

PlanForum

Guernsey's Planning Agents' Forum
Meeting held Wednesday 12 June 2019 at **Sir Charles Frossard House**

NOTES OF THE MEETING

Planforum *Members in attendance:*

David Aslett, Property Services
James Barker, Create
Gary Bougourd, Babbe McCathie
Martyn Baudains, Ogier
Jill Bray, Courtillet Design
David Falla, Falla Associates
Peter Falla, PF+A
Carl Foulds, Direct Architectural Services
Alastair Hargreaves, Ferbrache & Farrell LLP
John Hibbs, PF+A
Rachel Jones, Carey Olsen
Ricky Mahy, Create
Esther Male, CCD
Andrew Merrett, LOP
Rob Le Page, R W Le Page
Paul Le Tissier, Guernsey Electricity

From the States of Guernsey:

Jim Rowles, Director of Planning
Claire Barrett, Director of Policy
Jayne Roberts, Development Control Manager
Andy Mauger, Building Control Manager
Simone Whyte, Principal Forward Planning Officer
Alun White, Principal Conservation and Design Officer

Apologies:

Max Babbe, Soup
Olly Brock, BHP
Charlie Hodder, BHP
Chris Lovell, Lovells
David de la Mare, DLM

Meeting commenced at 14:00hrs

1. Matters arising from last meeting

Link to the meeting notes from last meeting:
<https://gov.gg/CHttpHandler.ashx?id=117283&p=0>

AJR opened the meeting and welcomed all present.

No matters arising from the last meeting were raised.

2. D&PA Committee changes

Recent changes within the D&PA Committee related to the election of Deputy Dawn Tindall as President, replacing Deputy John Gollop, the election of Deputy Lester Queripel as returning member following the resignation of Deputy Marc Leadbeater, and the requirement for one further D&PA Member which would also mitigate possible problems of the Committee being inquorate or potential difficulties of 2:2 split voting.

3. Policy & Environment – update and discussion

Seafront Enhancement Area update

The recent amendment to the Inder/Paint Requête on Harbour Development had confirmed Longue Hougue South as the Island's next inert waste disposal site with work on the EIA for that continuing and a Local Planning Brief (LPB) to be drafted for States' consideration in 2020. Funding was also agreed through this amendment for the Harbour Action Area LPB. This links to work also agreed and being carried out by STSB regarding future port requirements, including the possible requirement for a new commercial port. Initial work on evidence gathering, etc., for the LPB will commence shortly and the LPB will be completed on conclusion of the STSB work.

Work has continued regarding the six 'initial sites', with for example a recent announcement regarding co-ordinated proposals for La Vallette. Other initial sites are being progressed and some more substantial proposals such as for arts venues are being incorporated in the overall strategic approach to the SEA.

IDP Annual Monitoring Report (AMR), 2018

The 2018 AMR is being drafted. Feedback has been received from other Committees and, when finalised, the thematic reports will be reported to the D&PA. Preparing the AMR is resource-intensive and with the imminent start of work on the five-year review of the IDP consideration is being given to other ways to present the monitoring information, for example by concentrating reporting on specific topics.

5-Year review of housing and employment land; Requête relating to the IDP and other planning issues

The Planning Service noted that the IDP only requires a review of housing land supply and employment land supply within 5 years of adoption. However, this presented an opportunity for the Authority to update other policy areas at the same time if monitoring identified a requirement to do so, addressing any potential policy changes at the planning inquiry for that review and representing value for money.

The Merrett Requête and the D&PA's own Action Plan (published subsequent to the meeting) both sought to extend the five-year review beyond the statutory requirements, with the Requête seeking reporting to the States by April 2020.

Copies of the Requête were circulated. Link to the Action Plan:

<https://gov.gg/CHttpHandler.ashx?id=119687&p=0>

Work had commenced on producing the Development Framework for Leale's Yard.

