

PlanForum

Guernsey Agents Forum
Meeting 14th November 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
Bob O'Brien	States of Guernsey (representing CIOB)
Stuart Pearce	CCD
Claire Smith	Spicer and Partners
Mitch Sneddon	Dunnell Robertson Partnership
Rob Le Page	

Apologies:

Tony Charles
John Hibbs
Rachel Jones
Chris Lovell
James Barker

From States of Guernsey:

Jim Rowles	Director of Planning Control Services
Elaine Hare	Principal Planning Officer
Andy Mauger	Principal Building Control Surveyor
Simone Whyte	Principal Forward Planning Officer
Claire Barrett	Principal Forward Planning Officer
Lisa Jones	Admin/Technical Assistant

1. Departmental Structure Update

Key points:

Attendees introduced themselves.

Jim introduced the Forward Planning team members and explained that he will be taking over from Faith Rose for the time being until a more permanent arrangement is agreed in the New Year 2013.

Brian Rouxel (Principal Building Control Surveyor) retired in September and his post will not be replaced. He was the 'Structural Engineer' specialist and his leaving has some impact on BC. It was explained that BC is not now split into sections/areas but operating as one team covering the whole of the island.

2. Development Control Process Performance

Presented by Jim Rowles and Elaine Hare

Key points:

DC process performance.

The turnaround time for planning applications has improved (based on quarterly statistics).

70% are dealt with in 8 weeks (target 80%)

89% in 13 weeks (target 90%).

It was explained that the department is reasonably satisfied with the stats provided the reasons are clear why some applications take longer to process than others.

DC has cleared a couple of very major schemes which will help speed things up, Other influences have included waiting to receive revised plans, late consultations and focusing on the quality of the decision; also, the smaller team and increase in the number of appeals received. It was explained that appeals require planning officer involvement and take time to prepare.

Agents were asked if they were finding access to information easier. It was acknowledged that access to information had improved; however, there were some specific issues with individual cases.

It was stated how helpful it is to continue dialogue between the officer and the agent and feedback is welcomed.

Application forms

The existing planning forms were revised in October 2012 (so far, no incidences of the old version being submitted).

There will be some very small changes to the planning application forms in the near future.

Floor areas

It was explained that it would be helpful if agents would include the internal dimensions for extensions on plans as well as stating them in the application form as the planning fees are calculated on the gross internal floor area (BC and DC have different fee structures that are calculated differently).

NOTE: If a development does not involve an increase in floor area please add 'zero' or 'n/a' to the relevant section on the form - do not leave the box blank.

Site notices.

It was explained that applications will be delayed when a site notice has not been displayed in accordance with Section 10 of the Land Planning and Development (General Provisions) Ordinance, 2007.

It was acknowledged that applicants may be more inclined to display the site notice on the least obvious frontage. However, if the site notice is displayed incorrectly an objector could make a legal challenge which would delay the application and could potentially result in a decision being quashed.

It was also acknowledged that it can be difficult to display a site notice to a 'backland' site that does not have an obvious frontage. However, should neighbours adjacent to the site refuse permission to display the site notice on their land, it would be acceptable to put the notice on the nearest lamp post where people will see it. If there are difficulties, discuss with the planning officer.

Where the application site is large or adjacent/adjoining more than one public highway the department will send the applicant more than one site notice – or on request.

Visits to Schemes

Planning Officers have visited a number of completed schemes which has proven to be an excellent learning opportunity - thank you to the agents for arranging this; it is great to see the finished product on the ground.

It was acknowledged that members of the Board would find it useful to visit completed developments for the same reasons.

The Department would be keen to visit agent's offices and any other schemes nearing completion - *suggestions from agents welcome.*

3. Forward Planning Update

Presented by Claire Barrett and Simone Whyte

Key points:

It was explained that the Topic Papers have been published and the consultation findings are available to view on the States Web Site.

A copy of the 'Revised Plan Review – Project Timetable' was handed to each Forum member. Due to ongoing resource problems there has been some 'slippage', however it is hoped that some of the resource issues will be resolved early 2013.

It was explained that the Forward Planning Team are currently data gathering. Forward Planning are also aware of and involved with the following emerging Strategies:

- *Harbour Strategy*
- *Transport Strategy*
- *Biodiversity Strategy*
- *Retail Strategy*
- *Coastal Defence Strategy*
- *Waste Strategy*
- *Visions for Town and the Bridge*

Due to the number of Strategies coming forward at the same time there are some 'timeline' conflicts.

Workstream Key areas

Housing – The Housing Department has commissioned a 'Housing Needs Survey'. The findings will inform the 'target approach' for the overall housing requirements on the island and form one of three reports which will go to the States in Spring 2013.

