

PlanForum

Guernsey Agents Forum
Meeting 17th June 2013 @ Sir Charles Frossard House

MEETING NOTES

PlanForum members in attendance:

Alex Whitmore	PF&A
Chris Lovell	Lovell & Partners
Chris Martel	Naftel Associates
Gary Naftel	Naftel Associates
Oliver Westgarth	CCD
Rachel Jones	Spicer & Partners Gsy LLP
Rob Le Page	Robert W Le Page Architects & Chartered Surveyors
Stuart Pearce	CCD
Tony Charles	Porchester Planning Consultancy
Bob O'Brian	SOG (Rep CIOB)
Drew Robertson	Dunnell Robertson Partnership
Carl Foulds	Direct Architectural Solutions
David Aslett	Aslett Architects
Andrew Dyke	CCD
Ollie Brock	Lovell Ozannes And Partners
Max Babbe	Soup Architects
David Falla	Falla Associates International

Apologies:

Jill Bray - Courtillet Design
John Hibbs – PF&A
Bill Lockwood – Chartered Architect & Planner
Claire Smith – Spicer & Partners Guernsey LLP
Doug Langlois – Tyrell Dowinton Associates

From States of Guernsey:

Jim Rowles	Director of Planning
Elaine Hare	Principal Planning Officer
Andy Mauger	Building Control Manager
Simone Whyte	Principal Forward Planning Officer
Claire Barrett	Policy & Environment Manager
Alun Whyte	Principal Conservation and Design Officer
Michelle Hooper	Technical Support
Amy Harper	Technical Support
James Vine	Work Experience Student

1. Current Topics

Development Control performance and any issues

Development Control performance

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

74% are dealt with in 8 weeks (target 80%)

89% in 13 weeks (target 90%).

Post Meeting Note: As of 26th July these figures were 78% and 92% respectively.

It was explained that the Department is reasonably satisfied with these statistics provided the reasons are clear why some applications take longer to process than others. It was noted that the refusal rate for planning applications is less than 8%.

Elaine Hare (EMH) informed agents that the Department is still receiving planning applications that are invalid due to issues such as wrong fees/wrong information submitted. This was partly due to the 'cut and pasting' of irrelevant data onto application forms. It was requested that all agents do a final 'read through' of their applications before submission to avoid simple mistakes which could result in the application being held as invalid and delays being incurred.

The planning fees concerning applications for development within the curtilage of a dwelling-house have been made simpler and this improvement was welcomed by agents (Fee Categories 3A and 3B should be used for such applications). Fee Category 4B was however still being used incorrectly by a few agents for applications for works within the curtilage of a dwelling-house, which means that the incorrect fee was being submitted. The Department also has a new version of the application form that was circulated via email to agents. It was asked that the previous application forms be discontinued in favour of the new form. It was requested that when submitting applications any relevant Planning or Building Control reference numbers are included on the application forms where possible, including the pre-application reference.

Encouragement of pre-application discussions

EMH reminded agents that it is good practice where possible before submitting an application to request pre-application advice, which is provided without charge. This should reduce the number of applications which are unlikely to be approved and ensure that the Department has considered the proposal from an early stage before a formal application is submitted. EMH also reminded agents that when requesting pre-application advice all attendees for meetings should be made known to the Department in advance to ensure an appropriate room is booked.

Survey drawings and street elevations

EMH requested that following on from a recent unfortunate situation regarding inaccurate street elevations care should be taken when submitting street elevations and survey plans to ensure that these are fully accurate. An alternative would be for the Department to request erection of scaffolding or site poles detailing heights, etc, of proposed development in context; however it is recognised that this would be costly, time consuming and potentially complex to arrange.

Building Control news

Andy Mauger (AAM) informed agents of issues which had arisen with the Fire Officer (FO) in regards to indicative fire detection shown on plans for commercial projects being subsequently followed by contractors instead of using the BS referred to in the notes or conditioned on the Building Licence, and ultimately failing to meet the requirements of fire safety. AAM asked that fire detection measures be removed from such plans submitted to the Department and BS standards noted instead, or alternatively a specialist design used. This request will be emailed to everyone.

AAM also advised on problems occurring with 'warm roofs' whereby sweating occurs during construction between the roof covering and the vapour control membrane as overnight moisture gets trapped if inadequate drying is permitted. Some agents were aware of the problems.

A meeting with Building Control and Ronez raised the issue of apparent poor quality mixes on concrete being used on sites. It has been identified that the issue is probably a result of the incorrect product being requested and when laid cracking as a result of water being added to the mix on site. Mixed concrete specifications will be requested to be included on plans that are submitted to the Department as part of the design specifications.

Ollie Brock advised that warm roofs were being dealt with by his practice and AAM requested their standard details. AAM advised that when making requests for Building Control visits the BC Reference number be stated. Once the Building Control reference is noted then very little further information is required when requesting a visit.

The new Building Control newsletter was raised and AAM reminded agents that it is written for tradesmen and this is why the layout and guidance is not overly technical. Its main purpose was to reach and be of use to trade organisations and members of the general public. Any feedback was however welcome.

