

**BUILDING AND DEVELOPMENT CONTROL COMMITTEE**

Anne French Room

4<sup>th</sup> March, 2014, 0915

**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**

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

**08/2014** **Minutes of previous meeting** of 16<sup>th</sup> January 2014 were confirmed and signed, subject to the following amendment: -04.1 Planning Report A5073 – “Application Refused (by a majority; Mr Birmingham and Mr Berry were in favour of the application.)”

The minutes of the Special Meeting of 30<sup>th</sup> January 2014, which had been convened in order to agree and sign The Building (Alderney) Regulations, 2014, were also confirmed and signed.

**09/2014** **Matters Arising**

**09.1 Any matters arising from the minutes**

**Item 04.3** Mr Berry tabled correspondence from Mr Gillingham regarding Mr Gillingham's requests for an Exemption Ordinance to enable him to construct a new dwelling on land at Les Rochers. Mr Berry suggested that the matter be put to the full States for a definitive decision. It was noted that the Committee had previously considered Mr Gillingham's requests, but was not in favour of promoting an Exemption Ordinance because it considered that the proposal was contrary to policy. It was also noted that advice had been sought from the Law Officers on the matter. The Committee re-confirmed its previous decision that it was not in favour of promoting an Exemption Ordinance to the full States. It was noted that a statement affirming the current established policy on this matter had recently been prepared for publication.

**10/2014** **Planning Matters**

**10.1 Planning Report**

**PA/2014/001 William Jones** 4 Clos de Mouriaux. Create doorway to north elevation of approved extension to rear of dwelling.

**PA/2014/004 Bernard Gray** Plot 5, Rue Les Joy, Le Val / 21 Auderville. Create off-road parking area and erect fencing.

**PA/2014/005 G Fitton** Les Bouffresses, Longis. Glazed entrance porch.

**PA/2014/006 G Fitton** Les Bouffresses, Longis Replace existing timber garden store with new garden store.

**PA/2014/008 Waterscape Developments** Building B, Crusher Site, Braye. Install new window to first floor, personnel door to ground floor, increase height of existing cargo door.

**PA/2014/009 Mr & Mrs J Cosheril** 2 Clos de Mer, Newtown. Conservatory (4.5m x 4m) to west elevation.

**PA/2014/010 John Clarke** Le Genet, 2 Langevin, Allee es Fees. Extension to east elevation (2.3m x 1.4m).

**PA/2014/011 Rosemary Ault** The Haven, 29 Victoria Street. New dormer window to rear elevation.

**It was noted that the above eight applications had already been approved by the Committee Members following the required public advertising period. The Committee therefore ratified its previous decisions.**

**PA/2014/002 David Lewis** 11 Courtil Lubin. Single storey extension (4.5m x 5.5m) to existing garage building; change of use of building to create separate dwelling. It was noted that the proposal would require the granting of an Exemption Ordinance by the full States under Section 33(1) of the Building and Development Control (Alderney) Law, 2002, as amended. The Committee was minded to support the promotion of an Ordinance for the conversion of this existing building into a small dwelling because it considered that the proposal would create a type of housing identified as lacking. Mr Berry was concerned that the proposal could detrimentally affect parking provision at the dwelling, and therefore abstained from voting on the matter. **The majority of the Committee was in favour of promoting an Exemption Ordinance (Mr Berry abstained) for the creation of a new dwelling by conversion of an existing building.**

SE

**PA/2014/003 Peter Allen** AY1574, Les Corbes Erection of timber agricultural building (24' x 12'). It was noted that the applicant had advised that he was in the process of developing a small agricultural business and now wished to introduce sheep and cattle alongside the production of potatoes and vegetables. The purpose of the shed would be shelter for the animals and their feed. **Application approved with condition: -**

Permission to be temporary, for a period of two years.

**Reason:** In accordance with the LUP guidelines for temporary agricultural buildings.

SE

**PA/2014/007 Mount Hale Ltd** Victoria House and Albert Chambers, The Arsenal. Replace existing timber windows and doors with uPVC. It was noted that the buildings were on the Register of Historic Buildings and Ancient Monuments. The proposed uPVC replacement windows and doors were of the same design as those already previously replaced. **Application approved.**

SE

**PA/2014/012 K Underwood** Hannaine, Le Petit Val. Remove two eucalyptus trees. **Application approved.**

SE

**PA/2014/013 Alan Graca on behalf of AEL** The Old Fire Station, St Martins. New double doors in place of existing window to west elevation. Some members queried the suitability of this part of the building being used as an electricity sub-station, and it was agreed that the applicant be invited to the meeting to explain the proposals.

**1025 Mr Graca joined the meeting**

**1030 Mr Graca and the Committee members left the meeting to visit the site**

**1105 Mr Graca and the Committee returned from the site visit**

Following discussion, the Committee decided to defer making a decision on the application, pending further discussion between the applicant and the General Services Committee

regarding a possible change to the location of the sub-station.

