

**Building & Development  
Control Committee**

**Policy  
Guidelines**

Approved by B&DCC 2<sup>nd</sup> December 2008  
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## 1.1 What is the Policy used for?

- 1) Making decisions on planning applications.
- 2) Encouraging suitable development on appropriate sites.
- 3) Protecting the environment.
- 4) Helping to guide public and private investment.

## 1.2 What does the policy seek to achieve?

The objective of the Policy is to provide for the main development requirements of the Island in a way that conserves the special features of its environment, makes optimum use of its resources and offers a good quality of life for its people.

To have one document that contains all Building and Development Control Committee policies, to include policies relating to the Land Use Plan.

## 1.3 What does the Policy contain?

The Policy contains guidelines for the Building and Development Control Committee.

The information provided in the Policy document will assist both developers and individuals prior to the submission of planning applications.

The policy contains two components: **Written Statements** and the **Area Maps**

### 1.3.1 Written Statements

Land Use Plan  
Supplementary Planning Guidance

### 1.3.2 Area Maps

Land Use Plan 2006  
Conservation Areas

### 2.1 Legal context

This chapter of the Policy Document takes the considerations that the Law requires the Committee to take into account and translates them into General Policies. These inform the rest of the Document and Committee's decision-making in general.

Section 7 of the Building and Development Control (Alderney) Law, 2002 as amended, requires the Committee to take into account:

- “(a) the effect of the development or other work on the natural beauty of the area and the desirability of keeping land adjacent to the foreshores and cliffs of the Island in its natural state;
- (b) the degree of suitability of the land to which the application relates for residential or industrial purposes;
- (c) whether the moveable or immovable structure or other work in relation to which permission is applied for would be incongruous with its surroundings because of its siting, design or exterior appearance or because of the materials to be used;
- (d) in the case of an application for permission to carry out any development of agricultural land, the degree of suitability of the land as agricultural land, and the loss to the Island (if the application were to be granted) of agricultural land;
- (e) the extent to which the development or other work would detract from the character or the amenity of the locality concerned;
- (f) the effect of the development or other work on roads, traffic, services, public health, parks, playing fields and other open spaces and the effect on adjoining properties;
- (g) the availability of access and the proximity of appropriate services, including roads, electricity, water and sewage disposal;
- (h) the provisions of any Land Use Plan approved by the States.

## **2.2 General policy principles**

- ❑ Land should be used for the optimum benefit of the community, economy and environment, **[2.3.1]**
- ❑ Proposals should not prejudice or inhibit the best long term planning interests of the Island. **[2.3.2]**
- ❑ The Island's landscape, ecology and wildlife should be conserved and enhanced. **[2.3.3]**
- ❑ The Island's high quality built environment should be conserved and enhanced. **[2.3.4]**
- ❑ New developments should be well designed and in keeping with their surroundings. **[2.3.5]**
- ❑ Adverse impacts upon the character and amenity of the area should be avoided. **[2.3.6]**
- ❑ Development should be served by adequate roads and other infrastructure. **[2.3.7]**
- ❑ Development should be provided with safe and convenient access. **[2.3.8]**
- ❑ Open space and parking provision should be of an appropriate standard. **[2.3.9]**
- ❑ Development should not give rise to hazards, pollutants or nuisances, which would present a significant risk to the public and the environment. **[2.3.10]**
- ❑ Development should help to support and maintain public enjoyment of the built and natural environment. **[2.3.11]**
- ❑ Development should not be detrimental to the reasonable enjoyment of adjoining properties. **[2.3.12]**

## 2.3 General Development Policies

All the policies in this chapter are statements of general policy which will be applied in conjunction with the subsequent more detailed policies of the overall document. These basic considerations apply to any form of development in any location. The basic planning principles outlined in this chapter underpin the whole policy document and introduce policy themes that are developed in more detailed and specific policies in subsequent chapters.

