

# PlanForum

Guernsey's Planning Agents' Forum  
Meeting held Wednesday 12 December 2018 at **Sir Charles Frossard House**

## NOTES OF THE MEETING

### **Planforum Members in attendance:**

Jill Bray, Courtillet Design  
Rachel Jones, Carey Olsen  
Rob Le Page, R W Le Page  
Gary Bougourd, Babbe McCathie  
Paul Le Tissier, Guernsey Electricity  
David Falla, Falla Associates  
Chris Lovell, Lovells  
Ricky Mahy, Create  
James Barker, Create  
Esther Male, CCD  
Alastair Hargreaves, Ferbrache & Farrell LLP  
David Aslett, Property Services  
Charlie Hodder, BHP

### **From the States of Guernsey:**

Jim Rowles, Director of Planning (AJR)  
Claire Barrett, Director of Policy (CEB)  
Andy Mauger, Building Control Manager (AAM)  
Simone Whyte, Principal Forward Planning Officer (SW)  
Alun White, Principal Conservation and Design Officer (AWW)  
Louisa de Garis, Technical Support Officer (meeting notes)

### **Apologies:**

Gary Naftel, Naftel Associates  
David de la Mare, DLM  
Tony Charles, Porchester Planning  
Carl Foulds, Direct Architectural Services  
Jayne Roberts, Development Control Manager

### **Meeting commenced at 10:40 am**

#### **1. Matters arising from last meeting**

Link to the meeting notes from last meeting:  
<https://gov.gg/CHttpHandler.ashx?id=116023&p=0>

AJR opened the meeting and welcomed all present.

AJR reminded Agents of previous meeting discussions regarding the planning advice note for site Waste Management Plans and the IDP Annual Monitoring Report 2017. Other topics discussed at the last meeting included Development Frameworks, officer caseloads and application timescales, the new pre-application procedure and qualitative analysis of new developments. AJR thanked Agents for their helpful feedback at the last meeting, and apologised for the delay in publishing the previous meeting notes.

No other matters were raised.

## **2. Policy & Environment – update and discussion**

### IDP Annual Monitoring Report (AMR)

CEB noted that the first IDP AMR, for 2017, had been debated by the States. The Committee had been keen that this debate should take place to ensure that the Plan monitoring process was open and transparent. CEB noted that Agents could dip into the AMR thematic reports. She noted that there were 62 actions arising from the report, which included further monitoring to determine trends.

CEB advised that preparation of the 2018 AMR had started and asked Agents to engage with this process. Information would be sent out inviting engagement and the more feedback received the better. Comment would be encouraged on a range of topics. Qualitative data was important and would add value.

Ricky Mahy noted that the Employment workshops that were held at Raymond Falla House for the 2017 AMR were a good format and felt that it was a good way to provide feedback. He however queried whether preparation of the AMR took resources from progressing planning applications. CEB responded that the AMR was resourced from the Forward Planning Team so did not impact directly on planning application resources. She noted that the AMR was forward-looking and provided key evidence that would be required for any changes to the IDP. She acknowledged that the AMR was a lengthy document and said that consideration was being given to producing a summary document as well as the full version to make the content more accessible.

David Falla noted that the evolving requirements for offices could be restricted if definitions were too rigid, and that there was a need for the sector to keep up to date. CEB noted that she was keen to discuss this topic with Agents through the proposed workshops. For example, there had been some recent applications for training facilities linked to office use and it was not clear whether this was an emerging sector or just isolated cases, so continued monitoring was important.

### Redundant glasshouse sites Supplementary Planning Guidance (SPG)

CEB noted that SPG had been drafted to help clarify the definition of a redundant glasshouse site. This arose partly from the outcome of an appeal. The guidance reflected the rationale behind IDP Policy OC7 to help secure the removal of redundant glasshouses and ancillary structures to enhance the landscape. With this in mind, in order for Policy OC7 to apply it was intended that elements of glasshouse superstructure must still be present above the ground. CEB noted that a one-page Q&A pamphlet would be produced to make the guidance as accessible as possible.

### Housing internal space standards

AJR informed Agents that a Department for Communities and Local Government document had recently been published on the States' website dealing with internal space standards for new dwellings. This followed concerns that some units were being designed to the minimum space standards defined in the Guernsey Technical Standards whereas the IDP expected new housing to substantially exceed those standards. AJR said that feedback already received from an Agent referred to inconsistency between the two sets of standards which would need to be addressed. AAM acknowledged that the standards should 'talk to each other' better than they did at present. David Falla suggested that a definition relating to fitness of purpose could be useful, enabling smaller units if they were well planned and allowing some flexibility to be exercised. AAM noted that some flexibility existed in how to approach the Building Regulations, however further work would be carried out to integrate the two sets of standards if possible.