Covenants: Work has been commissioned and will inform part of the 'Key Issues and Options' consultation stage.

Local Centres – Surveys have been completed.

Employment Land Review – work ongoing.

Visions for Town and the Bridge – Consists of 'public and private' individuals. A number of themes have been identified for Town and the Bridge and it is hoped to produce a draft vision document for both areas in due course.

Next Steps is the 'Issues and Options' stage.

The above workstreams and others will feed into the next stage of public consultation, entitled Key Issues and Options. It is expected consultation on this stage will commence in the spring of 2013. The importance of engaging with this stage of the process was stressed

to the agents. After this consultation period, the team will produce a consultation report and use the feedback from the consultation together with direction from the Environment Board for drafting the Development Plan.

It is intended to publish the Draft Plan in early 2014 with the Inquiry following shortly afterwards. The Forward Planning Team are working closely with Policy Council on the style of the Inquiry, seeking to ensure an effective process and timely progression from publication of Draft Plan to commencement of the Inquiry.

Question

Will the period of validity of planning permissions be limited to one year on publication of the new Draft Plan/s as in the past?

It was noted that this will be a matter of policy for the Department and that legal advice would be sought, but without prejudice to the outcome of that process it is hoped to avoid such limitation.

Question

Will there be a call for sites as part of the development plan process - will the department expect people to come forward with development opportunities?

The next stage of public consultation, Key Issues and Options, is an important opportunity for people to engage with the process and submit any sites for consideration. There will also be another opportunity for submission after publication of the Draft Plan. However, this representation will be to the Inspector and not directly to the Department.

Question

'Sites in Urban Areas' that have no prospect of a commercial use but tick all the boxes for 'brownfield' - why are Commerce and Employment so reluctant to see it go?

It was explained that this would be a question for the 'Issues and Options Stage' of the plan review.

4. Building Control Update

Presented by Andy Mauger

Key points:

Under L1 there is a requirement relating to 'Retained Thermal Elements'.

If you are subdividing a dwelling you have to choose which is to be the existing and which is the change of use (it is considered a change of use as more dwellings are proposed than previously existed).

In January 2013 it is intended to issue updates of the building control technical standards (every six months). Not a great deal of change, however, if the forum spots any errors please let the department know.

Principal Building Surveyor Brian Rouxel acted as our structural engineer; however, in anticipation of his retirement we have introduced new engineering procedures to mitigate the loss of his experience. It was explained that a self assessment scheme has been devised - this mirrors the advice given in Europe (Andy Mauger handed out forms and went through them).

Category 4

If a designer knows they will need a 'category 4' then they need to appoint a checking engineer prior to commencement on site.

Air tightness test included in new regulations.
All new buildings need to be air pressure tested (L1).

What is the latest on L1?
Work is ongoing.

5. Fees Amendment Regulations – feedback on operation of new schedules

Key points:

Building Control

Additional categories created to make things more efficient.
Separate categories for agricultural purposes. Commercial rates based on cost/m² replacing cost of work bands.

It was agreed that the new forms and guidance were more user friendly.

Planning - Resubmissions

Concern was raised over the six month timescale to resubmit a planning application following refusal - six months is considered ok to resubmit a domestic planning application but this timescale is not always achievable for a larger more complex scheme.

Question

Would it be possible to withdraw the planning application by agreement?

It was explained that not all planning applications can be 'black and white'. However, if there are substantial issues that cannot be easily resolved then the application should be refused. It would be possible for an applicant to withdraw the application prior to a refusal, but there would at present be no free resubmission under the Fees Ordinance provisions.

Where it seems that an application could be relatively easily revised and be approved rather than refused, the department would rather defer and contact the agent/applicant. The Agents' Forum had previously endorsed this as a preference too.

It was agreed that the current system is ok, however, the deferral letter is also sent to the client and since it requests revised plans within 14 days this can seem as an imperative to the client and is often impossible for the agent - a change to allow more time is required. Elaine explained the purpose of the 14 days is to secure a prompt response (see impact on performance above) as opposed to letting the application sit indefinitely. If it is causing problems we could look at changing this, and if agents indicate an alternative period for individual cases we would certainly look at that too.

The targets are public and we need to explain to the Board and public the effect of deferrals and that we are trying to achieve our targets.

Question

Does the department have any intention of charging for pre-application advice?

No. It was explained that the department has no legislative basis for charging for pre-application advice. Our view is that we encourage people to approach us for advice.