### 2.3.1 Sustainable Development

It is vital that the land is used in ways that make a positive contribution to the economic, environmental and social wellbeing of the Island. At the same time existing resources should be used efficiently and the quality of the environment should be conserved and enhanced.

The B&DCC will encourage proposals where the following issues have been addressed. Those wishing to build new houses or convert existing buildings should have regard for maximising energy efficiency, reducing water usage and using sustainable materials.

#### **Policy GEN 1**

In considering proposals for development the Committee will take into account the need for the development to be beneficial to the community and sustainable in terms of its location, its design, its use of existing resources and its impact on the environment.

The Committee will encourage the use of design and technology to achieve sustainable forms of development.

The Committee will encourage developments which show regard to

- a) maximising energy efficiency
- b) reducing use of mains water
- c) using sustainable materials

### 2.3.2 Comprehensive Development

Land in Alderney is a precious and scarce resource. Piecemeal development often represents a less efficient use of the land than a whole well conceived overall scheme. It can result in poorly laid out developments and the duplication of roads and services. Sometimes piecemeal development will leave isolated pockets of land without any prospect of reasonable development, or may blight an area by compromising future development opportunities. To achieve optimum results the Committee will seek to ensure that suitable development land is planned in a comprehensive way.

#### **Policy GEN 2**

In considering proposals for development the Committee will take into account the need to ensure the optimum efficient use of land. The Committee will require individual proposals to conform to a comprehensive scheme for the area where implementation of the project in isolation would be likely to prejudice or inhibit future development opportunities, or not represent best use of the land.

### **2.3.3 Landscape, ecology and wildlife**

In order to conserve and enhance the Island's landscapes and features of ecological and wildlife value, new development should respect existing landscape features and include them as an integral part of the design process.

#### **Policy GEN 3**

In considering proposals for development the Committee will take into account  
a) existing features of significant landscape, ecological or wildlife value; and  
b) the appropriate provision of new or improved landscape, ecological or wildlife features.

### **2.3.4 The built environment**

The Committee is committed to the conservation of the Island's architectural and historic heritage.

#### **Policy GEN 4**

In considering proposals for development in the Conservation area or on a Historic Building the Committee will take into account the need to conserve and protect the Island's heritage, as well as enhance the quality of the built heritage.

### **2.3.5 Design**

Good design, which relates well to its surroundings, enhances the quality of experience for its users and contributes to public enjoyment of an area. Visually intrusive development, on the other hand, can spoil the quality of the environment for all.

#### **Policy GEN 5**

In considering proposals for development the Committee will take into account:-  
a) the quality of design and materials to be used; and  
b) the siting, layout and scale of buildings in relation to their surroundings.

### **2.3.6 Character and amenity**

The characteristics of the Island, which contribute to its special appeal, can easily be lost or eroded by unsympathetic development. It is important to ensure that the amenity of an existing area, its pleasantness and local distinctiveness, are maintained or enhanced.

#### **Policy GEN 6**

In considering proposals for development the Committee will take into account locally distinctive features and characteristics of the environment.

### **2.3.7 Roads and infrastructure**

It is, generally, better to locate new development where the infrastructure has sufficient capacity to cope with the increased demand. In some cases, improvements to the local networks may be needed. In the case of large projects the developer may be required to carry out an Environmental Impact Assessment (EIA), and undertake improvement to the network.

#### **Policy GEN 7**

In considering proposals for development the Committee will take into consideration the adequacy of roads and public utilities to cope with the increased demand.

### **2.3.8 Safe and convenient access**

Proposals for development offer the opportunity to secure a more accessible environment for everyone. An environment that provides for safe and convenient access for people with mobility problems, including people with sensory impairment and carers with young children, is likely to benefit all users.

#### **Policy GEN 8**

In considering proposals for development the Committee will take into account the need to ensure safe and convenient access, including the needs of people with mobility problems.