### Seafront Enhancement Area (SEA)

CEB explained the relationship between the Harbour Action Area (HAA) and the SEA programme. The SEA, a priority in the Policy & Resource Plan, was wider than the HAA, for which a Local Planning Brief was required. Discussions were ongoing by the SEA Steering Group about what the SEA should deliver. This would subsequently inform the HAA Local Planning Brief process. A public consultation was being undertaken for six sites with a positive reception and around 300 ideas received from the public.

Jill Bray questioned whether the SEA programme took into account wider aspects such as rising sea levels and flood protection. CEB confirmed that the IDP design policies required this and that flood protection was being considered by the SEA Steering Group. James Barker expressed concern about lack of investment on infrastructure, especially in roads and traffic, and questioned whether the States would look at the wider picture. CEB said that the SEA Steering Group included representatives from all relevant States' Committees and was therefore well placed to consider the wider picture. James Barker commented that phased development should be encouraged whilst Ricky Mahy suggested that integrated cycle routes be considered.

CEB noted that the SEA Steering Group was at the stage of establishing the principal aim and objectives for the SEA and was looking to appoint someone to run the programme full time.

### Employment Land Study (ELS)

SW noted that the ELS Update Report had recently been published. The data gathering had been carried out over the summer and had informed the AMR. SW commented that workshops had been held and worked well; the intention was to repeat them in the new year with a focus on the quality of offices.

Esther Male enquired about selection for attendance at the workshops and recommended that this be as broad as possible. SW said that representatives were invited to the targeted workshops from the Guernsey Society of Architects, Chamber of Commerce, Planning Agents and commercial agents, however all Agents were welcome to give general feedback.

## IDP Quarter 3 (Q3) Quarterly Monitoring Report (QMR); Main Centres and Local Centres reports

CEB informed Agents about three more reports that had been published; the IDP 2018 Q3 QMR, and the Main Centres and Local Centres reports.

CEB advised that the Q3 monitoring report no longer included the Outline permission for Leale's Yard, which had lapsed. This reduced the 'pipeline' housing supply figure. However, as the previous States' housing supply targets had been superseded by new, lower, housing supply indicators, the pipeline supply remained well above the new indicators. The format of the QMRs remained the same for consistency which ensured that the data and information was directly comparable when looking at overall trends.

CEB advised that the Main Centres and Local Centres reports also fed into the AMR and included some interesting findings. For example, the Main Centres report identified that the footfall at lunch time in St Peter Port Main Centre was significantly higher than that in St Sampson Main Centre, underlining that the Main Centre of St Peter Port had a range of employment and services which were missing from the centre of St Sampson. This could potentially be addressed through development of Leale's Yard.

David Falla noted that housing need should be addressed through developments such as Leale's Yard, and suggested that it may be necessary to take a realistic view on implementation with the number of completions being more important than the number of units consented. Ricky Mahy commented that road infrastructure needed to be improved. CEB confirmed that the QMRs provided figures for both the pipeline supply and for completions to identify what was actually being built. CEB noted that Leale's Yard was designated as a Regeneration Area in the IDP and that a Development Framework was required which should provide a catalyst for positive development. Ways were being investigated to bring forward the Development Framework for Leale's Yard in the first half of 2019.

### **3. Development Management - update and discussion**

#### Current timescales and workload

AJR informed Agents that the Development Control team was catching up on applications and in terms of timescales was in a better position than in the summer. Effort was being made to balance workloads across the team to ensure that applications moved forward as quickly and efficiently as possible.

Ricky Mahy said that he had noticed that processing times were slower in the summer but seemed to have improved. He noted that at the last PlanForum meeting reference had been made to regularly updating an 'average waiting time' figure. AJR said that it was very difficult to provide a meaningful average figure given that individual timescales depended on so many factors however if Agents were experiencing delays without any communication they should contact the Planning Service to discuss the position.

James Barker suggested that an increase in Exemptions would help to reduce workload. AJR agreed and said that this was a priority for 2019, along with an Ordinance under section 46 of the Law.

### Certificates of Lawful Use

AJR noted that legal drafting of an Ordinance for Certificates of Lawful Use was almost complete and it was anticipated that it would go to the States early in the new year with a projected implementation date of 6 May 2019. Guidance would be published in advance of the coming into force of the Ordinance.

