

PlanForum

Guernsey's Planning Agents' Forum
Meeting held Thursday 5 December 2019 at **Sir Charles Frossard House**

NOTES OF THE MEETING

Planforum *Members in attendance:*

Gary Bougourd, Babbe McCathie
Jill Bray, Courtillet Design
Andrew Dyke, CCD
David Falla, Falla Associates
Peter Falla, PF+A
Jamie Le Gallez, Soup
Alastair Hargreaves, Ferbrache & Farrell LLP
John Hibbs, PF+A
Charlie Hodder, BHP
Chris Lovell, Lovells
Ricky Mahy, Create
Andrew Merrett, LOP
Rob Le Page, R W Le Page
Rachel Rogers, The Drawing Room
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
Cathrin Regan, Principal Building Control Surveyor

Deputy Dawn Tindall, President D&PA (observing)

Apologies:

Martyn Baudains, Ogier
Carl Foulds, Direct Architectural Services
Rachel Jones, Carey Olsen

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=120429&p=0>

AJR opened the meeting and welcomed all present.

No matters arising from the last meeting were raised.

2. Third-Party Planning Appeals

Agents were advised that the Committee *for the* Environment & Infrastructure (E&I) was considering the principle, costs and benefits of third party planning appeals following direction by States Resolution following a Requête. E&I had consulted the Development & Planning Authority (D&PA) and other committees/bodies for their views. Agents had been consulted by the D&PA however there was a very limited response from agents to this request for views. Officers outlined the process and the conclusion of the consultation response from the D&PA to E&I which was to not support the provision of third party planning appeals and the reasons for this. Agents were advised that a draft policy letter should be considered by E&I in January 2020 for consideration by the States in March 2020 and that in the event the States decided to introduce third party appeals there would be a need to amend legislation. Differences between the appeals systems in Jersey and Guernsey were briefly discussed.

3. Planning & Building Control fees

Agents were informed that fees for Planning and Building Control applications would increase from 1 January 2020 broadly in line with inflation and that amendments had been made to restructure and simplify the planning fees schedule, resulting in fewer fee categories. Flats would be included with houses in the 'domestic' category 3. There would be fee reductions for certain forms of minor development but fees for outline permissions, new dwellings and flats and applications falling outside other categories would increase above inflation. For Building Control there was a minor change to the schedules with one amalgamation and one additional category. There would be media publicity prior to implementation and the new fees schedules would be made available online.

4. SMART Guernsey

Agents were informed that the States of Guernsey had signed a ten-year contract with leading digital firm Agilisys that allowed the SMART Guernsey programme to begin in earnest. The Planning Service was involved with trials to provide some States' services digitally, specifically in relation to introduction of a planning 'portal' to receive and publish planning applications on-line. The Planning Service had been working on developing a solution for this for the past two years but progress had not been as rapid as hoped due to a lack of resources and digital capacity. With the partnership with Agilisys, the D&PA was hopeful that online services for applications would be in place in the near future. It was noted that some changes to legislation would be required.

Officers advised that implementation of the new systems could result in some delays to applications during the coming year. It was confirmed that the proposed system would be able to accommodate payment of fees on line. Agents concurred that for electronic plan-viewing a screen size of 27in would be recommended and there was some discussion of pros and cons of electronic working.

An agent queried how long applications would be available once published on line and suggested that copyright issues might occur if there was unlimited access. Officers

confirmed that this issue had not yet been considered in detail and would be addressed however applications would be available for at least three years due to the length of validity of permissions.

5. IDP Policy GP9: Sustainable Development – Draft Guidance

Officers advised that the guidance was in the final stages of drafting and would be issued shortly with comments invited over a two week period. It was hoped to issue the draft guidance along with the PlanForum notes. The guidance would be focussed on how to support an application with the right information and was aimed at types of development agents would typically be involved with. It would support the IDP policies on sustainable development and renewable energy and thus the States' priorities relating to climate change. Although intended to be proportionate, it would be expected that GP9 would be complied with in its entirety. The guidance would assist consistency and would allow flexibility for Protected Buildings and within Conservation Areas.

Agents were advised that scope for revisions to Part L of the Building Regulations was also being considered which linked with the development of high level States' policies for climate change and energy.

