

**BUILDING AND DEVELOPMENT CONTROL COMMITTEE**

Anne French Room

16<sup>th</sup> July, 2013, 0915 hrs

Present:

Mr M Birmingham, Chairman

Mr F Simonet

Mr R Berry

Mr C Rowley

Mr S Roberts

Mr R Burke, Chief Executive (until 1050hrs)

Ms J Turner, States Engineer

Ms R Sowden, Planning Assistant/

Minute Secretary

ACTION

24/2013 **Minutes of previous meeting** of 4<sup>th</sup> June 2013 were confirmed and signed.

25/2013 **Administration**

**25.1 Appointment of Deputy Chairman** Mr Simonet was appointed Deputy Chairman (Proposed by Mr Berry and seconded by Mr Rowley).

26/2013 **Matters Arising**

**26.1 B3109 Continental Metals** La Corvée. Engineer reported that the EIA was still awaited for the application. The applicant was also looking into alternative sites. **Application deferred.**

Defer

**26.2 Alderney Housing Association Exemption Ordinance** Sable D'Or. It was noted that the Housing Exemption Ordinance was due to be considered by the full States at its meeting on 17.07.13, and that Members had received a letter from Mrs P Pearson on the matter. The Committee noted Mrs Pearson's comments, but was satisfied that the order of process being followed was legitimate. It was noted that a planning application would need to be submitted and approved before any development could take place. **The Committee resolved not to withdraw the Billet item.**

**27.1 Planning Applications Report**

**A5042 Peter Arnold** The Old Alderney Pottery buildings, Les Mouriaux. Install timber panel and door in roadside stone wall. **It was noted that this application had been withdrawn.**

**A5043 Martin Burtoft** Stoney Lane Cottage, 3 Stoney Lane. Removal of three trees. It was noted that permission had been given by the Engineer for the removal of the leylandii tree to the NW of the site, because it had been considered that the tree was in a dangerous condition. It was noted that following the receipt of professional advice on the two other (poplar) trees, the applicant had decided to pollard the trees, rather than remove them. **Noted.**

**A5050 Mrs A K McAllister** Le Levre Field, Windy Corner. Extend permission for existing stables and mobile barn. **Application approved on a temporary basis for two years.**

**Reason:** In accordance with the Land Use Plan guidelines for temporary agricultural buildings.

SE

**B3138 M Brown** 3 Colinbott. Reduce level of part of rear garden. Erect two timber sheds. Three letters of representation tabled and considered. **Application approved.**

SE

**B3139 Island Land & Property Co Ltd** Ex Riduna Stores, 42/43 Victoria Street. Convert existing single apartment into three separate apartments. One letter of representation tabled and considered. It was noted the proposal would require the granting of a Housing Exemption Ordinance by the full States. **The Committee resolved to promote an Exemption Ordinance for inclusion on the September Billet.**

Defer/  
Billet

**B3140 Mr P Dogherty** Quel que Soit, 16 Brickfields. Construction of balcony to west elevation.

**Application approved with condition: -**

1. That the proposed upright balcony support posts are positioned inside of the fence / concrete pot retaining structure.

**Reason:** To ensure a satisfactory appearance in the interests of visual amenity.

**SE**

**B3143 Mr & Mrs Abel** 34 Les Venelles des Gaudions. Extend existing porch to north elevation.

**Application approved.**

**SE**

**B3144 V J Arkwright** Bracken Braes, Braye Road. Small extension to west elevation.

**Application approved.**

**SE**

**B3145 Mr & Mrs T Fisher** 6 Clos Carre. Conservatory and decking at rear of dwelling.

**Application approved.**

**SE**

**B3141 States of Alderney** Saye Beach Campsite. Alterations and extension to existing shop building to provide cafe seating area. Email from Law Officer dated 04.07.13 tabled and discussed. Following discussion of the legal interpretation received, the Committee was satisfied that it was able to approve the application under the Law and the provisions of the Land Use Plan. **Application approved.**

**SE**

**B3142 & B3132 States of Alderney** Saye Beach Campsite. Erection of log cabin (15m x 6m) to provide a laundry, dry room and storage area. Siting of portable timber-clad accommodation unit for use as warden's quarters. Email from Law Officer dated 04.07.13 tabled. The Committee discussed and debated the legal interpretation at length. A majority of the Committee was of the view that the development was allowable within the Law. However, it was agreed that the Law Officer should be requested to address the Committee in person in order that the Committee could understand fully the legal position with regards to the developments.

**Applications deferred.**

**SE**

**A5045 Alderney Trustees Ltd** Limpet Cottage, The Serpentine, The Butes. Change of use of land to the north of dwelling to domestic garden. It was noted that the area of land which was the subject of the application was situated in Zone 4 of the Land Use Plan, which is a 'no development' zone. It was noted that this small area of land was not situated in the Designated Area and its use as a domestic garden pre-dated the Land Use Plan. The Committee considered that the proposal was of a minor nature, and could therefore be treated as a minor departure from the Land Use Plan, in accordance with Section 31 of the Building and Development Control (Alderney) Law, 2002.