### **2.3.9 Open spaces and parking**

The provision of adequate levels of open amenity space and parking is important to the quality and function of all development. However, the strict application of minimum standards can have an undesirable impact upon the appearance of a development. Although the provision of parking and open amenity space should normally comply with Annex 1, the guidance will be interpreted flexibly where it is considered that, as a result, a better development could be achieved.

#### **Policy GEN 9**

In considering proposals for development the Committee will take into account the provision of adequate levels of parking and open amenity space.

### **2.3.10 Hazardous development**

Care must be taken before new development is located close to existing hazardous development (including contaminated land). Similarly, care must be taken in the location and design of new development that might, of itself, cause risks to the environment and the public. In dealing with hazardous development the Committee will expect development proposals to include an Environmental Impact Assessment (EIA) and risk assessment.

#### **Policy GEN 10**

In considering proposals for development with potential to cause, or to be affected by, significant risks to public health and safety, and the environment, the Committee will require satisfactory measures to address the risks arising from the proposal.

Permission will be refused if the level of risk associated with the development is considered to be unacceptable.

### **2.3.11 Public enjoyment**

The open spaces and routes within the Non-Designated Area, and features within them such as places to rest and seek shelter, form the setting for people to enjoy. The quality of this public realm makes an important contribution to the special character appeal of the urban environment.

#### **Policy GEN 11**

In considering proposals for development the Committee will take into account the need to safeguard and, where appropriate, create opportunities for public enjoyment.

### **2.3.12 Effect on adjoining properties**

In a small Island it is perhaps inevitable that development could affect someone, somewhere. In assessing the effect on adjoining property, the Committee will consider whether an individual's reasonable expectation to develop property can be justifiably denied in order to protect a neighbour's reasonable enjoyment of amenity.

#### **Policy GEN 12**

In considering proposals for development the Committee will take into account any significant impact on the reasonable enjoyment of adjoining properties, particularly in relation to overshadowing, overlooking, emissions, noise and disturbance.



## 3 Design & the built environment

### 3.1 Policy Context

The Policy Guidelines recognise that good quality design in the built up area helps to create, sustain and improve the quality of the built up environment. Having regard for the document, the policy principles for design and the built environment are as follows:-

- ❑ Well designed development should be encouraged. **[3.2.1]**
- ❑ Groups of buildings and townscapes of special character, architectural quality and / or historic interest should be conserved and enhanced. **[3.2.2]**
- ❑ Buildings of special interest and their settings should be protected from damaging change. **[3.2.3]**
- ❑ The demolition of buildings that make a positive contribution to the character of the built up environment should be avoided. **[3.2.4]**
- ❑ Areas of archaeological importance should be identified and protected. **[3.2.5]**

In applying these policy principles, the Committee recognises that a balance must be struck between the protection and enhancement of the built environment in the public interest and the reasonable expectation of property owners to exercise individual choice in matters of design.

The ability to distinguish is important if the policy is to ensure that the distinctive quality of the Island's built environment is not allowed to deteriorate as a consequence of insensitive development.

## **3.2 Design & the built environment policies**

### **3.2.1 Design General**

Well designed buildings fit in with their surroundings and satisfy the needs of the occupants and the general public. In the design of minor developments such as house extensions and garages it is intended that a high degree of flexibility and personal choice will be available. Poor or obtrusive designs will be rejected. The B&DCC will encourage close liaison with applicants to achieve a satisfactory design from the earliest planning stages.

#### **Policy DBE1**

In general the B&DCC will require new development to:-

- (a) achieve a good standard of architectural design;
- (b) respect the scale and massing of existing buildings in the vicinity;
- (c) avoid the introduction of elements that would appear obtrusive or discordant in the street scene;
- (d) retain existing features that contribute to the character of the area;
- (e) incorporate measures, as appropriate, to ensure the safety and security of the public; and
- (f) achieve a satisfactory relationship with adjacent properties.

### **3.2.2 Development with significant townscape impact**

Development within the St Anne will be permitted which conserves or enhances the character and appearance of the area, in terms of size, form, position, scale, materials, design and detailing.

