

BUILDING AND DEVELOPMENT CONTROL COMMITTEE

Anne French Room
Tuesday 18th October 2016

Present:

Mr M Birmingham, Chairman
Mr F Simonet
Mr C Rowley (Until 1730)
Mr S Roberts (Until 1600)
Mr R McDowell

Mr J Young, Planning Officer
Miss S Osborne, Planning Assistant (Until 17.00)
Mr Phil Ogier, Traffic Officer, SoG (Until 15.30)

Apologies: Mrs L Baines, Minute Secretary

ACTION

38/2016 **Minutes of previous meeting of 30th August 2016 tabled and approved.**

39/2016 **Matters Arising - nothing to report.**

40/2016 **Planning Matters**

40.1 Planning Applications - Deferred from previous meetings

PA/2016/061 Mr Simon Benfield & Mr & Mrs Gaudion – She View & Notre Reve, Longis Road.

Construct a double garage and improve opening to road.

A pack of documents relating to this application had been issued to members on 7th October 2017. A further representation had been received from the principal objector raising further questions and this and responses prepared by the traffic officer had been provided to the Committee. Mr Phil Ogier attended from Guernsey for this item to reply to members questions on traffic aspects.

The Planning Officer introduced the deferred application. There was a history of planning issues but advised this application needs to be considered on its merits. It is essentially unchanged from the previous application which was rejected the application on road safety grounds. There is an existing road access which has been in use for a considerable amount of time. GSC opinion was different from BDCC's and so Guernsey had been asked to assist.

The applicant's brother had submitted many questions regarding traffic issues, his questions were passed to PO, who answered them in more detail.

The Planning Officer recommended the application for approval subject to conditions, firstly to remove the storage from the existing parking area and secondly to round off the wall and fence to the west to further improve the visibility.

The traffic officer then answered member's extensive questions on traffic and road safety aspects. He advised he had evaluated this as an existing entrance and it was apparent from his visit that it was presently in use. One member of the Committee disagreed strongly considering this was not an existing access, but had to be treated as a new development. Mr Ogier maintained his advice that that there were insufficient grounds to reject the application on road safety and traffic grounds because this was an existing entrance.

The Chairman summed up at that point:

“ There has been a gap in that wall for at least a five year period, which is effectively an established access , it is clear from listening to the advice from the traffic engineer from a road traffic point of view the access is not really an issue. The removal of the wall, opening up the entire area creating a larger area for off road parking and by inserting mirrors actually improves the road safety situation

... so I think it would be very, very, hard for us to not approve the removal of the wall, So I don't think it is possible for us to turn down the access. #

Has anybody got any thought on the garages? If we split it and look at it that way.... whether everybody agrees about the access part? " *All members of the Committee agreed.*

Mr Ogier left the meeting at 1530 – The chairman thanked him for his attendance and advice.

The committee continued to discuss the second part of the application for garages. After discussion, the Committee decided not to accept the planning officer's recommendation to approve the application, on grounds that it considered that the application would result in a reduction in off street car parking, had concerns about small size of the garages and their effect on manoeuvring within the site

The planning officer requested clarification of the Committee's reasons.

The Chairman referred to paragraph 25 of the recommended Propriety guidance, item 5.2 on the agenda, which requires the final determination of the application to be adjourned until another meeting so that the reasons can be properly finalised.

The first part of the application was approved, widening of the existing entrance by removal of the boundary wall, steps to be relocated, mirrors to be erected and walls rounded slightly.

The Committee decided to refuse the second part of the application for garages on grounds of loss of off street car parking, but final determination of this part of the application was adjourned for clarification at a later meeting so that the reasons can be properly finalised.

PO/DEFERRED

40.2 Planning Applications – new applications

PA/2016/082 Mr Nigel Roberts – 13b Braye Road. New dormer window in front roof facing the road.
Application approved.

PO

PA/2016/089 Ms Philippa Sutherland – The Albert House, Victoria Street. Demolition of rear extension, addition of rear roof lights and removal of two chimneys.

Application approved.

PO

PA/2016/090 Mr David Possnicker – White Cottage, Rue de la Saline. Removal of three leaning pine trees.

Application approved.

PO

PA/2016/091 Mr Mike Price – Part of 11 Clos Carre, Les Mouriaux. Construct three new garages in one block.

Application approved.

