

PlanForum

Guernsey's Planning Agents' Forum
Meeting held Wednesday 2 December 2020 at **Sir Charles Frossard House**

NOTES OF THE MEETING

Planforum *Members in attendance:*

David Aslett, States' Property Service
Andre Bisson, A7 Design
Jill Bray, Courtillet Design
Carl Foulds, Direct Architectural Services
Alastair Hargreaves, Ferbrache & Farrell LLP
Rachel Jones, Carey Olsen
Tiffany Jordan, PF+A
Chris Lovell, Lovells
Ricky Mahy, Create
Esther Male, CCD
David De La Mare, DLM
Andrew Merrett, Lovell Ozanne & Partners
Rob Le Page, R W Le Page
Rachel Rogers, The Drawing Room
Laura Sebire, Create
Paul Le Tissier, Guernsey Electricity
Rowland Tyson, Guernsey Water

From the States of Guernsey:

Jim Rowles, Director of Planning
Claire Barrett, Director of Place Strategy Development
Jayne Roberts, Development Control Manager
Andy Mauger, Building Control Manager
Alun White, Principal Conservation and Design Officer
Deputy Victoria Oliver, President D&PA (observing)
Deputy Andy Taylor, Vice-President D&PA (observing)
Deputy John Dyke, Committee Member D&PA (observing)
Deputy Sasha Kazantseva-Miller, Committee Member D&PA (observing)
Deputy Chris Le Tissier, Committee Member D&PA (observing)

Apologies:

Gary Bougourd, Babbe McCathie

Meeting commenced at 14:00hrs

1. Matters arising from last meeting

Link to the meeting notes from last meeting:

<https://www.gov.gg/CHttpHandler.ashx?id=123269&p=0>

The Director of Planning opened the meeting and welcomed all present.

No matters arising from the last meeting were raised.

2. General Update

Impacts of Covid-19

Officers summarised the evolution of working practices arising from the pandemic in terms of maintaining and sequentially increasing service provision during and following lockdown through agile and home working using remote access, publication of applications on www.gov.gg and move to a current blend of office and home working.

Agents were also reminded that Building Control Surveyors could be contacted by mobile phone using the numbers that had been issued, rather than using superseded office phone numbers (see also discussion on general update, below).

Organisational changes

Officers outlined the development of the 'People' and 'Place' Civil Service organisational structure and the D&PA's position within Place, emphasising the importance of cross-Committee working and integrated strategy and policy development and the relationship with the evolving new Government Work Plan.

Officers also described the physical changes made to accommodate new ways of working in Planning and Building Control through consolidation of office floor area in one location within Sir Charles Frossard House.

Elections and new Committee

Officers described the process of induction and priority setting by the new D&PA Committee since the General Election in October 2020, with the focus on how the D&PA would assist achievement of States' objectives arising from the new Government Work Plan.

Digitisation programme

Officers explained that implementation of the new digital 'portal' for Planning and Building Control should commence in the New Year, including communication with agents, with anticipated completion by Autumn 2021.

Discussion on general update

In response to a question from an agent, officers explained that whilst individual Building Control Surveyors could be contacted by mobile phone if needed, calls to Planning Officers were routed for efficiency reasons via the Technical Support Team and enquiries dealt with where possible through the Duty Planner system. Email contact with both Planning and Building Control was preferred and agents were asked not to phone Building Control Surveyors unless necessary.

Agents noted that there could be delays if the Duty Planner was not available or an email was unanswered when an officer was sick or on leave. Officers confirmed that enquiries would be reallocated if an officer would be unavailable for more than a short period.

In response to a question from an agent, officers confirmed that there was a process of induction for the D&PA Committee on Open Planning Meetings with the first such meeting scheduled for 11 December 2020.

In response to a question from an agent, officers noted that the new processes associated with the digital 'portal' were yet to be designed in detail but would not include the issue of physical stamped approved plans.

3. Government Work Plan

The Director of Place Strategy Development outlined progress and next steps on the development of the new Government Work Plan led by the Policy & Resources Committee. This was intended to prioritise the States' work programme for the current political term and focus on delivery of the Government actions and objectives relating primarily to economic development, supporting the community and health care. Within this, the D&PA saw itself as an enabling Committee, helping to deliver the work of the States through land use policies and decisions. A number of work streams were being undertaken which would front-load further actions. For example, the Development Framework for the three Town Regeneration Areas would be a catalyst and delivery mechanism for revitalisation in St Peter Port. Similarly, the Seafront work would feed into the Local Planning Brief for the Harbour Action Area. Work was also being undertaken on extending planning exemptions. In contrast, some work streams may not proceed if they would not support the Government priorities.

