

PlanForum

Guernsey Agents Forum
Meeting 16th May 2012 @ Sir Charles Frossard House

MEETING NOTES

PlanForum members in attendance:

David Aslett	Aslett Naftel
Jill Bray	Courtillet Design
Ollie Brock	Lovell Ozanne Partners
David Falla	DFA
Carl Foulds	Direct Architectural Solutions
Chris Lovell	Lovell Ozanne Partners
Bob O'Brien	States of Guernsey (representing CIOB)
Stuart Pearce	CCD
Claire Smith	Spicer and Partners

Apologies:

Tony Charles
Rob Le Page
Bill Lockwood

From States of Guernsey:

Jim Rowles	Director of Planning Control Services
Faith Rose	Director of Planning Policy
Elaine Hare	Principal Planning Officer
Andy Mauger	Principal Building Control Surveyor
Alun White	Principal Conservation and Design Officer
Nicola Gough	Communications Officer
Lisa Jones	Admin/Technical Assistant

Protected Buildings Technical Advice Notes

Presented by Faith Rose

Key points:

There have been a couple of articles in the press commenting on the progress the department is making on updating the Protected Buildings list. We are currently creating a database with photographs where achievable.

Priority will be given initially to removing unsuitable buildings from the list and it is estimated that the eventual revised list will be larger than the current one. When the revised list has been completed the department will look to finalise the criteria to grade the buildings and then look into setting up the relevant administrative procedures.

The department has spoken with a number of amenity bodies and Douzaines and carried out a basic public consultation. Guidance and a questionnaire are available in Environment reception and on-line. There has been a lot of public interest, and it is hoped that agents will complete the questionnaire and recommend it to their colleagues.

It was confirmed that the owners of candidate buildings would not be consulted at this stage, however, where access would be required to look at a building for potential listing, owners will have the opportunity to appeal. The criteria for the grading of Protected Buildings has yet to be decided.

Agent Forum members were asked if they have specific knowledge and experience of dealing with Protected Building that they could share.

It was agreed that the system of dealing with Protected Buildings in Guernsey is quite different to the UK, however, a peer review will be carried out which would be similar to that in the UK.

Faith also gave an overview of three draft documents known as Historic Buildings Advice Notes 1, 2 and 3, dealing respectively for protected buildings with the requirements for planning permission, making an application and assessment of planning applications. An overarching document on principles for sustaining the historic environment is also proposed. The documents seek to provide guidance for specialists regarding the legal and policy considerations and deal also with practical circumstances which are likely to arise. The level of detail for consideration will be related to the level of special interest of the building.

It was explained that the Development Plan Review would look at policy relating to Protected Buildings and that a 'broad' principles guidance leaflet had been produced for the general public. The aim of Notes 1, 2 and 3 is to address technical issues associated with Protected Buildings at specialist level.

Prior to issuing the advice notes it was suggested that it would be a good idea for the agents who deal with protected buildings on a regular basis to go through the guidelines and give feedback.

The following agents volunteered:

Claire Smith

Carl Foulds

Stuart Pearce

Faith Rose will contact Claire, Carl and Stuart in due course to arrange a meeting.

Customer satisfaction survey

Presented by Jim Rowles

Key points:

The customer satisfaction survey ran from July 2011 to October 2011. The results of the survey have been published, and a copy was given to agents (it is also available to view on the website).

The survey concluded the following:

- Pre-app discussions had increased and were more effective
- There has been improved satisfaction with the service speed and quality.
- There had been an increase in the use of on-line information.
- The department has issued fewer refusals (down from 10% to 8%) due to a willingness of all parties to enter into discussion. It is felt that this improvement in communication has led to people feeling that they are being treated better.

There continue to be apparent concerns regarding the consistency of planning decisions with advice given at pre-application stage. It was explained that it was not always possible to be aware of all issues at the pre-application stage, and that some issues would only emerge after carrying out a site visit when an application has been submitted.

Agent Forum members are asked to contact Jim Rowles or Elaine Hare with 'specifics' should they believe the pre-app advice they were given and the decision issued was lacking continuity.

Agents Forum members asked whether it was possible to know if and what representations had been made on an application prior to a decision being issued. It was felt that publication of the draft planning report or at least pre-decision information regarding consultation responses and representations received would improve overall satisfaction with the planning process.

Agents Forum members also asked whether it would be possible to be told that their application was going to be refused, prior to the formal decision being issued? This would give the agents the opportunity to ask their clients if they want to withdraw the application. Jim responded that proposed future changes to the fees ordinance to include provision for a free resubmission within 6 months where an application is withdrawn by agreement should assist in this respect.

Revisions to planning application forms

Presented by Elaine Hare

Key points:

A copy of the draft application form was handed to the agents and Elaine ran through the changes. It is hoped that the changes would make the information on the form more relevant, accessible and clear. This will be achieved through simplifying and shortening the existing application forms.

It was explained that accompanying guidance notes are not available at this stage. However, agent forum members are invited to comment on the Draft application form. Comments should be provided as soon as possible by phone to Elaine or via the Planning Services e-mail address.

Fees Review Update – Feedback on suggested changes

Presented by Jim Rowles and Andy Mauger

Key points:

Planning – Jim Rowles

The main aim of the review is to simplify the schedule, reduce confusion and improve efficiency. Jim explained the structure and ran through a few of the changes. A draft copy of the fee proposal was passed to each of the forum members and it was explained that the information should be treated in confidence.