An agent noted that increasing insulation was causing increased problems of condensation in buildings of traditional construction. Officers noted that there might need to be consideration of different standards between new buildings and work to existing as in the UK.

6. Policy & Environment – update and discussion

Agents were advised that the IDP Annual Monitoring Report (AMR) 2018 was nearing the end of the necessary stages and had been referred to E&I. There was a commitment by the D&PA to bring a policy letter reporting the 2018 AMR to the States during this political term with amendable propositions and the AMR as an appendix. This was proposed for submission in February/March. The amendable propositions would be based on the D&PA Action Plan which identified a number of commitments to extend the IDP 5-Year Review beyond the statutory requirements of housing and employment land supply.

Agents were informed that work on the IDP 5-Year Review had commenced and that as well as addressing the statutory requirements the review would include APA, including change of use to domestic curtilage, change of use of visitor accommodation, review of ABIs, use of greenfield/brownfield land for residential purposes in Centres, Important Open Land in Main Centres and development frameworks. The Review had been scoped and was projected to be returned to the States with any proposed changes to the IDP by the end of 2021. Officers advised that if further matters were put forward by the States for inclusion there would be a real danger of not achieving the 5-Year Review. There may be consultation in 2020 on specific topics during the evidence gathering stage and the overall process would be the same as for the IDP with evidence gathering, consultations, proposals, planning inquiry, inspector's report and States' approval. Planning application decisions would be made on the basis of the Plan and policies in force at the time of decision.

7. Development Management - update and discussion

Agents were advised that a recent planning appeal concerning conversion of a packing shed under IDP Policy GP16(A) had been dismissed but provided lessons for all parties. Another appeal decision on a conversion proposal was awaited. The main learning related to the content of structural reports and information that needed to be submitted with an application. Guidance on minimum requirements would be produced following receipt of the second appeal decision and if not submitted with an application the necessary information would be requested through deferrals, which would delay an application. In addition, all works proposed should be shown on the plans.

Officers requested that proposals for minor amendments should clearly show the proposed changes, for example by using clouds, annotation, etc. Officers also requested that fee payments be included with applications as submitting fees separately (e.g. direct from clients) would inevitably lead to delays due to matching/reconciliation.

Officers also requested that where appropriate pre-application enquiries relating to Protected Buildings should include a proportionate statement of understanding, which would be helpful to enable provision of good quality pre-application advice.

Agents were informed of recent staff changes within the Development Control team. Officers requested that all staff be treated with respect in terms of the professional advice provided and that agents do not re-phone to speak to different officers on the same subject.

Officers advised that a number of applications for Certificates of Lawful Use (CLUs) had been received but few had been determined due to lack of necessary information. As the process was new the service had deferred some applications for additional information, however this practice would not continue and applications submitted without the necessary information in the future would be refused in accordance with the Ordinance and published guidance. Officers also noted that a CLU would not confer consent under the Building Regulations, and in some cases an application under the Building Regulations would not be invited where there was no prospect of it being approved.

8. Building Control - update and discussion

Agents were informed of recent senior staff changes within the Building Control team and were asked to advise clients/builders to use the Building Control Inspection App. Agents were also reminded that Building Control Surveyors were happy to attend their offices for meetings.

An agent raised the issue of surface water drainage and referred to increasing problems occurring where this issue was not resolved before building works commenced. In some cases development had proceeded but surface water drainage could not be resolved on site. Another agent suggested this issue needed to be addressed at concept stage. Officers responded that pre-commencement conditions were not favoured due to potential delays to works on site, however information was increasingly being sought by Building Control prior to approval of projects and this could include surface water drainage details. Officers noted that this would generally require clients to engage engineers at an earlier stage. Officers also noted that this approach was reflected in requirements under planning Policy GP9 which sought that water management details be considered at the outset of the development process.

An agent noted that SuDS systems specified in Development Frameworks might not work in practice. Officers clarified that an alternative proposal could be submitted at planning application stage if that situation arose. Another agent queried whether progress had been made with proposals for an attenuation tank on a site in St Peter Port and noted that there could be other ways of tackling problems of surface water drainage.