### Agents' Workshop in New Year

AJR advised that it was proposed to hold a workshop for Agents in the new year dealing with making planning applications, with a focus on application submissions, descriptions, requirements and standards. This was intended to support the progress being made towards facilitating electronic submissions and ensure that applications were made right first time and therefore moved through the system efficiently.

### Introduction of acknowledgement of receipt of planning applications submitted electronically

AJR advised that a system of bespoke email receipts for electronic applications had been introduced following Agent feedback. Agents welcomed this change.

## **4. Building Control - update and discussion**

### Building Control pre-application advice

AAM informed Agents that requests for pre-application advice from Building Control could be made on a form designed for this purpose, although email requests would still be considered if they contained adequate information.

### Inspection booking app

AAM reminded Agents of the Inspection booking app and asked Agents to make clients and builders aware of the app. AAM circulated a guidance note about the app to Agents. Jill Bray queried whether the guidance note could usefully be included with Permits issued. AAM noted that reference was already made to the app on the builder's information sheet but agreed this could be an option in the short term. He noted that he was also looking to promote the app on Facebook.

### Dealing with further information from Architects and Engineers

AAM asked Agents whether they would be happy to receive an email rather than a formal letter from Building Control in response to further information or amendments, as submitted particularly by engineers. Gary Bougourd stated his preference for an email. In answer to queries from David Falla and James Barker, AAM said that there would be no issue regarding Immunity Certificates. Esther Male commented that the important thing was to have written confirmation that Building Control was happy with the proposal.

### Hackett Report – Grenfell Tower

AAM advised Agents that the report by Dame Judith Hackett following the Grenfell Tower disaster had recommended changes to the UK Building Regulations and other changes such as the introduction of a Joint Competent Authority. He noted that as the Guernsey

Regulations follow those in the UK changes may be required, however the situation would be monitored and updates provided to Agents as necessary.

### Fire and Rescue Service

AAM advised that the Guernsey Fire and Rescue Service were not fire engineers and although able to give informal advice they were not in a position to provide a fire engineering solution that could be considered as a designed alternative under Approved Document Part B.

## **5. Planning & Building Control fees**

AJR explained to Agents that an internal States' Audit of Planning and Building Control fees had been completed which had provided the Planning Service with Full Assurance. However one of recommendations of the Auditors was to comprehensively review the current fees which had now been done. Proposed revisions to the fees structures and amounts had been approved by the Committee for implementation in the first Quarter of 2019. AJR said that the proposed Planning fees structure was simpler than the existing with fewer categories. Generally fees would be increased in line with RPIX. Planning fees for some minor works would decrease, whilst for some categories such as outline consent and for new houses and flats the fees would increase above inflation because they had been found to be too low at present. AAM outlined the proposed changes to Building Control fees.

James Barker questioned whether the income from fees was retained by the Planning Service and could thus fund more staff, for example to deal with Development Frameworks. He suggested that this could enable a fast track service for which a charge could be made, and that developers would be likely to welcome this. AJR explained that fee income remained with the Planning Authority however the budget cash limit applied by the Treasury was adjusted accordingly to compensate for any increase in income. He continued that the Committee was seeking to work with Treasury and Resources Committee and the Committee for Economic Development to obtain additional resources to accelerate Development Frameworks for the Regeneration Areas, including Leale's Yard. Esther Male said that larger developments seemed to incur a disproportionate fee notwithstanding complexity. AJR said that this could occur but the proposals sought to minimise inconsistency as far as possible.

## **6. Managing the Historic Environment - update and discussion**

### Design Quality Indicators (DQIs)

AWW explained to Agents that as part of the IDP AMR there was a requirement to establish DQIs to help assess the quality of new development and ensure that the IDP design policies were effective. This topic had been mentioned at the last PlanForum meeting and since then progress had been made on establishing a methodology. AWW stated that building a robust evidence base was important in assessing design quality and asked Agents to get involved.

David Falla noted that with Design and Build contracts Architects were not in control of delivery of development on the ground. AWW said that this was why it was important to set a baseline of the approved development and then identify where and why there may have been a disconnection between what was decided at the planning stage and what was actually built. Gary Bougourd commented that new developments often appeared to include insufficient green space and that approved grass areas were frequently changed to gravel or

artificial grass. Jill Bray noted that changes to a scheme might be made after a property was purchased, for example by changing grass to artificial grass or vice versa. CEB said that the DQIs would help to inform the objective assessment of quality through to completion and also decisions on how best to respond to any reduction.