PO

PA/2016/092 Mr Robert Hammond – 61a High Street. Replace two old windows with replica new ones.

Application approved.

PO

PA/2016/093 Mr Alex Snowdon – The Town House, High Street. To install a front door centrally in the High Street elevation of the white cottage part of this property.

Application approved

PO

PA/2016/094 Dr Petty – 7 Le Bourgage. RETROSPECTIVE Repositioning of boiler flue.
Application approved on condition that the balanced flue which is discharging at low level causing nuisance to the neighbouring property from noise and fumes, is replaced by installing a high level flue discharging above roof level abating the nuisance.

PO

PA/2016/095 Mr Victor Levine – The Armoury, Les Rochers. Add a new first floor with new entrance, stairs and WC to an existing workshop.

APPLICATION WITHDRAWN.

PO

PA/2016/096 Mr Victor Levine – AY2110, La Petit Val. To install a roof on an existing roofless potting shed.

Application approved with condition to prevent any construction on the boundary wall with the neighbouring property .

PO

PA/2016/097 Mrs Jacqueline Edwards – 1 Picatterre. Remove one top heavy pine tree from back garden.

Application approved.

PO

PA/2016/098 Alderney Electricity Ltd – Scrambling Course. To extract 1000tons of sand from the scrambling course.

Deferred until the meeting was reconvened at 1715

The chairman declared an interest and took no party in the discussion, and Mr Rowley abstained from the decision. The Vice Chairman took the chair for this item.

Application Refused. On grounds of Section 12 – designated area

PO

40.3 Planning Applications – fast track – for ratification

PA/2016/083 Mr Peter Bevis – Aurigny Maison, Longis Road. To clad the exterior of the house with Marley Cedral Cement Board.

Application for ratification- approved

PA/2016/084 Angela Culley & Chris Dobson – 21 Brickfields, Le Grand Val. To install a first floor window on the east gable.

Application for ratification- approved

PA/2016/085 Mr Raymond Berry – Tenzan, 56 Le Banquage. Replace garage door with uPVC patio door with the same dimensions as garage door.

Application for ratification- approved

PA/2016/086 Mr & Mrs A Newman – 3 Rue Genet, Allees es Fees. New garage extension.

Application for ratification- approved

PA/2016/087 Mr John Sumner – Cappanuke, Rockmount. Remove one overgrown pine tree from front garden.

Application for ratification- approved

PA/2016/088 Mr David Babey – 6 Le Bourgage. Replace timber glazed front door with uPVC front door.

Application for ratification-approved

PO

41/2016 Other Planning Matters

None.

42/2016 Policy / Legal Matters / Systems & Procedures

42.1 FAB Link. Conference Call with Law Officers and ARUP – See Confidential Annexure

43/2016 Policy Matters**43.1 Review of Planning & Building Control Fees**

The Committee considered a report from the Planning officer recommending the revised fees on Planning and Building Controls Services. The new schedule sought to aim towards recovering 40% of overall total costs, which had been requested by P & F Committee and included in the 2017 budget, subject to the following amendments. The charges had not been increased since February 2014. The revised scale of planning charges proposed maintained the present fee structure with variations:

- Planning fees for Category 6, other development, currently £100. Categories 6A, 6B, 6C have been added based on the site area, with fees of £150, £350, £350 for each additional 1 acre. This follows the Guernsey fee structure.
- The proposed new Planning fees were approved, subject to the following changes, with effect from 1st January 2017.
- Planning fees for Category 4, minor development currently £35 split into three categories, new Category 4A for trees, unchanged at £35, New Category 4B, £50 for more than one window replacement, New Category 4C, single window replacement £35

The Committee considered this change complex, and did not consider the minor fee category should remain unchanged. The Committee decided to increase the Category 4 fee from £35 to £45. Concerning the proposed scale for Building Control charges, the Committee considered the impact of the significant increases proposed on building costs immaterial compared with very high cost of building in Alderney. The Planning Officer advised that the Building Control Service, which was presently carried out by an agency service arrangement with Hamon Architects Ltd and amounted to a less than half time service. This service level was planned to be enhanced in 2017 with Building Control brought in house, as there would be expected to be an increase in building applications. There also needed to be significantly improved enforcement, which at present is very weak with a high level of noncompliance.