#### **Policy DBE2**

Development proposals which result in significant change to the character of the surrounding townscape, will be required to:-

- (a) make a positive contribution to townscape quality, in terms of layout, density, height, massing, architectural style, materials and landscaping;
- (b) facilitate safe and convenient access, including movement by pedestrians, cyclists, pushchair/ wheelchair users, both within the development and the surrounding areas; and
- (c) retain, enhance and/or create urban spaces, landmarks, and other townscape features, which make significant contribution to the character of the area, and take opportunities to reveal such features to public view.

### 3.2.3 Buildings of special interest

Buildings of special interest include Ancient Monuments and Historic Buildings and other buildings that the B&DCC considers have special qualities and make a valuable contribution to the character or appearance of an area. The setting of these buildings can be just as important as the individual buildings themselves. It is important to ensure that the development is carefully designed to avoid damaging the character of a building of special interest or its setting.

Any proposal that affects a building of special interest, or its setting, must be accompanied by sufficient information to enable the effect of the proposals on the character and setting of the building to be fully considered. In appropriate circumstances the B&DCC may require a structural survey be undertaken by an appropriate professional to demonstrate that the proposals would not entail extensive demolition and rebuilding.

#### **Policy DBE3**

Buildings of special interest and their settings will be protected from development that would detract from their special qualities.

Development will only be permitted where:-

- (a) it respects the building and its setting in terms of siting, scale, massing, form, proportions, detailing and materials;
- (b) it would not result in loss of ancillary features which contribute to the character of the setting of the building; and
- (c) the proposal would comply with other policies and, in the case of conversion or change of use, the character and appearance of the building would be substantially retained.

### 3.2.4 Demolition of buildings and features

There is a general presumption in favour of retaining buildings and features that make a positive contribution to the character and appearance of an area. Rehabilitation of existing buildings with selective redevelopment can be more effective and less wasteful than demolition and replacement with new development.

However, where a building clearly detracts from the character and appearance of the locality, proposals for its demolition and redevelopment could help to enhance the character and appearance of the built environment.

In order to avoid the creation of “gap sites” which can remain vacant for long periods, it is important that consent should not be given for demolition unless it is clear that the site will be redeveloped within a reasonable time scale.

#### **Policy DBE4**

Proposals to demolish existing buildings and features will be considered against the following criteria:-

- a) The contribution of the building or feature to the character and appearance of the area (absence of such a contribution will not necessarily be a reason for demolition);
- b) the contribution that the proposed replacement, other development or vacant site, would make to the character or appearance of the area;
- c) the condition of the building, the cost of repair and maintenance and the economic value of the building if reused; and
- d) the importance of the new development and whether it will produce substantial benefits to the community that would outweigh the loss resulting from demolition.

Where it is important for the character or appearance of an area that the structure be replaced or the site landscaped, any consent involving demolition will be subject to a condition which will ensure this.

### **3.2.5 Archaeological Remains**

Archaeological remains provide evidence of the Island's history and can be of great interest and value to residents and visitors. They are very vulnerable to development and, once lost, cannot be replaced. They should therefore be protected during the development process.

Wherever possible, developments should be located or designed so as to retain any valuable remains in their present position. In exceptional cases, where the remains are of outstanding importance, these may have to take priority over development. In most cases, however, mitigation measures (either through the design of the development, through prior excavation and recording or archaeological watching brief during development) will provide adequate protection. The Committee will attach conditions to development permissions to ensure that adequate action is taken in each case to protect the archaeological significance of the site.

#### **Policy DBE5**

Proposals that would adversely affect areas of archaeological importance will only be permitted where the applicant makes appropriate and satisfactory provision for mitigation measures to avoid damage to the remains, or for archaeological investigation and recording, in accordance with a scheme to be agreed by the Committee. Conditions will be attached to planning permissions to ensure the implementation of the agreed mitigation and / or investigations.