Discussion on Government Work Plan

In answer to a question from an agent concerning Development Frameworks, officers explained that prioritisation of preparation of Development Frameworks by the Planning Service would continue but that scope exists for agents to bring forward draft Development Frameworks with feedback provided by officers. A summary of current 'live' draft Development Frameworks relating to allocated housing sites was provided. Officers also advised on progress with the draft Development Framework for the three St Peter Port Regeneration Areas, which was scheduled to be finalised for D&PA consideration in June 2021. It was agreed to circulate the media release relating to this which contained details of the proposed timetable. It was noted that procurement of consultancy services was a process handled centrally by the States with a weighting towards local contractors and was being actively considered by the new Policy & Resources Committee.

4. Policy & Environment – update and discussion

In addition to relevant matters covered above, the update focussed on -

- the States' agreement to pausing of the Island Development Plan 5 Year Review
- approval in May 2020 of the Development Framework for the Leale's Yard Regeneration Area
- commencement of drafting of a Local Planning Brief for the Longue Hougue South site for inert waste disposal which would involve a Planning Inquiry in 2021
- office quality audit and annual commercial agents' workshop, and potential for the latter to be held more regularly
- work under way on strategic housing indicator under the Housing Strategy

Discussion on Policy & Environment update

In answer to a question from an agent, officers clarified that from necessity due to COVID-19 a draft Development Framework had been progressed to publication without a Traffic

Impact Assessment (TIA) and that, whilst not ideal, this was only possible where traffic considerations could be assessed with confidence on the basis of available information and through discussions with Traffic & Highway Services. A TIA would be required at the subsequent application stage. Guernsey Water confirmed that there was an increased emphasis on potable mains capacity when dealing with consultations on Development Frameworks.

5. Development Management - update and discussion

The Development Control Manager thanked agents for their understanding and cooperation when interacting with the service during and after the lockdown period and noted an increase in planning applications compared with the previous year. Measures had been taken to establish a fast-track process for more minor applications and the Exemptions Ordinance was being reviewed on which consultation would be carried out in the New Year. Officers also outlined the current position regarding staffing and resources within the team.

Regarding procedural matters, the Development Control Manager noted that some requests were being received to discharge conditions which did not require to be discharged. This used scarce team resources unnecessarily. Agents were also reminded to submit adequate information about the proposed changes (showing clearly what had been previously approved and the change/s proposed) and two hard copies when submitting minor amendment requests. Agents were also reminded when submitting applications for sites covered by Development Frameworks to ensure that the approved Development Guidelines were understood and applied, or if a Development Guideline was not satisfied to clearly explain why not.

Discussion on Development Management update

In answer to a question from an agent, officers advised that planning applications were taking 8-13 weeks on average but that more minor fast-track applications were generally decided in 4-5 weeks from receipt of a valid application. Registration and validation processes were both up to date with no backlogs. This situation reflected performance improvements over the last few months however was sensitive to the volume of applications received at any point in time. Officers recognised that communication with agents was particularly important where applications were taking more than 13 weeks to determine.

6. Building Control - update and discussion

The Building Control Manager advised agents that he was starting to consider changes to Part B of the Building Regulations and the associated documentation arising from the Grenfell Inquiry. This was in relation to information requirements for commercial buildings, equivalent to UK provisions relating to building information packs and specifically how fire safety provision made at the inception of a building were taken through the life of that building. In addition, changes to the Regulations would be proposed in relation to the electronic submission of information to facilitate digital services. These change would be likely to be made towards the end of 2021.

The Building Control Manager advised agents that changes were also being made to Building Control procedures to reflect the fact that some outbuildings were being developed of a standard of domestic accommodation and complexity (e.g. including toilets, showers, being fully insulated) to warrant the need for control for health and safety reasons (e.g. fire safety)

as extensions to the habitable space of dwellings. They would therefore be dealt with as such. Further to this, where independent living units were proposed, albeit conditioned for ancillary use in planning terms, they would be regarded as a unit of accommodation in terms of the Building Regulations and would be dealt with on this basis. This would affect both stand alone and attached structures where an independent living unit was being provided. Requirements would then include sound separation.

