the original planning permission.

Kind regards

Claudette

Claudette Prior MBE
CLERK OF THE LEGISLATIVE ASSEMBLY
GILBERT HOUSE
STANLEY

From: Marcus Morrison
Sent: 09 August 2011 10:45
To: Claudette Prior
Subject: RE: MAMMA SUE'S PIZZA APPEAL

Hi Claudette,

Thanks for the e-mail. Do I need to respond? If not I presume it will simply run as the original planning application has stated?

Cheers,

Marcus

From: Claudette Prior
Sent: 08 August 2011 12:49
To: Marcus Morrison
Subject: MAMMA SUE'S PIZZA APPEAL

Hello **Marcus**

10/08/2011

I thought I would drop you a line to remind you that the deadline for a response in respect of the statement of the EPO to the Planning and Building Committee is due back to me tomorrow.

Kind regards

Claudette Prior MBE
CLERK OF THE LEGISLATIVE ASSEMBLY
GILBERT HOUSE
STANLEY