

PlanForum

Guernsey Agents Forum
Meeting held 1st June 2017 @ Sir Charles Frossard House

NOTES OF THE MEETING

PlanForum members in attendance:

Rob Le Page, R W Le Page
Paul Le Tissier, Guernsey Electricity
Alastair Hargreaves, Ferbrache & Farrell
Gary Bougourd, Babbe McCathie
Chris Martel, CCD
Peter Falla, PF+A Ltd
Rowland Tyson, Guernsey Water
Tony Charles, Porchester Planning
James Dorey, Create
Jill Bray, Courtillet Design
Carl Foulds, Direct Architectural

From the States of Guernsey:

Jim Rowles, Director of Planning (AJR)
Elaine Hare, Development Control Manager (EMH)
Claire Barrett, Policy and Environment Manager (CEB)
Alun White, Principal Conservation & Design Officer (AWW)
Jayne Roberts, Senior Planning Officer (JLR)
Louisa Driver, Technical Support Officer (meeting notes)

Apologies:

Andrew Merrett, Lovell Ozanne
Paul Nettleship, Collas Crill
Claire Smith, Ogier
David Falla, Falla Associates
Oliver Westgarth, CCD
John Hibbs, PF+A Ltd

Meeting commenced at 2:35pm

Welcome

AJR opened the meeting and welcomed all present.

1. Matters arising from last meeting (AJR)

AJR asked if there were any matters arising from the previous PlanForum meeting held on the 17th November 2016 that were not covered elsewhere on the present meeting agenda.

No other matters were raised.

A link to the notes of the previous meeting can be found here
<https://www.gov.gg/CHttpHandler.ashx?id=105180&p=0>

2. States Property Rationalisation Programme – update (AJR)

Office moves & provisional timings

AJR explained that as part of the States Property Rationalisation Programme, a number of office moves would be required. The proposals involved relocation of a large number of staff States-wide in order for two properties, Education's Grange House and the Income Tax building, to be vacated.

As a result of this, the Development Control, Building Control, Enforcement & Immunity and Technical Support teams were to be relocated temporarily to Level Five of Sir Charles Frossard House on 21st July 2017. These teams would then move to their permanent accommodation on Level Three in December 2017. The Policy and Environment team would move directly to Level Three on the 14th July.

Service implications & responses

AJR asked agents to be mindful that the office moves might cause disruption to services during this time, particularly in relation to the holding of meetings and access by staff to property files which could be stored remotely. EMH explained that the Planning Service Reception would remain in the same location, on Level Three, although the Service would temporarily be using a meeting room on Level Two. AJR said that the office refurbishment would provide improved meeting rooms on Level Three in due course.

AJR asked agents if they would like to add anything else regarding the above.

Rob Le Page queried whether it would be easier for Planning Officers to attend meetings on site rather than at Sir Charles Frossard House during this time. EMH said that in some cases it could be beneficial to attend site meetings, in order for the Planning Officer to obtain information about the site. Therefore, if a meeting justifies this and fits in with other site visits this could be considered. AJR pointed out that site meetings are resource dependant and therefore could not be guaranteed.

3. Policy & Environment – update and discussion (CEB)

Policy Planning process & Business Plan

CEB discussed the Policy and Resource Plan which was due to be debated at the end of June 2017. This plan sets out the States priorities, and outlines resource requirements. CEB explained that there was a need to balance these priorities. For

example if policy planners were needed to complete a priority task under the Policy and Resource Plan such as work on the Harbour Action Area, then this could have an impact on other work streams that they are involved in, such as producing Supplementary Planning Guidance and Development Frameworks; therefore it was important that this be recognised within the document.

AJR informed agents that the Development & Planning Authority's Business Plan 2017-2020 had been approved by the Committee. The Business Plan can be downloaded from the States website at <https://www.gov.gg/CHttpHandler.ashx?id=108354&p=0>. The Business Plan provides an overview of the priorities and current work of the Planning Service.