Officers emphasised that treatment of accommodation as an independent living unit under the Building Regulations for health and safety reasons would not affect or override any planning condition requiring the accommodation to be occupied only on an ancillary or incidental basis, in association with the principal dwelling at the site. Officers noted that this linked with the concept of multi-generational living and older people being facilitated to stay in their homes for longer, and how this was best accommodated through planning policies. There was a balance to be struck in terms of adopting flexible planning policies to enable multi-generational living but without opening the door to allowing new houses to be built in the countryside. This balance would need to be managed carefully as strategies and practice in this area continued to evolve in response to changing circumstances and pressures.

Discussion on Building Control update

As part of the discussion on the above topic, agents suggested that the pre-application process be used for Building Control for advice on how particular proposals would be considered under the Building Regulations.

In response to a question from an agent, the Building Control Manager said that it was not intended to amend the Building Control application form in relation to the new Guernsey Construction (Design and Management) Approved Code of Practice 2020, however a statement might be included on decision notices/licenses referring to the obligations under the Code.

In response to a further question from an agent, the Building Control Manager confirmed that the space standards set out in the Part G guidance document could be reviewed to align with the Department for Communities & Local Government document - Technical housing standards - nationally described space standard without a change to the Building Regulations. This would be considered on next review of Part G in due course. It was noted however that the Building Regulation standards were minimum standards and therefore differed in scope and purpose from the best practice DCLG space standards, although the advantages of consistency between standards were appreciated.

7. Historic Environment - update and discussion

The Principal Conservation & Design Officer updated agents on progress with the St Peter Port Conservation Area Character Appraisal. Since the lifting of lockdown the survey had concentrated on the Old Town, harbours and marinas leading to a draft document by the end of 2020 with consultation proposed early in 2021. The team had also been working on updating procedures, guidance and protocols for Tree Protection Orders following a recent appeal decision. A guidance document would be published following consultation with agents and other stakeholders. Work was also being undertaken on Protected Building guidance for householders.

Discussion on Historic Environment update

In response to a question from an agent, officers acknowledged that the Conservation & Design Team was required to input in a variety of different work areas leading to pressure

on limited specialist resources and advised that work was under way within the Planning Service in relation to managing this.

8. Agent feedback

Guernsey Water advised on work being undertaken post-Grenfell in conjunction with Guernsey Fire and Rescue concerning water supply for firefighting purposes (e.g. regarding installation of break tanks), and also that they would be contacting planning applicants by letter where land proposed for change of use to domestic curtilage contained Guernsey Water assets. Guernsey Water also advised of the negative implications for surface water management of hard surfacing car parks and asked that this be considered in the design of schemes by using permeable paving and asked to be involved in consultations on any proposed changes to the Planning Exemptions and Guernsey Technical Standards at an early stage. Officers noted that the Exemptions Ordinance was under review with the primary intention of extending the existing exemptions so as to remove further work from the requirement for planning permission, and that any proposals to limit existing exemptions would need to be considered in this context.

In answer to a question from an agent, officers confirmed that the IDP 5-Year Review was paused and that the scope would be re-examined once the priorities of the States had been agreed so that the focus would be on the right things. Officers noted that there was no policy encouragement for change of use of agricultural land, and that both agricultural land and greenfield land within the Centres could potentially be a focus for further policy consideration once the States' priorities were known.

In answer to a question from an agent, officers clarified the Planning Service was one of a number of States'-wide pilots in terms of the balance between home and office working, which was ongoing. However it was unlikely that arrangements would revert to those existing pre-COVID-19. Agents noted that the publication of plans on-line could give rise to issues concerning copyright, which officers confirmed would be for agents to pursue should issues arise. An agent also noted that banks and other lenders might require hard copy approval documentation which could be an issue in the future if not issued by the Authority. Officers confirmed that the details of the new digital system were being worked out and the future format of approvals had not yet been finalised. However, the new system when introduced would represent the industry standard used extensively elsewhere.

9. Forthcoming CPD opportunities

Agents were asked to please consider completed sites which could usefully be visited by officers.

10. AOB and items for next meeting

Agents had the opportunity to address questions to the political members of the Development & Planning Authority. In response to a question from an agent, in relation to the operation of Open Planning Meetings, the President, D&PA said that she was making a point of visiting professional agents early in the political term in order to hear their views, increase understanding and improve processes where possible. The President said that the Committee would continue to assess the operation of the Open Planning Meetings. In answer to a further question from an agent, the President, D&PA said that there were potential opportunities in particular circumstances for development proposals to be considered informally by the Committee at an early stage. In response to another question it

was confirmed that the President, D&PA would normally chair Open Planning Meetings on behalf of the Authority.

Meeting ended 16.00pm

The next meeting will be held in June 2021.