## 4 Town Centre

### 4.1 Policy context

The B&DCC seeks to maintain and enhance the attractiveness of the commercial centre of Victoria Street. The vitality and viability of the town centre is particularly dependent on retail activity. This policy aims to concentrate retail development in the existing town centre. It is recognised that additional provision for out-of-town shopping, unless properly justified, could threaten the vitality and viability of the existing centre.

Having regard for the planning context referred to above the policy principles for the centre of St Anne are that: -

- ❑ In the absence of an acknowledged demand for the provision of additional out-of-town retail developments, new retail developments should be directed to the existing town centre. **[4.2.1]**
- ❑ A diverse and sustainable mix of activities should be maintained and enhanced. **[4.2.2]**
- ❑ Accessibility should be maintained and improved including the provision of appropriate levels of car parking. **[4.2.3]**
- ❑ The special character of St Anne should be maintained and enhanced. **[4.2.4]**

## **4.2 Policies for St Anne Town Centre**

### **4.2.1 New retail developments**

Victoria Street is the Island's main shopping area and is characterised by an interesting blend of shops and businesses.

In order to ensure that the town area continues to provide attractive and convenient shopping facilities for all the community, the policies for new retail development are in the spirit of improving shopping facilities whilst at the same time concentrating development in and around the town area.

#### **Policy TOW1**

- a) The provision generally of further new retail developments on sites away from the Town Centre will be resisted.
- b) New development in Victoria Street will only be permitted where proposals are satisfactorily located in relation to the character of the area and neighbouring properties, and make appropriate provision for access, car parking and servicing.

### **4.2.2 A sustainable mix of diverse activities**

In considering proposals for the change of use or redevelopment of retail units at street level, the impact of the proposal on the retail function of Victoria Street will be determined having regard to:

- The particular nature and character of the use proposed, including the level of activity associated with it;
- the number, distribution and proximity of other premises in non-retail use or with permission for such uses;
- whether the new non-retail use would result in an over concentration or grouping of uses which could result in a long term loss of trade from Victoria Street compared with a continued retail use;
- the length of time the unit has remained vacant and the evidence to show that attempts have been made to find a retail occupier; and
- the design and appearance of the proposed frontage.

The impact on nearby residents will be given very careful consideration. The main planning issue is likely to be the scale of noise and disturbance expected and the extent to which this may impact upon the occupiers of upper floor flats or adjoining residential properties.

In order to ensure success and prosperity of St Anne, it is considered important that a variety of shops should be encouraged.

## **Policy TOW2**

Proposals for change of use or redevelopment of retail units at ground level within Victoria Street area will only be permitted where: -

- a) the overall retail function and vitality of the frontage within which the shop unit is situated would not be adversely affected;
- b) the use would make a positive contribution to the overall role of the Street;
- c) the proposal would not cause significant adverse effects for nearby residents; and
- d) the use is compatible with other policies.

### **4.2.3 Accessibility**

The B&DCC supports the principle that parking requirements are kept to an operational minimum and alternatives to the car are encouraged. Car parking is a major use of land and its supply is a key factor influencing trip generation. There is a balance to be struck between providing more parking spaces and the need to reduce dependency and achieve a shift towards more sustainable modes.

It is accepted that some additional parking provision may be required. In order to meet specific requirements, Policy TOW3 supports the provision, where appropriate.

## **Policy TOW3**

The B&DCC will seek to ensure that there is sufficient public or customer off-street parking to meet the operational needs of Victoria Street, public facilities and the essential needs of commercial developments.

### **4.2.4 The special character of St Anne**

#### **Paving**

Natural materials such as granite setts and flagstones are characteristic of St Anne and add greatly to the quality and identity of streets, venelles and spaces.

#### **Shopfronts**

New shopfronts should be well designed and attractive to shoppers in a manner that will maintain and enhance the character of St Anne. The Town Area is designated as a Conservation Area and replacement of inappropriate or unsightly shopfronts provides an opportunity to enhance the appearance of the building and the street scene.