**Application approved with condition: -**

1. That the area of land is used as an open garden only and preserved from physical development / building.

**Reason:** In accordance with the land's current Land Use Plan zoning (Zone 4) which prohibits development.

**SE**

**A5048 Paul Williams** The Arsenal Football Ground. Excavate part of bank to create level area for training pitch, and install floodlights. It was noted that the application site was situated in the Designated Area, and its Land Use Plan zoning was Agricultural Zone. The Committee considered that it could not approve the application because the land on which the development was proposed is situated in the Designated Area (Greenbelt) and its zoning under the Land Use Plan does not support this type of development. The Committee therefore had no option other than to refuse the application. In reaching this decision, the Committee took into account Sections 12 and 7(1)(h) of the Building and Development Control (Alderney) Law, 2002, as amended. **Application refused.**

**SE**

**A5041 Paul Hayward T/A Saye Beach Campsite** Saye Beach Campsite. Placing of motorhome for living accommodation for campsite operators. **Application approved with conditions (Mr Simonet against):**

1. That permission is granted for the camping season only, expiring on 31<sup>st</sup> October 2013.

**Reason:** To ensure that the motorhome is used only for its intended and approved purpose.

2. That the occupation of the motorhome is restricted to the warden(s) only.

**Reason:** To ensure that the motorhome is used only for its intended and approved purpose.

3. That the motorhome is not to be driven on the public roads, except on its departure to the harbour, by the shortest route.

**Reason:** To be consistent with conditions of other caravans/motorhomes imported to the Island.

4. That a licence is issued for the importation of the motorhome.

**Reason:** In accordance with S58 of the Building and Development Control (Alderney) 2002.

## 28/2013 Policy / Legal Matters / Systems & Procedures

**28.1 Register of Historic Buildings and Ancient Monuments** It was reported that advice had been sought from the Land Registrar regarding the noting of properties' statuses on the Register of Historic Buildings on their Land Registry files. The Registrar had advised that this issue could be resolved in the forthcoming planning law review. **Noted.**

### 28.2 Enforcement Matters

**S Benfield** Fencing at 'She View', Longis Road Note from Planning Office dated 10.07.13 tabled. Letter from Hamon Architects dated 11.09.12 tabled. Email from Peter Annereau dated 09.07.13 tabled. It was noted that following the issuing of the Section 20(b) Notice dated 02.07.13, Mr Benfield had submitted a sketch to demonstrate the alterations he was prepared to make to the existing fence. It was noted that the proposed alterations did not comply with the requirements of the Notice. **Noted.**

**S Benfield** Retention of retaining wall at 'She View', Longis Road. Letters from Engineer to Mr Benfield dated 13.06.13 and 02.07.13, and letter from Mr Benfield (undated), received 17.06.13 tabled and noted. **The Committee resolved that an Enforcement Notice should now be issued in this matter.**

SE

**Paul Clark** Landscaping at 'Building B', Crusher Site, Braye. It was noted that a formal Notice had been issued requiring that the landscaping be carried out to the area to the west of Building B, Crusher Site, in accordance with the condition imposed on application B3028 for the extension of 'Building B', dated 11.11.10. Following the issue of the Notice, the members had individually met with the applicant. The Committee now conceded that some hard landscaping works had been carried out, albeit not to the standard expected or illustrated on the approved drawings. In the circumstances, the Committee considered that it would be inappropriate to pursue the Notice at this time. **The Committee therefore resolved to withdraw the Enforcement Notice dated 10<sup>th</sup> July 2013.**

SE

**Paul Clark, Waterscape Developments Ltd** Unauthorised sign to the west of Building B, Crusher Site, Braye. It was noted that a formal Notice has been issued on 12.07.13 requiring that the advertising sign be removed from this area. **Noted.**

**Other planning breaches** A list of additional planning breaches, and details of any action already taken was tabled and discussed. It was suggested that the cost of necessary enforcement actions should be included in the BDCC budget. **The Committee resolved to instruct the commencement / continuation of action in relation to the issues identified.**

**28.3 Alderney Housing Association Ltd** Paper from Planning Office dated 10.07.13 tabled. Draft 'The Building and Development Control (Exemptions)(Alderney) Ordinance, 2013, tabled. It was noted that planning permission and a Housing Exemption Ordinance had previously been granted to Grand Hotel Developments Ltd for the development of the site. Part of the development was for social / affordable housing, and the section of land for this had recently been transferred to AHA. It was now necessary for the social / affordable housing element of the permission to be transferred to AHA, because planning permission for the construction of dwellings in Alderney is personal to the applicant, and does not pass with the land. **The Committee resolved to approve the Building and Development Control (Exemptions)(Alderney) Ordinance, 2013, for inclusion in the September Billet.**

BILLET

**28.4 Building and Development Control (Alderney) (Amendment and Fees) Ordinance 2013** Current and proposed planning application and building regulation application fees schedules tabled and discussed. Comparison document tabled and discussed. Some suggestions were made regarding the proposed fees levels, and the Chairman proposed that he meet with the officers to resolve the anomalies identified.

Defer

**28.5 Review of the Planning and Development Control Process on Alderney** Report from Alan Fulford FRICS, Alderney Estates, dated 02.07.13 tabled. It was noted that ten experienced UK based planning consultants had been invited to tender for the Review. Four submissions had been received by the due date. These submissions had been reviewed, and a comparative exercise undertaken to identify the relative merits of each proposal. The author recommended the consultant which he believed represented the best value for money for the States due to the competitive nature of the bid, and the high quality of the submission. **The Committee agreed with the recommendation and resolved that the preferred tenderer should now be invited to visit the Island to make a formal representation of their proposals. Chairman to progress the matter with the Chief Executive.**

MB/CE

**29/2013 Any other business**

No items of Any Other Business were raised.

**Meeting finished 1340hrs**

**Date of next meeting: TUESDAY 3<sup>rd</sup> SEPTEMBER 2013**

**Signed : M J BIRMINGHAM Dated: 3<sup>RD</sup> SEPTEMBER 2013**