4. Development Management - update and discussion

Current timescales and workload

The majority of householder applications were now being processed within 8 weeks, assisted by distinguishing householder and more major applications and other measures. There was still an emphasis on discussion and amendment rather than immediate refusal of unsatisfactory applications, although applications should always be properly submitted in the first instance and pre-application advice should be sought where necessary. Recruitment was in progress to one vacant post within the Planning Service's establishment. There was a general discussion on issues and difficulties surrounding recruitment.

Certificates of Lawful Use

This was a new type of application that was introduced on 6 May 2019. Applications were given the pre-fix 'CLU', with two applications received as at the date of the meeting.

Planning applications and appeals – current issues

Recent appeal decisions were available on the States' website. One related to withdrawal of Exemption rights on a permission to extend domestic curtilage, this being justified in appropriate circumstances under IDP Policy GP15.

Current live appeals included one for conversion of a redundant building with the main issue being whether the building was of sound and substantial construction (Policy GP16(A)). There was a general discussion on this issue. It was noted by the Planning Service that clarity would be useful within an application on the brief given to the structural engineer and what they had been asked to comment on. The Planning Service clarified that replacement of cladding on a packing shed would not be Exempt works. There was an agent suggestion that the policy should come from the direction of whether the building was in a sensible location, rather than the details of the conversion. There was also an agent comment that further clarity and guidance was required to ensure consistency of approach. It was noted that the appeal outcome should provide some helpful guidance on this issue.

Information requirements in relation to IDP Policy GP5: Protected Buildings

The absence of information submitted with applications to demonstrate compliance with Policy GP5 was resulting in delays and in some cases inability to approve applications. The Planning Service requested that applications for works to Protected Buildings should always include a proportionate statement under Policy GP5.

There was an agent comment that information on the special interest of buildings should be more available to assist agents. The Planning Service noted that information was available from a range of sources including Historic England and Historic Scotland concerning how to understand the special interest of a historic building and that it was the agent's role to demonstrate this understanding, on a proportionate basis dependent on the nature of the proposal. The Planning Service also held information on particular buildings which, where available and practical, could be accessed by agents.

The Planning Service also noted that information should be provided with an application as to why the proposed works were required, to enable the Authority to strike an appropriate balance under Policy GP5 between the impact of the works on the special interest of the building and the reasonable aspirations of the property owner.

Ancillary accommodation

The Planning Service reminded agents that where approval was granted for ancillary habitable accommodation, the permission related only to such ancillary accommodation, and not to the creation of a separate unit of accommodation which would require further planning permission and which would raise different planning issues.

5. Building Control - update and discussion

SIPS – unprotected areas

Agents were advised that no test data currently existed for fireproofing of SIPS panels on a boundary so SIPS could not be approved on a boundary under the Building Regulations. Testing was expensive and still some way off.

Electronic submission of revisions

Agents were reminded that a copy of revised drawings, when submitted in hard copy, should also be emailed directly to the allocated Building Control Surveyor.

Part B understanding and non-compliance

There had been increasing issues regarding compliance with Part B: Fire Safety which was taking up much staff time in Building Control. It was recommended that agents should undertake or commission training where necessary to increase their relevant expertise.

Timely issue of revisions in the course of construction

Agents were reminded to issue any revised plans immediately to the allocated Surveyor so that Building Control had up to date plans which would coincide with those on site and thus ensure that everyone was working to the same drawings.

Fee queries – accuracy of advice

Agents were advised that pre-application fee advice was given in good faith and that where proposals changed between the advice and submission of an application the fees quoted may be incorrect which caused delays.

First floor balconies and terraces

Agents were reminded that first floor balconies and terraces were defined as extensions under the legislation. Patios and decking were only controlled under the Building Regulations to 1.2m from the building.

6. Managing the Historic Environment - update and discussion

Conservation Area Character Appraisals update

Agents were informed that this project, which would take between 3-5 years to complete, had commenced with the appraisal of St Peter Port Conservation Area, in which there would

be the most development pressure. An initial stakeholder meeting would be held with organisations in the summer of 2019. This was an important stage to help ensure the quality and usefulness of the final appraisal document.