#### **Signs**

In order to protect and enhance the character of St Anne, advertising material should be generally restrained in quantity and form. In Conservation Areas, only painted signs and applied lettering will be appropriate. The B&DCC will not normally permit the provision of illuminated signs. In addition, advertisements should not adversely affect any form of



traffic, including pedestrians, or other public safety, for instance where it will cause obstruction to the public highway or result in glare or dazzle.

#### **Policy TOW4**

- a) To ensure that the special character of St Anne is maintained and enhanced, the B&DCC will encourage the use of high quality, traditional paving materials and the provision of suitably located and well designed street furniture.
- b) The B&DCC will seek to ensure that shopfronts and associated features which contribute to the character of individual buildings and the area, are retained and repaired as part of any development scheme, and the provision of a new shopfront or alteration of an existing shopfront will only be permitted where the scheme is well-designed and would enhance the street scene.
- c) New or replacement advertisements will only be permitted if by reason of design, positioning, materials, proportion or illumination they would:-
  - i) be appropriately positioned in relation to the street level of the building on which they are fitted;
  - ii) be satisfactory in scale and appearance and not detract from the visual amenity of the street scene; and
  - iii) not create a safety hazard.

### 5.1 Policy statements

In order to minimize the development of open and undeveloped land, the Land Use Plan seeks to ensure that as much new housing as practicable is provided within the existing urban areas and on previously developed land. Priority should be given to making better use of the existing housing stock and to the conversion, sub-division and re-use of other vacant buildings.

Housing development should achieve as high a density as is compatible with achieving good standards of design, accommodation and residential amenity.

The importance of housing which meets the needs of all sectors of society is recognised.

Unfortunately, it has not been possible to bring forward a practical and legally robust policy for affordable housing as part of this Policy. The Building and Development Control Committee does however recognise the need for affordable housing and, whilst waiting for the initiation of a Housing Association, will insist that new housing developments include a percentage of properties for rental purposes.

Having regard to the 2007 Housing Needs Survey, the housing policy principles are:

- A wide range of housing which reflects housing needs should be encouraged, including homes for families and small households; and housing for the elderly and other households with special needs.
- Housing development should achieve as high a density as is compatible with achieving good standards of design, accommodation and residential amenity.
- The existing housing stock should be retained, improved and replaced where appropriate.
- The potential to convert, sub-divide and re-use derelict or vacant buildings should be encouraged.

## 5.2 Legal Context

### Control of construction of dwellings

Part V of the Building and Development Control (Alderney) Law, 2002 as amended prescribes that the Committee shall not grant any application for permission for the construction of a dwelling unless the applicant –

- (a) is aged at least 18 years and has been ordinarily resident in Alderney for an aggregate of not less than 16 years in any 20 year period;
- (b) is ordinarily resident in Alderney and is the surviving spouse of a person described in paragraph (a), and has neither previously been granted any such permission; nor owned a dwelling anywhere in the world (either alone or jointly); or

***(N.B. The above refers to the 'C Permit' system)***

#### **Single dwelling development (by C Permit)**

Other than as prescribed by Law, no further restrictions will apply to the individual dwellings created, except where: -

On land which is intended for sub-division into multiple plots to be made available for individual applications –

- i) Overall site controls aimed at providing a collective development that meets all the criteria determined by the Committee as appropriate for the site within the surrounding environment and community;
- ii) Specific areas of control will be the effective use of the available land, overall collective appearance, compatibility with the surrounding buildings and environmental features, access roads and car parking, sewerage and other services, and materials of construction.

- (c) is a person of such other description as the States may prescribe by Ordinance;

***(N.B. The above refers to the 'Exemption Ordinance' system, with the ultimate authority being the full States as opposed to the Building and Development Control Committee)***

#### **Development of dwellings by Exemption Ordinance**

**THIS POLICY IS CURRENTLY UNDER REVIEW**