Question

It was explained that clients get frustrated by the amount of time it can take to get pre-application advice – would the process be quicker if they were to pay a fee?

It was explained that planning officers aim to deal with written enquiries within 14 – 21 days, and that is monitored. Response times can vary while trying to balance workload.

Together with meetings, Planning Officers can expect to spend 20% of a week dealing with enquiries. Duty planner calls/ enquiries are in addition to that.

Alongside that there is the fundamental work of planning applications and appeals.

6. Procedural Issues

Key points:

Open planning meetings

Some concern was expressed over the existing Open Planning Meeting set up – does not appear to be managed as well as seen in the UK.

It was explained that open planning meetings are still quite new to the States and some time will be required for new processes to bed-in (*Open Planning Meeting protocol attached to e-mail*).

Pre-application advice

There continue to be concerns regarding the consistency of planning decisions and advice given at pre-application stage. Elaine hoped that there would be few, if any instances where that happened without some warning, but it has happened.

Agents' Forum members are asked to contact Jim Rowles or Elaine Hare with 'specifics' should they believe the pre-app advice or information provided at the early stages of an application and the decision issued were at odds.

Building Control

There have been some issues with the advice given by different building control surveyors. It was explained that some BC surveyors will take a different approach having worked in the UK where more detail is required. The new Law requires the department to be more aware and to formulate more – everything needs to be documented and the paperwork has to be in place.

It was explained that it is more practical to be 'on the ball' at plan stage rather than on site where it is more difficult to resolve issues.

It was also explained that BC surveyors from the UK working in the States of Guernsey have experience of working with Building Notices.

Planning - Minor variations

Plan Forum members commented that when an issue arises at the design and build stage resulting in changes to the original scheme - the agent will speak with a planning officer to get feedback on the changes and are then typically told to submit an application to address the change. However, when a builder explains the same change to a planning officer from site they have been told it's ok to go ahead with the work without having to submit an application. It is felt that the department is inconsistent with how it deals with 'agents' and how it deals with 'builders'.

It was explained that Development Control aims to have a consistent approach when dealing with minor variations. The section has guidelines which planning officers use to assist in deciding whether 'alterations' are at a level of which is considered to require an application. These will apply to 'builders' as well as 'agents'.

The guidelines are circulated to Forum Members with these notes for comment, prior to being issued as general guidance and made available on the website.

Should agents have comments they are asked to contact Jim Rowles or Elaine Hare ideally within 28 days from the date of issue of these notes.

Question

Are Conservation Area Guidance and CA Appraisals going ahead?

The department has KPI to produce them. Conservation and Design are looking at how they see Conservation Areas under the new development plan.

Question

What is happening with the TANs (Protected Building)?

Conservation and Design Team have picked up this work stream and information will be published in due course.

Question

What is happening with the Protected Building Review?

Review is ongoing.

Question

What is the process of applying planning covenants to the HTAs - it would be useful to have guidance notes at an early stage?

It was explained that the department is seeking advice from the Law Officers on how this should be applied (based on UK legislative model). It will be interesting to see how it will be brought into the development management process – For example, we could be ‘minded to approve’ an application subject to signing of a section 106 agreement.

Question

Do we accept PDFs?

It was explained that any e-mail (and attachments) should be sent to the ‘Planning Services’ in-box. Submitting a pre-application enquiry as a PDF is not ideal as the technical teams do not have the facilities and resources at present to deal with it efficiently. The department would prefer to receive pre-application enquiries on paper for clarity and consistency. However, it is acceptable to use PDFs for convenience/quick response when engaged in ongoing dialogue with a specific planning officer.

Building Control confirmed they can deal with PDFs relating to general enquiries but they do not print the information to put on a paper file.

7. ***Any other business*** - Opportunity for agents to give general feedback and discuss any issues.

It was explained that the Public Services Department had asked Environment to remind designers to properly consider the interface between developments and the public road when designing their schemes to avoid possible problems, e.g. concerning levels or means of access, when the scheme is built on site.

Question

Guernsey Society of Architects enquired as to whether there would be any objection to other GSA members attending the Agents’ Forum.

It was explained that the Agents Forum aims to have a cross section of members/disciplines and is happy to have enough people to contribute as is comfortable to get the balance right; however, it is also important not to overload it with many members of one particular group. Forum Members agreed to Paul Langlois representing the GSA and to the GSA circulating its membership to see if any other of its members would like to attend.

NOTE: The agenda and minutes are put on the Environment web pages and e-mailed to all the agents.

Date & time of next meeting:

15th May 2013 (Wednesday) - 2pm to 5pm

Policy Council Meeting Room @ Sir Charles Frossard House