Questions and comments

During a brief question and answer session the issue of overlooking from balconies was discussed and there was general discussion about the standards that should be applied. It was agreed that any privacy screen installed to protect adjoining properties from overlooking should normally be 1.8m high. It was suggested that this accorded with accepted standards elsewhere.

It was also raised that agents did not feel that the pre-application advice process was always helpful as on occasion advice was limited to a description of the relevant Development Plan policies that applied. David Falla suggested that use of a standardised pre-application advice proforma as in the UK might assist. EMH reaffirmed that the Department endeavoured to supply helpful advice wherever possible and noted that when having a pre-application meeting plans should be submitted to the Department at least a week before the meeting.

Regarding communication with the Department, EMH noted that emails are encouraged for discussion of small details such as window detailing, etc, however agents were advised that large schemes/plans need to be submitted in hard copy as they are easily distorted or unreadable from an emailed document such as a pdf and also presented the Department with practical and resource problems regarding printing off copies, etc. Generally, a considerate and common sense approach should therefore be taken when submitting plans via email.

It was questioned whether pre-application advice letters can stand as evidence in appeal hearings against refusals of permission. Jim Rowles confirmed that they can and are referred to in appeals, although advice given at pre-application stage is normally without prejudice to the outcome of a formal application.

Agents were also reminded that pre-applications are applicable for Building Control as well as Planning and can be submitted through the same channels.

2. Development Plan Review – update and progress

Issues and options

Simone Whyte (SW) outlined the 5 stage process of reviewing the Island's Development Plans and gave an update on the progress to date. SW informed the group of the impending next stage consultation on Key Issues & Options and how feedback from the public is going to be requested. The Key Issues and Options stage will provide an update on information gathered to date and the key messages coming from this work. It will also focus on a number of key areas of potential change in policy direction and where appropriate look at possible options. The details of this stage are currently being finalised and will be published shortly. SW then outlined the following range of work streams by the Department as part of the review of the Island's Development Plans: Main and local Centres, Employment, Housing, Agriculture, Recreation and Open space, Redundant Vineries, Characterisation and Conservation Areas.

Housing

In preparing a new Development Plan, key issues facing the Department for Housing on the Island were outlined as follows: How much needs to be planned for? Distribution? How much new housing is appropriate in local centres, and how Planning covenants could help deliver affordable housing. The Strategic Land Use

Plan (SLUP) sets out key directions to the Department to ensure appropriate provision for housing. Policy SLP13 of the SLUP requires the Department to demonstrate a 5 year land supply. To do this, the Department is undertaking an assessment of land known as a Strategic Housing Land Availability Study. This is a systematic assessment providing a snapshot of the potential land for housing on the Island. The process is made up of 10 stages. Stage 1, Plan the Assessment, Stage 2, Determine sources of sites, Stage 3, a. Desktop Review, b. 'Call for sites', Stage 4, Determine sites to survey, Stage 5, Site Survey, Stage 6, Estimate capacity of sites, Stage 7, Assess Deliverability, Stage 8, Review Assessment, Stage 9, Identify capacity of broad locations and finally stage 10, Determine Windfalls.

Of most relevance at this stage, is the 'Call for Sites'. This is where landowners and wider public are asked by the Department to express interest in developing their land. Agents were informed that the 'call for sites' will only consider sites within the spatial strategy set by the SLUP, i.e. in and around the main and local centres. It was asked that any previous submissions of sites for potential development be resubmitted to confirm that the site remains available. It was made known to agents that any submission made will be publicly available. The majority of housing land required was explained to be within and around the Main Centres and limited provisions in the local centres would be based on local requirements.

Redundant vineries

Redundant Vineries were also discussed and the following points raised: What is the nature and scale of redundant vineries, how can the Development Plan promote clearance of sites and what possible future uses are suitable? Most of the island's redundant sites have been surveyed for potential development uses and consultations initiated with the Commerce and Employment Department. This led to 465 sites being identified and once refined by site surveys the number was reduced to 250 sites which fell within a belt across the north and south of the island. All sites were then assessed against possible future uses identified by the SLUP. Four potential options set out for the sites include the contribution to agricultural land, contribution to open land, potential development within and around local centres, and, exception sites for small scale business use.

It was discussed that land use planning can only do a certain amount to encourage the clearance of sites however the financial implication of clearance compared to the possible value of uses will still be a barrier for most sites. It would be a matter for the States to consider as a whole whether they wish to bring forward financial incentives or penalties, or bring back assistance schemes. The focus for most sites will still be to return to agricultural or open land and there is limited potential for development. The habitat and agricultural soil classification surveys had been useful tools in this assessment process.

Open land within the island is important for the character of Guernsey. It may be possible however that some redundant vinery sites could be used for curtilages of other uses where this would secure the removal of the glass but keep the land as open space. It was also explained that there are a limited number of sites that fall

within or around potential local centres whereby clearance costs could be balanced by potential for a limited mix of development on these sites.

