

## **BUILDING AND DEVELOPMENT CONTROL COMMITTEE**

**Anne French Room**

**Thursday 9th September 2021 at 1415**

**Open Meeting**

### **Present:**

**Mr K Gentle, Chairman**

**Mr I Carter, Deputy**

**Ms A Burgess**

**Mr C Harris (for PA/2021/082 only)**

**Ms C Roberts, Planning Officer**

**Mr D Llewellyn, Minutes Secretary**

**Apologies: Mr A Snowdon; Mrs L Baines, Committee Secretary**

**The meeting was open to the public and press in accord with the BDCC Protocol**

**01/2021**

### **Planning Matters**

#### **1.1 Fast Track Planning Applications – Ratified**

PA/2018/048 Mainbrayce, Inner Harbour. Amendment to location of first floor window.

PA/2021/060 First and Last, Braye St. Revision to roof design.

PA/2021/071 56 Le Banquage. Erection of fencing over existing walls.

PA/2021/075 Caird, Studio Room. Erection of Garden Studio

PA/2021/078 Villa Mondrian. Re-roof outhouse, demolish WC and replace doors and windows.

PA/2021/079 1 Venelles des Gaudions. Installation of solar panels on north ground floor extension.

PA/2021/086 2 La Breque Phillipe. Single storey extension to form utility room.

PA/2021/087 3 & 4 Casquets Housez. Amalgamation of second and third floor apartments to one two storey apartment.

PA/2021/088 Odeon signs. Longis Common - track to Odeon. Erection of timber information board.

PA/2021/090 – Le Galion, Braye Street. Replacement of top floor, 1st floor and ground floor windows on Braye Beach side of house.

PA/2021/091 56 Le Banquage. Construct a new window opening, and convert an existing window to a patio door by reducing cill to floor level

PA/2021/095 Odeon signs. Odeon Track from Longis Road. Erection of timber information board.

PA/2021/097 4 Cote Soleil, Allee es Fees. Removal of over-mature Leylandii encroaching on boundaries.

**Unanimously ratified by the committee with no discussion**

#### **1.2 Planning Applications – new applications and deferred applications**

**Unless otherwise stated, advance notice had not been given; there were no speakers for or against the application from the applicant or objectors. Written representations were included in the committee papers. Copies of the drawings and letters of representations (redacted of personal information) and the planning officer's report will be published on the States website in due course.**

**PA/2021/082 Plot AY 2376.** Erection of new three bedroom dwelling.

AB recused herself from the discussion. At the last meeting there was a Preliminary Declaration Application submitted which was deferred. That was withdrawn and the current application. PA/2021/082 is now a full application. There are no changes to the design or the location of the proposal. Due to concerns raised in the report, the Fire Officer has since visited, given guidance and declared the access as acceptable. The cesspool will also be relocated to comply with the required distance of 7 metres from the planned building.

The Chairman invited representors against the application to speak.

Ms Hilary Bentley spoke against the application citing three points against it and claimed

- a) The planned access to the property is unviable and possibly illegal.
- b) The cesspool solution is also unviable and against the Land Use Plan.
- c) The development is contrary to the Land Use Plan and should be turned down.

The Deputy Chairman asked what interaction Ms Bentley had with other road users to the planned development. Ms Bentley replied that she had spoken to the other neighbours and also explained something of the history of the maintenance of the private road by property owners.

The Deputy Chairman asked if it would be fair to say that there was no co-ordinated response regarding other property owners along the road. Ms Bentley agreed.

The Chairman invited representation for the application.

Mr Martin Cundey spoke for the application.

Mr Darren Keung, the architect, spoke for the application.

They put forward that the development was on an already established building plot and that the development was providing housing for a younger island resident who was also in a care profession. They also claimed that the building was being constructed in a sustainable and environmentally friendly way.

The Chairman invited questions from the members for Mr Cundey and Mr Keung.

The Deputy Chairman asked what interaction they had with other neighbours regarding the planned development. Neither had much interaction but Mr Keung said that he was happy to engage further if required.

The Deputy Chairman asked the Planning Officer if it was up the committee to pronounce a judgement regarding the legality of the access.

The Planning Officer advised that it was not. This is purely a planning application.

The Chairman confirmed this view.

The Chairman also asked if a ground survey had been taken. Mr Keung explained that a test hole had been done and further discovery had revealed the existence of an old water tank which, when removed, meant that the excavation could form the accommodation of the cesspool.

CH understood that the applicant has declared that they will meet the cost of a fire hydrant and asked the applicant, at which point in the project, will this be installed?

Mr Keung explained that it would be an advantage to do this work earlier.

There was further discussion pertaining to the conditions likely to be imposed in the event the application was approved. The applicant and the architect agreed that these conditions were acceptable.

**Application was approved unanimously subject to the following conditions:**

- 1) **The wall at the front of the access to the development should be removed in liaison with advice from the Fire Officer**
- 2) **A Fire Hydrant should be installed.**
- 3) **There should be a satisfactory ground survey prior to the location of the cesspool**
- 4) **Regular monitoring of the condition of the road.**
- 5) **A schedule a works to be submitted.**
- 6) **Maintain a constructive dialogue with the builders and residents.**

Prior to the next item being addressed, CH had to leave the meeting and AB rejoined the meeting.

**PA/2021/093 – Danefield, Butes Lane.** Alteration of roof to create first floor extension.

Replacement of roof. Construct terrace with swim spa.