Island Development Plan Implementation

CEB explained that there had been much positive feedback received regarding the IDP and that in most cases the Plan resulted in greater flexibility for the Development & Planning Authority to approve planning applications for development proposals. Agents were advised that there was a regular internal consultation process in place within the Planning Service to ensure consistent interpretation of IDP policies. Agents were also informed that the Planning Service had been approached regarding a Community Plan, which is an exciting new opportunity for the community to engage with the future development of an area. The Service had also been working on monitoring the IDP including capturing data regarding planning applications through the iLAP software system. A monitoring report would be presented to the Committee *for the Environment & Infrastructure* in due course. It was noted that specific monitoring reports on Housing and Employment would continue to be prepared. The monitoring of policies had not flagged up any particular issues so far. CEB noted that whilst being more flexible overall, the Plan may still limit certain developments, for example IDP policies relating to retail use in certain areas and loss of visitor accommodation were generally more restrictive than previously. CEB noted that the threshold for affordable housing contributions had been increased by the States to sites of 20 dwellings or more, and that no sites of this size had yet come forward as planning applications, although Development Frameworks for some larger allocated sites were in the course of preparation.

Interactive IDP

Agents were informed that an interactive version of the Island Development Plan was now available online at <https://www.gov.gg/CHttpHandler.ashx?id=107682&p=0>. Agents were encouraged to take a look at this version and the new features.

This version was developed in-house by the Planning Service and included a range of interactive features to help the audience navigate around the document. Feedback would be welcomed and can be emailed to planreview@gov.gg.

Supplementary Planning Guidance

New or updated guidance on Development Frameworks, Agriculture Priority Areas, Waste Management Plans and dower units were being worked on and progress was being made.

States Resolutions arising from IDP debate

On the 7th June, the States was scheduled to debate the Development & Planning Authority's Policy Letters relating to Land for Industry and the provision of a café at the Stan Brouard Landes du Marche site through the introduction of Certificates of Lawful Use.

Carl Foulds asked what the timeframe for having Certificates of Lawful Use in place would be if the policy to introduce them was approved by the States in June. AJR confirmed that new legislation would be required and that this would take some time to finalise. EMH noted that these certificates were intended primarily to address long-standing cases of unauthorised development which were a legacy of weak enforcement powers under previous Planning Law, and that it was not expected that there would be very many of these cases.

CEB briefly updated agents on progress in relation to addressing two other outstanding States Resolutions, regarding retail use at Oatlands and tariffs in lieu of affordable housing contributions. It was noted that these would be subject of a Statement by the President, Development & Planning Authority, in the States in due course.

Development Frameworks

CEB explained that Development Frameworks were intended to provide practical guidance to assist the development of proposals for a site.

Key points regarding development frameworks:

- They are required for housing development within the Main Centres and Main Centre Outer Areas for proposals of 10 or more dwellings, or sites over 0.25ha, and for housing development in the Local Centres for proposals of 5 or more dwellings, or sites over 0.125ha; also for Regeneration Areas, Key Industrial or Office Expansion Areas and in some other instances as described in the IDP.
- It is important to include an analysis of the site and its context, and to fully explore the constraints and opportunities of the site.
- The factual analysis will lead to proposed development guidelines for the site
- The Development Framework is intended to 'front load' the planning application process and provide a blueprint on which a planning application can be based.
- There can be more than one Development Framework for a site.
- The Development Framework is a Development and Planning Authority

document.

- Although a number of smaller 'windfall' housing sites are coming forward, such as within Local Centres, priority is currently being given by the Planning Service to preparing Development Frameworks for allocated sites (e.g. allocated housing sites and Regeneration Areas).
- The Planning Service is working closely and collaboratively with landowners and agents using a 'development team' approach.
- Some agents previously had enthusiastically drafted Development Frameworks which attempted to 'tick all the boxes' but contained too much information and too little analysis. Time and work was then needed to overcome these problems which could have been avoided if a more thorough site and context analysis had been undertaken initially.

- If agents are dealing with a site that requires a Development Framework, then the first step in the process is to request a 'kick-off' meeting with the Planning Service; this will determine important matters such as what/how much information is required, the level of detail to be provided, the length of time likely to be involved and key milestones within the process.
- There is no need for agents to write or draw anything before this initial 'kick-off' meeting which is intended to ensure that everyone is working together collaboratively from the outset.
- The Planning Service can provide map packs and mapping information, the scope of which can be discussed and agreed at the kick-off meeting.

- Agents are normally asked to assist the Development Framework process by preparing the site and context analysis. This is a key element of the Development Framework which should 'start wide', looking at the area as a whole, and then focus down onto the site itself. It should address matters such as landscape character, topography, biodiversity, access and services, boundaries, neighbouring uses and amenity, character, scale, form and materials of surroundings, movement through and around the site, physical features, flood risk and planning and conservation status.
- Agents are encouraged to use maps where possible. Maps and illustrations should be used effectively to avoid superfluous text and focus the reader's attention on the important issues. For example, the site and context analysis might be best shown on just one or two maps.
- The site and context analysis should then feed directly into the development guidelines, which will explain how the constraints and opportunities can influence development on the site.