9. Managing the Historic Environment - update and discussion

Agents were advised that the St Peter Port Conservation Area Appraisal workshop held in early September 2019 had been successful with good feedback obtained. The overview of St Peter Port was being completed and work commenced on more detailed study areas with the intention of publishing in Q2 2020.

Drafting of the guidance on Policy GP5: Protected Buildings was progressing with a distinction made between simple householder applications and those likely to involve an agent. It was intended to publish the guidance in draft for comments in Q1 2020.

10. Agent feedback

An agent raised the issue of Class 3 Exemptions and what could be done lawfully to maintain, for example, a redundant building. Officers advised that a key issue would be the degree of replacement of building fabric as opposed to repair of existing fabric; the question of extent of works in proportion to the building would normally require specific consideration on a case by case basis and it would therefore be difficult to provide generic guidance. However, as an example, the replacement of some rotten joist-ends in a non-Protected barn would not be likely to require planning permission, depending on extent, whereas removal and replacement of exterior cladding would be likely to do so. Clarification was also provided on when works became controlled work under the Building Regulations.

Officers recommended that the pre-application process be used by agents to obtain advice where necessary. Officers also advised on the process in place for filtering pre-application enquiries to ensure that meetings were only held where actually required.

An agent raised concerns that planning policies for conversion of redundant historic, high quality barns were too strict and limited the quality of architectural design. Officers responded that the relevant policy issue concerned the extent of alterations and any new build in the context of the spatial policy which provided limited opportunities for new residential development Outside the Centres. It was also clarified that the conversions policy was about converting to a range of uses. Whilst some buildings would be sound enough that they could be used for residential purposes with minimal alteration, others were not, but could potentially be converted to other appropriate uses such as storage. Architectural expression could be achieved if the alterations cumulatively were limited and the structure was sound and capable of conversion within the terms of the policy. It would be necessary to satisfy the criteria of Policy GP16(A), and if in order to convert a building it would be necessary to make substantial alterations then this would not meet the policy. Officers noted that guidance would be prepared and issued with regard to structural reports after receipt of an awaited appeal decision, although some other matters discussed under this item related to the circumstances of individual cases which made provision of generic guidance difficult.

An agent enquired about the UK space standards for dwellings. Officers clarified that these were published as best practice and discussed their relationship with the minimum standards required under the Building Regulations.

An agent queried the position regarding Development Frameworks. Officers advised that work on the Development Framework for Leale's Yard had commenced with a public consultation stage at the end of January 2020, and that whilst Development Frameworks would continue to be prepared for designated sites they would generally not be commenced for sites with no relevant designation in the IDP, in advance of the IDP 5-Year review and consideration of the criteria and thresholds for Development Frameworks. It was noted that a guidance note had been published enabling agents to prepare more straightforward Development Frameworks.

11. Forthcoming CPD opportunities

Officers asked agents to share any forthcoming opportunities for CPD and to consider inviting officers to visit sites of completed developments. Officers noted there may be CPD opportunities connected with publication of the guidance for Policy GP5: Protected Buildings.

12. AOB and items for next meeting

An agent referred to the forthcoming introduction by the Health and Safety Executive of Construction Design and Management (CDM) Regulations, which he noted would have a significant effect on the development industry.

Agents then took the opportunity to ask questions of Deputy Tindall relating to the following:

- Climate change and impact on spatial planning: Comment was made on the role of the IDP, Development Frameworks and Building Regulations with particular regard to energy policy, decarbonisation, surface water drainage and flooding, and health and wellbeing.
- Review of the SLUP: It was noted that the SLUP was the responsibility of the Committee *for the* Environment & Infrastructure and was a 20 year plan, to 2031. The D&PA Committee had been asked in 2016 if it agreed with the spatial policy which was a fundamental principle and would be unlikely to change in the near future. Nothing had been put forward in States' debates to change the SLUP. It was noted that the SLUP policies were at high level, and the present spatial policy had existed for many years.
- Development Frameworks: Comment was provided on the D&PA's approach to prioritisation of Development Frameworks in relation to designated and non-designated sites following a shift to more political oversight of the Development Framework process to determine the right balance given limited resources and other priorities.

Meeting ended 16.00pm

The next meeting will be held in June 2020.