The Planning Officer presented her report. The Chairman asked if there was anybody speaking against the application. The Planning officer confirmed that two representations against had been received but were not present to speak at the meeting. The Chairman said that he had received a letter asking if he and Mr Harris's previous gardening work at the house meant that they were conflicted regarding this new application. The Chairman explained that they had stopped working at the site as soon as they were aware that an application was going to be put forward, so he did not believe they were in any way conflicted regarding making a decision on this development.

The owner (Ms Yates) spoke for the application.

The Chairman asked if there were any questions from the members. The Deputy Chairman asked if the owner had checked what aspects of the development would be visible from the coast road. The owner replied that they had checked and a portion of the development would be visible but only from the recycling depot.

The Chairman asked if there were any questions for the Planning Officer. AB asked what the current height was compared to the projected height visible from the land to the South.

The Planning Officer explained that the new first floor accommodation would be 2 metres higher than the existing living room height.

AB explained that her point had been to illustrate that the building would still not be visible due to the screening from existing hedges.

**Application was approved unanimously subject to the following conditions:**

- 1) **Controlled hours of working.**
- 2) **Schedule of works.**
- 3) **Rubble and waste should be removed from the site promptly following demolition.**
- 4) **No private or construction vehicles should be left in Butes Lane at any time during the development.**

**PA/2021/044 7 Victoria St.** Re-furbish shop premises and accommodation above to provide separate accesses, and extended living accommodation.

The Planning Officer presented her report.

**Application was approved unanimously subject to the following conditions:**

- 1) **No work should commence to the Victoria St frontage before the end of September. Erection of scaffolding at the front of the property should maintain pedestrian access along the pavement.**

**PA/2021/069 Bayfield, Les Venelles des Gaudions.** Extensions and alterations to dwelling. The Planning Officer presented her report.

**Application was approved unanimously subject to the following conditions:**

- 1) **Schedule of hours of working to be provided.**
- 2) **Demolition waste should be removed from site to an approved waste disposal site.**

**PA/2021/070 Maison Tourgis, 8 St. Martins.** Replacement of 9 front windows and front door with uPVC.

The Planning Officer presented her report, which recommended refusal. The Chairman asked if there was anybody speaking for/against the application. The owner spoke for the application. The owner explained that there were many other uPVC windows on the street. The Land Use Plan Review 2017 included the property in the list of those to be considered for registration. The committee did not consider this a valid reason for refusal and unanimously approved the replacement of the window with uPVC

**After discussion the committee unanimously approved the replacement of the windows with uPVC, and unanimously refused approval for replacement of the door.**

**PA/2021/074 1 Picaterre, Crabby.** Remove one Holm Oak and replace in front (north) garden.

The Planning Officer presented her report in favour of removal of the tree.

**The application was unanimously refused.**

**PA/2021/089 Plot 9 Clos Casquets, Rue de la Saline.** Erection of dwelling one and half storeys.

The Planning Officer presented her report. There was a discussion regarding the current viability of the site for development. The Planning Officer cited Section 16 which is a section of the law, which enables those with a joint interest in the development of the site to reach an agreement on the general terms of development including road access, sewage, drainage, electricity and water. It is not a planning condition as such but must relate to a reasonable proposal of development. The Planning Officer and the Owner were currently seeking confirmation from the landowner that progress was being made on establishing these services. The Planning Officer was requested to check the current status of an agreement between the landowner and the States of Alderney.

**Application was approved unanimously subject to the following conditions:**

- 1) **A schedule of building works should be submitted.**
- 2) **A schedule of hours of working to be submitted.**
- 3) **No powered machinery to be used on site outside of agreed hours of working.**
- 4) **A Landscaping plan should be submitted and approved in writing before site works commence.**

**PA/2021/092 Trigale Cottage, La Trigale.** Demolish 17 sq. m. of ground floor area and construct new two storey rear extension.

The Planning Officer presented her report.

**Application was approved unanimously.**

**PA/2021/094 La Frette Farm, The Blaye.** Change of use of agricultural building to Cookery school.

The Planning Officer presented her report, which recommended refusal. The Chairman asked if there was anybody speaking against the application. Mr Roy Burgess explained that he had been involved in the original construction of the building. It was a simple barn and not suitable for conversion into a commercial building and that it also was on the greenbelt.

The Chairman commented that the committee had to take account of potential economic benefit to the wider island and had the powers to approve this change of use.

The pros and cons of the application were fully explored together with some additional contributions from the public. Ian Carter considered that, should there be future evidence of horticultural/agricultural use of the land, that a fresh proposal could be considered.

**After full discussion, the committee resolved by two votes in favour of refusing the application as the change of use was contrary to Policy DA6 not related to an existing working farm. AB abstained.**

**PA/2021/098 1, Picaterre, Crabby.** Amendments to approved plans.

The Planning Officer presented her report and explained the amendments.

**Application was approved unanimously, but (with reference to application PA/2021/074) the tree previously refused removal must be preserved and the preservation of the tree must be done professionally.**

**02/2021**

**Any Other Business**

PA/2015/021: The Kennels development (Peter Kerr) requested an extension to complete the works and to discharge condition 17 of the application. The Chairman acknowledged receipt of a letter written to the BDCC prior to the meeting. This extension was unanimously approved.

The Chairman also wanted it on record that anonymous submissions to the committee on any application or policy would not be accepted and that this was a policy decision.

**Meeting closed: 5.14pm**

**Signed:** Kevin Gentle

**Dated:** 9<sup>th</sup> September 2021