

BUILDING AND DEVELOPMENT CONTROL COMMITTEE

Anne French Room

3rd September, 2013, 0915 hrs

Present:

Mr M Birmingham, Chairman

Mr F Simonet

Mr R Berry

Mr C Rowley

Mr S Roberts

Ms J Turner, States Engineer

Ms R Sowden, Planning Assistant/
Minute Secretary

ACTION

30/2013 **Minutes of previous meeting** of 16th July 2013 were confirmed and signed.

31/2013 **Matters Arising**

There were no matters arising from the minutes.

32/2013 **Planning Matters**

32.1 Planning Applications Report

A5052 E J Cocheril AY266 (AY2283), Valongis. Erection of timber shed (3m x 2.4m) in disused quarry. Letter of representation tabled and considered. **Application refused.**

Reason: Under Section 7(1)(h) of the Building and Development Control (Alderney) Law, 2002, as amended, the Committee is required to take into account the provisions of any Land Use Plan approved by the States. The land on which the development is proposed is situated in Zone 5 of the Land Use Plan, which is zoned as 'no development', except as allowed under Designated Area restrictions.

The Committee noted that the quarry was currently being used for the storage of building materials, scaffolding etc. The Engineer explained that she had previously discussed minor storage in the quarry with the owner, and that she had advised then that she did not see a problem with this.

The Committee considered the use of the quarry for storage purposes to be a material change of use which constituted development under the Building and Development Control (Alderney) Law, 2002. Because the land is zoned as a 'no development' zone in the Land Use Plan, permission could not be granted for this material change of use. **Owner to be requested to clear the materials from the quarry.**

SE

A5055 Mr & Mrs W Walden AY1756, Field at Courtil Liage. Extend permission for existing field shelter. Letter of representation tabled and considered. The Committee did not consider it appropriate to insist that the shelter be re-positioned at this time. It raised no objection to the shelter being re-positioned further to the northwest, should the applicant wish to do so. **Application**

Approved with condition:

1) That the permission is temporary, for two years.

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

SE

A5056 R & V Spandler 19 Le Banquage. Timber fence to southwest boundary (retrospective application). Letter of representation tabled and considered. **Application approved.**

SE

A5057 Grand Hotel Developments Ltd Grand Hotel Site, Butes. Removal of six trees. Letter of representation tabled and considered. **Application approved with conditions: -**

1) That the pine trees to the SE boundary are to be replaced with trees / planting appropriate to the site, and a timber fence (max height 6') (design and detail to be agreed in writing with the States Engineer prior to the removal of the trees).

- 2) That the above fence is in place as soon as is practicable following the installation of services at this location, and that the planting is carried out in the next planting season following the removal of the trees.

Reason: To protect the reasonable amenities of neighbouring residents.

- 3) That the leylandii tree is replaced in the vicinity with a tree of a native species.

Reason: To replace the amenity value which will be lost by the removal of the tree.

SE

A5058 Victor G Levine Coin de Soleil, Le Petit Val. Erect timber shed / site hut (5m x 2.5m). Letter of representation tabled and considered. **Application approved with condition: -**

- 1) That the permission is given for a limited period of three years, by which time the building shall be removed, or the permission re-sought.

Reason: The permission is granted to meet a short-term need, for a site hut in connection with the approved re-development of the dwelling at the site.

SE

A5059 Henry Potier Land adjacent to Tourgis Hill. Installation of wood and concrete bench for public use. **Application approved.**

SE

Noting that Section 12 of the Law prohibits development except for specific purposes, in the Designated Area, the Committee resolved that the siting of public memorial benches on public land should be treated as inconsequential with regards to Section 12, but however be subject to all other provisions of the Law (with regards siting, appearance, etc.), in line with previous approvals given for such benches. **Noted.**

B3146 Mr Michael Dismorr 'Hillside', The Butes Remove chimneys, replace existing roof covering with natural slate. Letter from The Alderney Society dated 31.07.13 tabled and considered. It was noted that the dwelling was registered on the Register of Historic Buildings and Ancient Monuments. Prior to making a decision, the Committee wished to seek external advice about the historic and architectural importance of all of the features applied to be removed. **Application deferred pending receipt of advice.**

SE/defer

B3147 Alderney Community and Sports Centre St Anne's School, Newtown. New covered swimming pool and gym on existing swimming pool site. **Application approved.**

SE

B3148 Alderney Housing Association Ltd Le Sable D'Or, Rue de Beaumont. Demolish existing bungalow. Construct two semi-detached chalet bungalows. Letters of representation tabled and considered. The Committee considered that the Juliet balcony to the east elevation would overlook the neighbour's garden to the east, and felt that amendments could be incorporated to mitigate this issue. **Application approved, subject to the comments above.**

SE

B3149 Mr R Kemp 1 Auderville Estate, Le Val. Alterations and extensions to existing dwelling, including new first floor structure. **Application approved.**

SE

C1056 Elizabeth Phelan Plot 11, AY690, Rue de la Saline. Construction of new dwelling. Letters of representation tabled and considered. **Application approved with condition: -**

- 1) No development shall commence on site until the completion to base course of the roads and services for all plots (including the widening of Rue de la Saline).