The Committee were asked whether the new scales should be published for public consultation which the Law officers had advised. The Committee considered that this was not necessary because the Planning review of 2014 had recommended the increase; P & F committee required the 40% increase and the BDCC 2017 budget was based on the new charges

The Committee approved the new Building Control fees with effect from 1st July 2017 to allow time for service improvements with an in house service, to be made.

The Planning officer was directed to instruct the law officers regarding the fee Ordinance and ensure its inclusion in the Billet for the December 2016 States meeting.

PO/BILLET

43.2 Propriety Guidance

The Chairman had requested the Committee consider for adoption the propriety guidance applicable to members of the new Development and Planning Authority in Guernsey, as adapted in detail for Alderney. A copy was provided for members, it had originally issued by the environment department who until May 2016 had responsibility in Guernsey. The Committee considered it important the Alderney version of the guidance which had been revised in detail only, by the Chairman and Planning Officer (to include Civil servants dealing with Planning application matters as part of their job) was adopted prior to the new BDCC being constituted in January 2017 after the elections.

The Committee approved the Alderney version of the Propriety guidance and instructed the Planning officer to arrange for its publication on the billet for December 2016 States for adoption as part of Committee mandates.

The committee also decided that this guidance should be made available to the States members following the elections in November 2016 as part of their induction programme and directed this be referred to the CEO.

PO/CEO

43.3 Protocol for Open Planning Meetings

The Committee continued its previous discussion whether to open the part of BDCC meetings which consider planning applications. The Committee considered a Protocol dated 31 May 2016 which had been adopted and published by the Guernsey Development & Planning Authority, entitled "Protocol for the Operation of Open Planning meetings of the Development Control Authority"

The Committee considered that the Protocol should be adapted in detail for BDCC meetings and should be recommended for adoption in principle to the December States, to require the new Committee to open the part of BDCC meetings which deal with planning applications, to the public.

The Planning officer was instructed to revise the document in detail for Alderney, for agreement of the Committee at their November meeting for inclusion on the December Billet.

PO/BILLET

43.4 LUP Review – Update

The Committee noted the update. Work was at a very advanced stage in the heritage policy preparation work carried out by the Alderney Society, Tissie Roberts, Donald Hughes, Sam and Guernsey Museums. Work on the environment policies is also progressing with the Alderney Wildlife Trust. The economic policy work is resource constrained and would benefit from a greater commitment, but basic research on commercial property uses with Cadestre and tourism workshop, had been completed. It was anticipated that FAB policy would be included in the scope.

Infrastructure need to be included and James Lancaster of AEL had been requested to assist.

The Committee noted a press release dated 7 Oct which notified the public of the commencement of the Call for Sites process, with a closing date of 18 November. It was advised that ARUP would be organising stakeholder workshops in Alderney on the Economic, Infrastructure, Environment and Heritage policies of the LUP, in week beginning 5 December. It was hoped that other States members as well as BDCC and members elect would participate in the workshops as well as public stakeholders. This would help ensure ownership of any new draft policies brought forward in the draft plan in March 2017. It was planned to hold the public Inquiry in April/ May 2017 to enable the LUP to be considered by the States in July 2017. At the same time BDCC law changes which are required to progress the new LUP policies if they are adopted by the States will be progressed

43.5 Register of Historic Buildings & Conservation Areas

The Committee received a list of all buildings and conservation areas currently registered under Part VII of H) of the Building and Development Control (Alderney) Law 2002 in respect of Historic Buildings and ancient monuments. Under Section 50(2) of this law, the Committee is required to publish a list at least once every three years in the Billet d'Etat. The last time this was done was in October 2013. No changes have been made to the list which is proposed to be published in December Billet to comply with the law.

As regards future listing, the Committee were advised the list of registered buildings and conservation areas is currently under review as part of the LUP review. It is expected that if the LUP changes are approved in 2017, proposals for registering buildings of value which are worthy of registration but omitted from the list will come forward for consideration. At the same time as proposals for deregistering some individual buildings will come forward where damaging and inappropriate changes to these buildings have spoiled their historic value. Changes to conservation area boundaries may also come forward in late 2017 subject to the LUP.

The committee agreed the list be published in the Billet and instructed the Planning Officer to arrange.

PO/Billet

44/2016 **Any Other Business**

None.

45/2016 **For Information**

None.

Meeting closed: 18.30pm

Date of next meeting: 29th November 2016

Signed: Matt Birmingham

Dated: 29th November 2016