

**BUILDING AND DEVELOPMENT CONTROL COMMITTEE**

Anne French Room

16<sup>th</sup> October, 2012

0915 hrs

**Present:**

**Mr G Sargent, Chairman**

**Mr A Llewellyn**

**Mr R Berry**

**Mr P Arditti**

**Mr M Birmingham**

**Ms J B Turner, States Engineer**

**Ms R Sowden, Planning Assistant/**

**Minute Secretary**

**Apologies: Mr R Burke, Chief Executive**

**ACTION**

**34/2012**     **Minutes of previous meeting** of 17<sup>th</sup> July 2012 were confirmed and signed.

**35/2012**     **Matters Arising**

**35.1 A4948 Mr R Street**

It was reported that the unauthorised structure had now substantially been dismantled. Mr Street had appointed an agent to deal with the issue, whom the officers were currently liaising with.

**35.2 A4981 Waterscape Developments**

Draft letter from Engineer dated 16.10.12 tabled and discussed. It was noted that the sign had recently been removed, and therefore no further action was required.

**36/2012**     **Planning Matters**

**36.1 Planning Report**

**A4987 Sarah Kelly** The Pines, Les Venelles. Tarmac drive. **Application approved.**

**A4990 Martyn Brown** 3 Colinbott. Installation of 4 rooflights to rear elevation (retrospective application). Removal of 5 leylandii and 1 bay tree. It was noted that one letter of representation had been received. **Application approved.**

**B3107 Simon Benfield** 'She View', Longis Road. Timber balcony to east elevation. It was noted that one letter of representation had been received. **Application approved, with condition: -**

1. That the depth of the balcony (from the dwelling) is no more than 1.5m.

**Reason:** The Committee considered that the depth of the balcony as proposed was excessive in this situation and would look out of proportion with the existing dwelling and garden, thereby appearing out of keeping with its surroundings. The Committee was also concerned that a balcony of the size proposed would increase the potential to overlook neighbouring dwellings, thereby affecting the reasonable enjoyment of those dwellings.

In reaching the decision to conditionally approve the application, the Committee took into account Policy Gen5 which seeks to ensure that the scale of development relates well to its surroundings, and Gen12 which seeks to ensure that significant impact on the reasonable enjoyment of adjoining properties, including overlooking, is avoided. Sections 7(1)(c) and 7(1)(f) of the Building and Development Control (Alderney) Law, 2002, as amended, were also taken into consideration.

**SE**

**B3109 Continental Metals Ltd** AY1749, La Corvée. Erection of industrial unit (63m x 24.8m x 5.1m). Engineer gave an update on the status of the application. It was reported that further information relating to the Environmental Impact Assessment was currently awaited.

**Application deferred.**

**DEFER**

A general discussion ensued about the lack of availability of land zoned for commercial and industrial development. The Committee discussed the notion of 'use it or lose it' i.e. returning areas of land designated for commerce and industry back to their former zonings if they are not put to commercial or industrial uses.

The Committee asked that a map showing all States' owned land be available at its next meeting. **SE**

**1100hrs the Committee left the meeting for a site visit**

**1110hrs the Committee returned**

**B3110 Mr Douglas Wilson** Thiseldome, QEII Street. First floor extension to rear elevation.

**Application approved, with conditions: -**

1. That the flat roof of the proposed extension is not used as an extension to the existing 2<sup>nd</sup> floor terrace / balcony, and that the existing railings to the existing second floor terrace / balcony are not repositioned or extended.

**Reason:** To protect the reasonable amenities of neighbouring dwellings.

The Committee noted that in 2006, permission was granted for the existing second floor balcony, as part of an application for the remodelling of the property. Because of concerns about overlooking of the adjacent property's garden (to the west), the permission was granted on the condition that the small balcony / terrace was used only for the purpose of an external access to the second floor.

In considering this current application, the Committee considered that the proposed increase to the size of the balcony would exacerbate the overlooking of the neighbouring property. In reaching the decision to conditionally approve the application, the Committee took into account Section 7(1)(f) of the Building and Development Control (Alderney) Law, 2002, as amended, and Policy Gen12, which seek to ensure that the reasonable enjoyment of adjoining properties is not significantly affected.

**SE**

**B3112 G & C Developments Ltd** 1 Well Lane. Garden boundary walls. **Application approved.**

**SE**

**36.2 Camp site development** Site Development Plan from current operators tabled and discussed. The document contained proposals for further additions and alterations to site structures at the site to provide the facilities and accommodate the campsite operational requirements as set out in the operators' five year business plan.

Some committee members raised concern at some of the proposals contained within the Plan. The Committee requested that inquiries are made into the possibility of utilising the existing Saye Farm Agricultural Buildings as part of the development, prior to consideration being given to additional or replacement buildings at the site.

The operators were also proposing to introduce a wider variety of camping accommodation at the site with the aim of enticing different types of visitors and also attracting people at times other than the peak season. The Committee was not opposed in principle to alternative forms of accommodation such as yurts and camping pods being used at the site in addition to tents, provided they were removable. It was noted that any such proposals would require formal development permission. Mr Arditti was opposed to any form of accommodation other than tents being used at the campsite.

**CE/SE**

**36.3 Harbour Plan** It was noted that the 2011 Land Use Plan prohibits development within the harbour area unless it is considered by the Committee to comply with the long-term

comprehensive design of the Harbour & Braye Area. As no such comprehensive design currently exists, a working document had been prepared by the Officers, showing a general layout and broad principles of a master plan. Members were asked to study the plan and accompanying paper, and submit their individual views and comments on it in writing to the Engineer, in order that their feedback could be recorded. It was noted that all other States Members would then be consulted, followed by consultation with landowners, business and property owners, harbour users and the general public.

BDCC

1240hrs States Engineer left the meeting

**37/2012 Policy / Legal Matters / Systems & Procedures****37.1 Planning & Building Regulations Fees**

It was reported that the matter was currently with the Law Officers. **Item to be carried forward. DEFER**

**37.2 Running a business from home** Planning Guidance Document tabled and approved.

**37.3 Solar Panels** Proposed policy document tabled and discussed. **The Committee resolved to adopt the policy as tabled.**

**38/2012 Any other business**

**Land behind the Snooker Club, Le Val** It was reported that the General Services Committee had requested that this Committee take action with regards to a resolution in 2007 requesting that a fence be erected around the land at the rear of the Snooker Club. The history of the matter was verbally reported, and the Committee requested that a written paper detailing previous correspondence on the matter be prepared for the next meeting.

SE

**Change of use** It was considered that 'material change of use' was not clearly defined within the Building and Development Control Law. The Committee asked that research into how the subject is dealt with in other jurisdictions be undertaken, and a report submitted to the next meeting.

SE

Meeting finished 1300hrs

Date of next meeting: TUESDAY 4<sup>TH</sup> DECEMBER 2012

Signed : G Sargent

Dated: 4<sup>th</sup> December 2012