Preparation of Guidance Notes for Policies GP5 and GP9

Two guidance notes for Policy GP5 were proposed, one for householders and the other for agents. Draft guidance notes for Policies GP5 and GP9 were in an advanced stage of preparation. The guidance for Policy GP9 aimed to provide a standardised formula with a series of questions which agents could answer and advice on the right information to include on drawings.

Agents were advised that Guernsey Water had published guidance on SuDS which can be found here: <http://www.water.gg/SuDS>.

7. Agent feedback

Agents expressed concerns around the level of detail being required at validation stage for planning applications, and a perception of inconsistency of information submitted by different agents. The Planning Service explained that validation was being handled consistently by one officer who sought to ensure all applications were accurate and contained the necessary details to be processed. An agent commented that the Service could be more explicit in explaining how it was seeking to improve the quality of submissions.

There were agent comments and a query concerning the relationship between Building Regulations and IDP policies on sustainability. Also an agent expressed concern about up-front costs for clients. The discussion highlighted that planning policies covered aspects of sustainability such as orientation of buildings which were not addressed under the Building Regulations. They also ensured that sustainability aspects such as SuDS were considered early in the design process and could be followed through into construction. Sustainability aspects could be weighed in the balance by Planning when considering applications under the IDP. Publication of the guidance on Policy GP9 would assist in this regard. Agents commented that the impact of site waste management plans was variable depending on the size of the project but cost of waste disposal was a major factor in driving more sustainable practices amongst contractors.

An agent commented about the costs of owning and developing a protected building and expressed concern that this could lead to deterioration. It was queried whether anything could be done to make ownership of a protected building more attractive, such as providing grants. One suggestion from an agent was that a 'project team' approach to co-ordination of Planning, Building Control and Conservation interests would assist. Building Control confirmed that a more relaxed approach was possible under the Building Regulations when dealing with Protected Buildings, other than for fire safety.

Contrasting views were expressed by agents on the degree of support received from the Planning Service concerning projects with which they were engaged. Some were concerned about increased levels of information being required and a perceived lack of working together whilst others were complimentary about the assistance and engagement received from the Planning Service on significant projects. The Planning Service drew attention to the low application refusal rate and noted that refusals were exceptional. Also that in some

cases pre-application advice was not being fully followed or perhaps understood. Planning Service advice was that in such cases agents should please follow up and seek clarification, rather than simply submitting an application. There was an agent suggestion that planners could provide a CPD event on this theme.

There were agent comments concerning the pre-application advice process and use of written responses in preference to a meeting or phone call. The Planning Service clarified that meetings were still used where necessary along with phone calls in which case a written phone log was issued to confirm the conversation. Where advice was provided by letter this could be followed up by agents with a phone call if it was unclear. Messages would be taken and the call returned. There was an agent suggestion of a traffic-light type system of communicating advice, with red where there was no chance of approval being given. The Planning Service confirmed that where appropriate they would recommend that agents seek further pre-application advice. There was an agent concern that in some cases phone calls were not being returned in a timely manner. The Planning Service advised that this concern would be followed up and also noted that the management of phone calls had enabled timescales for applications to be significantly improved. Agents were thanked for their co-operation with this initiative.

8. Forthcoming CPD opportunities

The Planning Service identified a potential CPD opportunity on publication of the guidance on GP5 and GP9.

An agent commented that a workshop on topical planning issues, such as accessibility, with examples, would be a good idea and would help engagement by the Planning Service to build a body of shared understanding. The Planning Service noted that current work on design quality indicators and in relation to the condition of protected buildings as part of the 2018 AMR could align with this idea.

9. AOB and items for next meeting

An agent commented about the policy approach to mix and type of housing. The Planning Service noted that evidenced need was for predominantly 2 and 3 bed private market units but that the relevant policy included some flexibility for inclusion of larger units to be justified. The Planning Service also referred to recent engagement with estate agents concerning this issue and noted that qualitative data would be factored into future policy development.

Agents welcomed a request from the new President of the D&PA to attend the next PlanForum meeting as observer.

No further points were raised.

Meeting ended 16.00pm

The next meeting will be held in December 2019.