David Falla said that in some schemes seen by the St Peter Port Douzaine, amenity seemed to be squeezed on infill sites whereas fewer units would provide breathing space. He said that this should be reviewed although he appreciated that it was sometimes difficult to resolve conflicts on smaller sites. CEB said that achieving the most efficient and effective use of a site was not always about building on it, and sometimes could be through providing green space. James Barker noted that parking areas could be extended under the Exemptions and suggested that this be reviewed with requirements for areas to remain green.

Charlie Hodder questioned whether the intended purpose of the DQIs was to holistically assess the quality of the environment following a development or as a post-completion check on the development itself. If the former, he queried whether matters outside of the site such as quality of transport links could be considered. AWW said that the DQIs would be focussing on the design quality of the development as built, but could also potentially include matters such as pavement widths outside of the site. CEB noted that this might provide useful information for other States' Committees. Charlie Hodder suggested that consideration be given to UK indicators such as contained in the Code for Sustainable Homes and Housing Corporation Standards for Place Making to help enable the DQIs to provide a macro picture of whether a place is a great place to live. He also noted that there had been issues in the UK with housebuilder schemes that had failed, for example the system of Home Performance Certificates, and that relevant aspects that might be considered could include energy efficiency, space standards, daylighting and amenity space. He agreed to send links to relevant information to AWW.

CEB said that the intention was to establish and engage with the stakeholder group in order to come up with a list of DQIs relevant to Guernsey. She welcomed Agents' valuable feedback and continued involvement in this process.

#### Protected Building Review

AWW informed Agents that the Protected Building Review project would be closed at the end of 2018. At that point there would be a robust list of Protected Buildings and the List would thereafter be maintained on an ad hoc basis. AWW explained that there remained about 300 buildings on the evaluations list which had not been surveyed and had potential to be added to the list through this process. A decision would be made whether to publish the list of these buildings or alternatively to inform a building owner on request as at present.

Chris Lovell said that in two instances vendors had responded negatively when they had discovered that their property was on the evaluations list. He requested that the list be made public. AJR said that the list could be published to avoid uncertainty however a possible downside of this which had to be considered was increased risk of alteration to a potentially important building. CEB noted that owners of such buildings could already ask for a survey to be carried out if they were planning to put their property up for sale.

Esther Male said that there was a perception that owning a protected building would add to costs and time through the planning process. Chris Lovell agreed that a perception of owners

was that listing decreases property value. David Falla said that this was not the case in the UK where listing was often seen as a 'badge of honour'. James Barker noted that grants were available for listed buildings in the UK.

David Falla asked whether the remaining buildings could be surveyed. He added that it was important to the Guernsey economy to improve certainty and reduce risks for business. CEB explained that the Planning Authority had a statutory duty to maintain the Protected Building List which was an ongoing requirement and would never end. The current project had taken five years to complete and the remaining buildings with potential for listing would be assessed through surveys on an ad hoc basis and through production of conservation area character appraisals and work on development frameworks. She agreed that consideration should be given to publishing the evaluations list.

## **7. Agent feedback**

### Timing and speed of planning applications

Chris Lovell noted that the timing and speed of planning decisions was of key importance economically and therefore needed to be resourced adequately. Ricky Mahy and Chris Lovell both said that if additional resources and staff were required by the Planning Service then the development industry would provide support to help achieve this.

### SEA programme recruitment

Charlie Hodder asked whether an urban designer was being sought for the SEA programme. CEB confirmed that a range of skills would be required, both technical and in programme management. She said that the process of recruitment was continuing and might involve splitting into two distinct roles. She noted that the Planning Service included urban design expertise.

### Trees and development

Esther Male referred to discussion at the last PlanForum meeting concerning tree protection and loss and sought clarification of the legal position. CEB noted that under the 2005 Planning Law trees were protected either by Tree Protection Orders (TPOs) or through planning conditions. Charlie Hodder noted that relatively few TPOs existed in some areas of the Island. AJR said that progress was being made on making new TPOs with several new Orders confirmed recently. AWW noted that LIDAR data could be an important way to monitor the tree coverage on Guernsey.

## **8. Forthcoming CPD opportunities**

Please let the Planning Service know of any CPD opportunities.

## **9. AOB and items for next meeting**

No further points were raised.

## **Meeting ended 12.40pm**

The next meeting will be held in May 2019.