SE/defer

1115 Mr Graca left the meeting

**PA/2014/014 States Engineer** Bray Road Removal of two trees. **Application approved.**

SE

**PA/2014/015 States Engineer** Fontaine David. Removal of tree. It was noted that the tree's roots was believed to be the cause of flooding in this area. **Application approved.**

SE

**PA/2014/016 Richard Phelan** AY690, Rue de la Saline. Change access from west side to north side of site. **Application approved.**

SE

**PA/2014/017 Mr I Walker** Bel Air, Allee es Fees. Removal of tree. **Application approved.**

SE

**PA/2014/018 Mr Douglas Craig** AY17, Archie's Row. New dwelling. It was noted that the applicant was eligible to apply to construct a new dwelling under Section 33(1) of the Building and Development Control (Alderney) Law, 2002. **Application approved.**

SE

**PA/2014/019 Keith & Gabrielle Dale-Crossley** 'Treetops', Butes Lane. Remodelling of existing patio including natural stone wall & balustrade, boundary picket fencing (retrospective). It was noted that the perimeter fencing was to be largely softened by existing and proposed planting on the road side of the fencing. **Application approved.**

SE

**PA/2014/020 The Skate Park** Swing Park, Butes. Remove existing equipment in SW corner of Swing Park and create new skate park area. **Application approved.**

SE

**PA/2014/021 Mr Rowland Neal** The Granary, Hauteville. Replace existing timber windows with 'heritage' style uPVC windows. **Application approved.**

SE

**PA/2014/022 Mr D & Mrs P Ash** Trigale House, La Trigale. Construct porch to rear elevation; erect greenhouse and timber shed in rear garden. **Application approved.**

SE

**PA/2014/023 Joe Saumarez-Smith** Limpet Cottage, The Serpentine, Butes. Extensions and alterations, including raising of roof to form new first floor. **Application approved.**

SE

## 11/2014 Policy / Legal Matters / Systems & Procedures

**11.1 Marina Development Planning Requirements** Discussion document tabled. It was noted that the planning requirement for any marina development would require the support of the States for a planning application to be made. The planning application would need to be accompanied by an environmental impact assessment, and any major departure from the Land Use Plan would require a planning inquiry. Additionally, should the proposal involve the construction of new dwellings, a Section 33 Exemption Ordinance would be required to be approved by the full States.

The Chairman suggested that consideration could be given to having more flexibility where there was conflict between the strategic aims of the States and the Land Use Plan. The Chairman proposed that this be brought up at the forthcoming discussion seminar with Arup, as part of the planning review.

**11.2 Policy Statement for Housing Developments requiring Section 33 Exemption Ordinances** The Committee approved the issue of the following statement, affirming its current policy.

*“The Building and Development Control (Alderney) Law, 2002, provides that the Building and Development Control Committee shall not grant any application for development permission under Part II of the Law in relation to the construction of a dwelling unless the applicant is a person who is residentially qualified etc., i.e. a local person meeting the residential requirements set out in the Law who has not previously been granted such a permission or owned a dwelling, or is a person of such other description as the States may prescribe by Ordinance.*

*This statement is issued to give guidance on the matters the Committee will normally take into account in deciding whether or not to promote an Ordinance to the States. The Committee will normally only consider promoting an Ordinance to the States where the proposed development:*

- 1) Fills an identified need within the existing housing stock and / or*
- 2) Creates the addition of new and / or substantially different type of dwelling to the existing housing stock and / or*
- 3) Is likely to be of significant economic and / or social benefit to the island as a whole.*

*Additionally, the Committee would need to consider whether any proposed development would be consistent with the prohibition on building in certain areas under section 12 of the Law. The Committee would also need to consider consistency with the policy guidelines relevant to the development site under the Land Use Plan and other matters required to be taken into account under the Law.*

**Current identified housing needs**

*Current housing types that are identified as lacking by the Building and Development Control Committee are: -*

- a) Small scale housing developments suitable for downsizing for the elderly or starter homes for first time buyers*
- b) Very high quality / high value housing developments*
- c) Affordable housing developments*

*Any proposal requiring the promotion of a S33 Ordinance should be accompanied by information to demonstrate how the above considerations have been taken into account in relation to the proposal.*

*The Committee will not normally consider the construction of new single dwelling development for promotion of S33 Ordinances.*

*The statement is not exhaustive and the Committee still has a discretion to consider promotion of a section 33(1)(c) Ordinance in circumstances other than those set out in this policy statement.”*

**11.3 Policy on sub-division of existing dwellings** Draft planning guidance document tabled and discussed. The Committee considered that some changes to the wording were required in order to make the guidance less rigid. **Item deferred.**

**11.4 Enforcement Matters** See Confidential Annexure.

**12/2014**    **Any other business**

There were no items of any other business.

**13/2014**    **For Information**

- Letter from States Engineer to P Parker dated 5<sup>th</sup> December 2013 and letter from P Parker dated 17<sup>th</sup> February 2014.
- New planning application form

**Meeting finished 1245**

**Date of next meeting: TUESDAY 3<sup>RD</sup> JUNE 2014**

**Signed :** .....

**Dated:** .....