- There will be a variety of audiences for the document including the Planning Service, agents and the public; it should therefore be written in plain English so that it is understandable for all audiences and use appropriate maps and illustrations.
- Crucially, the document should be succinct; generally it should have no more than twelve pages excluding appendices.
- The checklist in IDP Annex III relating to Development Frameworks is an

indication of matters that might be covered in a Development Framework. There may be a perception that something must be written under all the headings; this is not the case as what needs to be covered will depend on the site and its complexity. Each site is different; in some cases not all the headings will need to be addressed and in others additional topics may be relevant. Much relevant information can be provided using a single diagram or map.

- The Development Framework is a Development & Planning Authority document which will be subject to public consultation and formal approval by the Authority; it must conform to the States of Guernsey's corporate presentation requirements and formats.
- The period for public consultation will be around 4-6 weeks and will depend on the scale of the development.

AJR gave agents the opportunity to respond to the key points discussed.

Peter Falla explained that PF+A was dealing with an allocated housing site which required a Development Framework. He said that this had been a learning process as this was the first Development Framework that he had been involved with, however good progress was being made with the Planning team. He queried whether the Framework documents should be A4 size or whether A3 could be considered. CEB explained that A4 was preferred but A3 could be used for maps and for an allocated site which may be more complex an A3 document could be appropriate.

4. Development Management - update and discussion (EMH)

Staffing and resources

EMH updated agents on current staffing and resources within the Development Control team. She noted that there was still one vacant Planning Officer post for which there remained an active recruitment process. A staff member had been on maternity leave and the Service had employed a Planner on contract from January to May 2017. EMH noted that she would be retiring in July 2017 and that Jayne Roberts had been appointed as the new Development Control Manager.

The Planning Service has targets for dealing with planning applications. The current targets for speed of decision making are:

- 80% of planning decisions issued within 8 weeks
- 90% of planning decisions issued within 13 weeks

The monitoring report for Development Control performance for the year 2016 - 2017: 6th April 2016 - 5th April 2017, shows that during this period:

- 72% of decisions were made within 8 weeks (target 80%)
- 88% of decisions were made within 13 weeks (target 90%)

EMH reminded agents that it was important to let the Technical Support Officers know how many people will be attending a planning pre-application meeting and to make sure that the meeting topic is clear so that the Planning Officer can prepare ahead of the meeting. Plans should be sent in one week before; if they are not received in good time then meetings may be cancelled.

Planning application E-docs

EMH explained that as part of the office relocation, the Planning Service would be losing the large filing racks in which the property files are stored. Most of the property files would then be located off-site or in alternative storage, which would not be as easy to access. The Planning Service had therefore taken the opportunity to bring forward and initiate from 1st June 2017 an E-docs process for planning applications, similar to that used for some time for Building Control applications. Agents should therefore provide three paper copies of the planning application information (one paper copy of the application form) and one electronic copy of the whole application. The application would not be validated until all the copies had been received.

Carl Foulds suggested that this could generate more work for agents, by having to convert the application drawings to electronic form. Gary Bougourd explained that he had found the Building Control move towards electronic applications very useful and whilst it may seem like a bit more work initially it was actually much more efficient for agents.

High Hedges Law

AJR said that the High Hedges (Guernsey) Law, 2016 was expected to come into effect on the 2nd October 2017. The Development & Planning Authority will issue guidance prior to this date.

Use Classes Ordinance

The Land Planning & Development (Use Classes) Ordinance, 2017 had come into effect in April 2017. The number of Use Classes was reduced and some new permitted changes of use introduced, particularly for industrial and storage & distribution uses. Some new Use Classes had been defined to reflect new policy approaches in the IDP. Agents raised no issues regarding the new Use Classes Ordinance.

5. Building Control - update and discussion (AJR)

BC Fees review

AJR informed agents that changes were proposed to the building control fees, coming into effect on 1st July 2017. The main changes would increase charges for applications for larger-scale domestic projects whilst reducing the application fees

payable for larger floorplate commercial developments. The intention was to achieve a better balance in relation to these categories of development and more closely reflect the costs of delivering the service. The proposals were still at consultation stage and feedback was welcomed.

Guernsey Technical Standards (GTS) update

AJR informed agents that the 2017 edition of GTS A had been issued. The revisions were listed in the front cover and largely related to the change-over to Eurocodes.