Reason: To ensure adequate access for residents and public service vehicles and provide safe access with good visibility onto the adjacent highway. This is in accordance with the published Policy Guideline for Zone 14C of the Land Use Plan.

SE

32.2 Deferred items

a) **B3109 Continental Metals** AY1749, La Corvée. Industrial building. It was noted that there was no further movement with the application at present. **Noted.**

b) **B3132 States of Alderney** Saye Beach Campsite. Portable timber-clad unit for use as warden's quarters. Email from Law Officer dated 21.08.13 tabled and considered. **Application refused** by a majority (Mr Berry abstained).

Reason: Saye Beach Campsite is situated in the Designated Area. Section 12 of the Building and Development Control (Alderney) Law, 2002, as amended, prohibits building in the Designated Area, except for certain specified types of development.

In the Committee's opinion, the proposal to site a warden's accommodation unit did not fall within the purposes of Section 12 of the Building and Development Control (Alderney) Law, 2002, as amended.

c) **B3142 States of Alderney** Saye Beach Campsite. Log cabin to provide laundry, dry room and storage area. Email from Law Officer dated 21.08.13 tabled and considered. **Application approved** by a majority (Mr Simonet and Mr Roberts against).

33/2013 Policy / Legal Matters / Systems & Procedures

33.1 Register of Historic Buildings and Ancient Monuments Paper from Planning Office dated 28.08.13 tabled. It was noted that the Building and Development Control (Alderney) Law, 2002, as amended, requires that a list of all buildings and conservation areas appearing in the Register of Historic Buildings and Ancient Monuments is published at least once every three years in a Billet d'Etat.

It was noted that the list had not been reviewed in the preceding three years; and that the Committee could review this at any time, and designate any building or area which it considered to be of special historic or architectural interest as an Historic Building or Conservation Area (subject to the provisions of Part VII of the Law).

The Committee approved the publication of the current list in the October Billet d'Etat.

Billet**33.2 Enforcement Matters**

S Benfield Fencing at 'She View', Longis Road. It was noted following the July meeting, a Section 17 Notice had been issued to Mr Benfield requiring that the fence be wholly removed, and the Notice had not been complied with. **The Committee, noting that civil action had now been exhausted, resolved that the file be sent to the Law Officers for consideration of prosecution.**

SE

S Benfield Retention of retaining wall at 'She View', Longis Road. Letter from Engineer dated 09.08.12 and letter and drawing from Mr Benfield (undated, received 14.08.13), tabled and noted. The Committee requested that legal advice be sought on the matter before any further action was taken.

SE

P Clark Sign adjacent to Building B, Crusher Site. Letter from Engineer dated 08.08.13 tabled. It was noted that the sign had been removed. **No further action necessary.**

Horse Shelter at AY1440, Venelle du Val du Sud Letter from Mrs A Savage dated 26.08.13 tabled and considered. BDCC Policy for stables and field shelters dated April 2011 tabled. It was noted that the policy principle aimed to ensure that buildings were carefully sited, in order to minimise the impact they have on the landscape. The building's current siting had not previously been considered to comply with this guiding principle. The Committee, taking into account the circumstances of the owner, indicated that it would be minded to approve of the retention of the shelter in this location for the duration of the current horse's life only. **Applicant to be invited to submit a formal application.**

33.3 Alderney Housing Association – Grand Site

It was noted that legally, the planning permission granted to Grand Hotel Developments Ltd for the social / affordable housing element was still valid as the Company was still the main developer. Transferring the permission was not therefore considered necessary at present. **Noted.**

33.4 Building and Development Control (Alderney) (Amendment and Fees) Ordinance 2013

The Committee agreed that the proposed new planning fees structure should as far as is possible reflect the current fees levels, plus 5%, noting that these fees had not been increased since 2009. It was also noted that the Ordinance included provision to legally adopt up-to-date Building Regulations and amend Section 33 of the Law with regards to the sub-division and re-building of dwellings.

33.5 Review of the Planning and Development Control Process on Alderney

It was reported that the matter of the funding of the Review was currently under discussion.

34/2013 Any other business

No items of Any Other Business were raised.

Meeting finished 1340hrs

Date of next meeting: MONDAY 14TH OCTOBER 2013

Signed : M J Birmingham

Dated: 14th October 2013