Agent Forum members are invited to comment on the Draft fee proposals.

Comments should be provided as soon as possible by phone to Jim or via the Planning Services e-mail address.

Building Control – Andy Mauger presented the changes to the categories.

It is considered that the fee structure works quite well on the whole, however, there are one or two anomalies which need to be addressed. Additional sub-categories have been added and the fees have increased in line with RPI.

Andy is meeting with the Law Officers on the 17th May to discuss the need to be more specific in certain categories and also to discuss provisions for charging for Completion Certificates and the possible introduction of Building Notices.

A set of the new fees was handed to each of forum members.

Use Classes and Exemptions review update – Opportunity for feedback/comments

Presented by Jim Rowles

Key points:

Use Classes Review Update

It was explained that the aim of the review was to condense the use classes as recommended by the Shepley review. Jim ran through the draft use class proposals which included considering new classes for specialised housing and splitting comparison/convenience retail amongst other proposed changes.

Agents Forum members had the following questions for Environment staff:

Is there a specific 'percentage' of a domestic property that can be given over to another use where it would be considered ancillary to the main house and not require planning permission? No. It depends on the use and the impact, happy to advise on individual questions.

What is the definition for 'waste'? It was acknowledged that the Guernsey definition differs

from that of the UK.

Is there a definition for 'Creative industries' if so what is it? Such activities may fall within the definition of 'light industry', depending on the details of the particular case.

It was confirmed that a change of use of part of a dwellinghouse is usually limited by condition to the owner/occupier of a building at that time and not attached to the building. If the property changes hands, it would then revert to solely residential use.

A draft copy of the 'Use Classes Review' and two flow charts illustrating permitted changes were passed to each of the forum members for comment. It was explained that the information should be treated in confidence.

Exemptions Review Update

It was explained that there has been good progress on the Exemptions Review. The feedback has been positive with no real issues. One or two of the existing exemptions have been expanded upon and new ones added. The consultation process is ongoing and the intention is to get a paper to the Board by October 2012.

A draft copy of the 'Exemptions Review' was passed to each of the forum members for comment. It was explained that the information should be treated in confidence.

Invalid applications and the main reasons

Presented by Elaine Hare/Jim Rowles

Key points:

The time it takes to deal with invalid applications frustrates all involved, wastes time and money and causes embarrassment on all sides. It is hoped that the new application forms and guidance should improve this, and that with the introduction of new fees this should become less of an issue in the future. At any one time 10% of applications in the Department are invalid. Some weeks up to 30% of applications received are invalid. For example, applications are being submitted with one set of plans, no elevations or a block plan, unsigned forms, omitted payment.

There are currently five DC officers checking through applications each week, trying to 'untangle a tangle'. 20% of 5 experienced planners' time is taken up by this. It would be better for all if planning officers could spend this time to consider planning applications and give good pre-application advice.

Agents were asked to complete forms accurately (referring to the checklist) and double check drawings and applications for completeness prior to submitting the application (especially before a bank holiday). These errors were not necessarily carried out by the agents attending the meeting, but the issue impacts on everyone.

Procedural Issues

Presented by Elaine Hare

Key points:

If agents have sought pre-application advice prior to submitting a planning application it would be of great help if they could provide the name of the planning officer giving the advice on the application forms. This will help speed up the registration of applications.

The importance of including an accurate location plan and block plan with the application was explained. A block plan should show the proposal in context with the site boundary and adjacent buildings. Moreover, a block plan helps members of the public/neighbours to see how a development could potentially impact on them.

It was explained that prior to seeking pre-application advice agents are required to provide a simple declaration of authority from the owners of the land.

It was noted that there was some inconsistency in the way that variation applications were dealt with. It was agreed that prior to the 12 month cut-off for reduced fees relating only to the changes, applications proposing revisions to approved schemes would be described as 'variations' and the standard variation condition would be used. After the 12 month cut-off, the applications would be described as 'revised', there would be assessment of the whole scheme and conditions would be applied in full. Very small changes, non-material variations, will continue to be dealt with by letter.

Agents are asked to clearly highlight the 'revisions' on revised drawings – one way to do this would be 'ballooning' of the revisions on plans; drawing numbers should be revised, and the revisions noted on the drawings.

A series of 'pigeon holes' located in Development Control can be used by agents to collect their mail should they happen to be in the office for a meeting or just passing. Agents can check if they have any mail to collect by asking at Environment reception - if there is any mail it will be brought down to you.

AOB Opportunity for agents to give general feedback and discuss any issues.

Questions and Answers:

1. Is the 'Accredited Agents Scheme' going to happen?
The idea has been shelved for the time being. It was felt that the cost and time taken to set up the scheme would far outweigh the benefits.
2. Elaine Hare announced that this would be Nicola Gough's last Agents Forum as she will be leaving the Environment Dept to start a new job in Brussels. On behalf of the Forum Elaine thanked Nicola for all her efforts and work to set up and support the Agents Forum.
3. Andy Mauger informed the members that the new building regulations are available to view on the States web site and also available on a CD which can be purchased for £5.00.

Date & time of next meeting:

14th November 2012 (Wednesday) - 2pm to 5pm

Policy Council Meeting Room @ Sir Charles Frossard House