Engineering submissions update

AJR said that after a few months' operation the electronic submission only route for engineering construction information to discharge conditions appeared to be working well. AJR drew attention to the importance of following the "second checking" requirements as set out in Building Control Guidance Note 12 relating to Structural Engineering Submissions, which can be downloaded from the States website.

Drainage solutions update

AJR said that the use of communal cesspits was not normally permitted by Building Control; however one had been allowed on an exceptional basis and subject to strict conditions including obligations for ongoing maintenance that will need to be legally managed by the operator. The overall approach by Building Control therefore remains unchanged, and will be guided by Environmental Health and Guernsey Water in any particular case.

Dangerous structures legislation

The demolition of a listed part of the Ideal Furnishings building had recently raised the issue of use of the current Law relating to dangerous structures which dated from 1919 and was administered by the Parish Constables. The matter had been considered by the Development & Planning Authority which had resolved to give consideration to promoting new legislation to replace the current provisions in due course.

6. Managing the Historic Environment - update and discussion

Protected Buildings Review update

In January 2017, the Conservation & Design team commenced a desktop review of the evaluation list of buildings with potential for Listing. The desktop review has been successful and to date 350 of the 1000 buildings on the evaluation list had been determined as having no potential for Protection. A further 400 buildings on the evaluation list may have potential for protection but a survey will be required to determine whether they should be Protected.

Decisions are being made on buildings surveyed in 2012, 2014 and 2016 and by the end of the year it is expected that all these decisions will be completed, resulting in a robust List of residential buildings.

AWW noted that the Protected Buildings Review required coordination with other work streams and priorities, including those relating to the preparation of Development Frameworks.

The Conservation & Design team can be asked to survey a building of interest prior to a development proposal being prepared. This should assist agents by confirming whether the building may be Listed in advance of commencement of work on a scheme. Agents were asked to contact the team the earliest stage possible so that a survey can be arranged.

AWW also commented that IDP Policy GP5 relating to Protected Buildings had proved useful and flexible but reminded agents that it was very important for them to gain an understanding of the Protected Building at the outset of a proposal.

Conservation Area character appraisals update

Work on Conservation Area character appraisals was due to commence in Quarter 2 of 2017. However, due to resources devoted by the Conservation & Design team to Development Frameworks this work had been delayed slightly and was expected to start at the end of 2017.

Advice and guidance update

AWW said that guidance on windows and doors in Protected Buildings was being prepared and would be reviewed internally before being released for public consultation. AWW said that it was envisaged that a focus group of agents, builders and window manufacturers would be created to provide particular opportunities for feedback. AWW asked agents to let him know if they would like to be included in the focus group.

7. Agent feedback

AJR asked agents for any feedback.

CEB queried agents' experiences of the current economic conditions. Peter Falla said his main concern was about the difficulties of gaining access to bank finance for developments. He said that he had no concerns about the planning process and thought that the Planning Service was doing its job well.

Alastair Hargreaves welcomed that the Planning Service sought to turn Immunity Certificates around quickly, with a target of five working days. He also noted that

there are a number of vacant commercial properties but that the residential property market was moving more quickly.

Paul Le Tissier queried whether planning permission was required for electric vehicle charging points. AJR confirmed that where they constitute development, permission would be required. However for many domestic properties charging points could be of a small scale not amounting to development. EMH said that if in doubt then please seek pre-application advice. Tony Charles said that in the United Kingdom there is an increasing requirement to include charging points within the design of new residential properties. However, the specifications for certain models of cars may require different sockets; therefore some motor traders will fit the charging point.

8. Forthcoming CPD opportunities

The Royal Town Planning Institute South West Branch Conference on tourism and heritage will be held in Guernsey between 28th and 30th September 2017 and more information can be found here <http://www.rtpi.org.uk/events/events-calendar/2017/september/sw-tourism-and-heritage/>

Agents were asked to please let the Planning Service know if there were any relevant Continuing Professional Development opportunities coming up in the future.

9. AOB and items for next meeting

Rowland Tyson mentioned that Guernsey Water would find having planning applications available to view on-line useful when looking at drainage matters in connection with development and he was pleased that the Planning Service is moving towards this.

Rob Le Page enquired how the current procedures for processing planning fees were operating. EMH confirmed that the processes were operating well and that the majority of fees submitted by agents were correct.

No further points were raised.

Meeting ended 4:22pm

The next meeting will be held in November 2017.