Lastly, there are the 'exception sites' for small scale industrial purposes such as small workshops and yards or small scale solar/energy farms. The SLUP allows for potential use of redundant vineries outside of main and local centres for these purposes on an exceptional basis. A recent amendment to the Rural Area Plan in 2009 undertook a similar exercise to find small yards. As a result 3 sites were identified and policy criteria established to allow for other potential sites. To date only one of the identified sites has been taken up, with no interest expressed in the other two. Taking the criteria used to identify sites for the 2009 amendment plus other information gathered, the Department has applied these to the identified redundant vinery sites and an initial list of 30 sites has been identified for potential further consideration.

Conservation Areas

The future approach to Conservation Areas was also discussed. The piecemeal designation in the past has resulted in over 90 Conservation Areas that include many small areas close together, of varying quality. However the existing planning policies for Conservation Areas were applied to all irrespective of this. Emphasis needs to be placed on what is special rather than what is typical therefore all of the 90-plus Conservation Areas have been reviewed. Consultation on the options will be sought as part of the Key Issues and Options stage of the Development Plan Review. Potential options include (1) retain the existing 90-plus Conservation Areas, (2) Merge and target removal of certain areas, resulting in perhaps 35, and (3) retain only the very best, reducing the number to perhaps around 10. Initial findings conclude that the majority of the Conservation Areas have elements worthy of designation but a varying policy approach may be required to balance a number of factors: Protecting and enhancing the island's heritage; homeowners' rights and desires to modernise and extend their properties to meet modern lifestyles; and the most efficient and effective way of creating a planning policy framework, including carrying out necessary character appraisals, within the Department's resources.

Timeline

SW Explained that the Department is in the process of finalizing steps for public consultation and the timeframe for this consultation is from the end of July 2013 – Mid September. There will be a two week 'road show' for the public along with focus group presentations to raise awareness. The consultation content will include the 'Call for Sites' information, a public booklet, set of technical papers and evidence based reports, all of which will be available online.

Questions and comments

Agents asked how much detail will be required for the 'call for sites' and would it be confidential. SW explained that it is a public consultation therefore sites suggested in the call for sites would be available to the public at the next stage of the Plan Review

process. In regards to details required SW explained that the types of uses will be published and the form to be used for the 'call for sites' responses will be quite extensive and detailed. Agents discussed that even though the Department may potentially grant permission on new sites development still may not be possible due to land clearance costs and land value, therefore housing targets may still not be achieved.

3. Managing the Historic Environment

Modernisation of approach

Alun White (AW) gave a brief overview of the development pressures on Guernsey's Historic Environment. He went on to explain that development within the Historic Environment needs to be justified and explained, so that in turn the Department can reach well justified, evidence-based decisions. This is necessary to achieve a balance between the Department's duties under the Law to protect the historic environment and the need to provide for new development. A document is available online to agents and members of the public entitled '*Principles for Sustaining Guernsey's Historic Environment*' which sets out the main terms and objectives of planning legislation for sustaining Guernsey's Historic Environment.

The 'Principles' document has been approved by the Environment Board and is available on the States web-site. AW went on to explain the main points of the document: The four principles; the need to understand what is special before proposing interventions; and the definitions. AW emphasised that the objective was about working together to successfully manage change and not purely about preservation.

Review of the Protected Buildings List - update and progress

A report regarding the review of the protected buildings list was taken to the Environment Board on the 14th May. The Board agreed five objectives to be completed up to 2016:

- Complete the desk top survey
- Establish criteria for selection
- Survey buildings, with priority to buildings that clearly should come off the list and those that clearly should be added to the list.
- Establish and agree reporting and decision making processes
- Make decisions on the buildings to be removed from and/or added to the list.

The Survey stage will include buildings on the protected buildings list and some of these buildings will be obvious candidates to remove from the list. Procedures need to be established and agreed to ascertain who will make the necessary decisions. Certain criteria will need to be met to add/remove properties from the list and a grading system may be used.

It was questioned whether or not the public will be able to appeal if their property is put on the list/taken off and it was confirmed that there would be a process for and rights of appeal.

It was also questioned whether the surveying could be done by the Department within its current resources. AW acknowledged this will be difficult, but the Department is looking at ways to supplement resources in this area. It was suggested by agents that volunteers could potentially be used and properties surveyed according to Parish. This would ensure that the public would be a part of the list update and would have a say about properties that were felt to be worthy of protection.

It was discussed that many buildings have been physically surveyed already during the planning application process and some have statements of significance therefore some details are already available to the Department.

Protected Building Technical Advice Notes (PBTANS) – update and progress

AW confirmed that the Conservation and Design Team have picked up this work-stream relating to the publication of the Protected Building Technical Advice Notes and information will be published in due course.

4. Agent Feedback

Ollie Brock thanked the Department for making the fees structure simpler and easier to use. This view was endorsed by the other agents present.

5. AOB and items for next meeting

The Design Awards would be opened for nominations towards the end of the year with the main event and results in Summer 2014. Sponsorship has been sought.

The next Agents' Forum meeting will be held in November 2013.