

PlanForum

Guernsey Agents Forum
Meeting 6th May 2015 @ Sir Charles Frossard House

MEETING NOTES

PlanForum members in attendance:

Rob Le Page - Robert W Le Page Architects & Chartered Surveyors
Oliver Westgarth - CCD
Rachel Jones - Carey Olsen
Jill Bray - Courtillet Design & Guernsey Housing Association
David Falla - Falla Associates International
Craig Whitman – Swoffers
Tony Charles - Porchester Planning Consultancy
Carl Foulds - Direct Architectural Solutions & Chartered Institute of Architectural Technologists
John Hibbs - PF+A Limited
Bob O'Brien - Chartered Institute of Building (Guernsey)
Chris Lovell – Lovell & Partners
Oliver Brock - Bonham & Bonham

From States of Guernsey:

Jim Rowles - Director of Planning (AJR)
Alun White - Principal Conservation & Design Officer (AWW)
Andy Mauger - Building Control Manager (AAM)
Sarah Birtwistle - Trainee Building Control Surveyor
Joanna Sines – Trainee Executive (Notes)
Jon Holt - Operations Manager, Guernsey Water (Item 1 - Item 4)
(JH)

Also in attendance:

Bob Bray – Robert Bray Associates (Item 1 - Item 4) (RB)

AJR opened the meeting and welcomed all present.

1. Development Control - update and progress (AJR)

Following consultation at the start of 2015, a States Report concerning proposed new High Hedges legislation has been submitted for States consideration in July. A States report is also being prepared for the amendment of the Use Classes Ordinance to simplify the Ordinance and reduce the number of use classes, particularly in relation to storage and distribution and industrial uses. This should be brought to the States later in 2015.

The statistics for DC performance up to 5th April show 76% of decisions were made within 8 weeks (target 80%) and 91% were made within 13 weeks (target 90%). On Friday 1st May there were 312 'live' planning applications and 91 pre-application enquiries. This represented a reduction in the number of live applications since November 2014.

Elaine Hare is now appointed as Development Control Manager, and the Development Control Team is at full strength following previous vacancies.

In relation to Use Classes, David Falla noted that greater flexibility to enable working from home, for example through encouraging live/work units, could increase economic activity. Tony Charles noted that in the UK recent changes meant that currently buildings were able to change use between retail, restaurants and leisure within the High Street, without requiring consent. AJR noted that the draft Island Development Plan contained policies to protect and sustain the retail cores and that the Department was not proposing to follow the UK example in this respect.

The Technical Support team is still short staffed. A new member of staff will join the team later in May and a staff member has also been reallocated from other duties to assist.

The 717008 telephone number in the Technical Support team will operate from 9am-4pm instead of 9am-5pm, to give extra time for application registration, etc. During this time Agents can still use 717200 to contact reception and can email to Planning@gov.gg. Agents were requested to tell Technical Support staff what they are calling about without having to be prompted in order to save staff time dealing with calls.

Agents were requested, when submitting pre-application enquiries, to use the relevant form where possible. Some agents submit pre-application enquiries for virtually all their applications, such as minor house extensions which is unnecessary and time consuming. AJR requested that agents consider whether a pre-application enquiry is actually required before they submit one.

2. Building Control - update and progress (AAM)

Two new staff members have joined building control.

Dual submissions (known as the 'edocs' procedure) have allowed for a reduction in paper files and allowed letters and general correspondence to be emailed to agents. There is still a requirement for hard copies of licences and other legal notices to be sent out.

The licence is now a complete document on the website for agents to download for their client files. Electronic versions of applications were at present only sent by the agents taking part in the dual submission trial, however this is set to be more widely rolled-out in the coming months; a new simplified application form has been designed for this purpose. These emailed applications are sent to the planning services email box from where they are

processed along with the hard copy. The Department will send emails to agents' general office email address held on our application database.

Oliver Westgarth queried if agents could request to join the dual submission trial. AAM advised that agents were being invited to join the trial gradually to ensure the system was workable and that it was hoped that all agents would be able to join soon.

AAM dispelled a myth and confirmed that "Dot & dab" plasterboard lining is still generally allowed.

The Fire Service is consulted regarding controlled premises under the Fire Services Law. Agents are reminded that applications concerning controlled premises require a third copy of floor plans to be submitted with applications. The "Building control Guidance Notes 15ver2014" were distributed to agents.

Agents were requested to show the indicative size of soakaways on drawings and were informed that if proposing to use an existing soakaway these would need to be inspected. AAM also noted that it is a requirement that details be provided when windows are proposed for emergency escape purposes and to confirm that the openings meet regulation standards.

3. Upgrading of thermal elements

Carl Foulds suggested that it is difficult to give any meaningful estimate on the requirements for thermal element upgrading prior to work commencing due to unknown factors such as roof structure. AAM noted that the UK only required notification of completion of work from Certified Competent Roofers but only one Guernsey roofer belonged to this scheme and it was not allowed for in the local legislation. AAM highlighted that Part L1 clarified legal requirements. Craig Whitman suggested that an exploratory check was initially done. AAM suggested that approached roofers did not support this idea. It was suggested that it should be possible to deal with this issue within the application process and in compliance with the Law by applying a 'default' position which could be subsequently amended and by imposing appropriate conditions.

4. Drainage issues and future guidance for the use of SuDS (JH and BB)

JH noted that due to surface water from rainfall currently being drained into Guernsey's public foul sewer a high storm response is experienced within the system which increases the risk of downstream foul flooding. JH noted that the solution to this was to either build bigger and bigger piped and pumped systems or for action to be taken to address the issue at source by attenuation and permeation.

"An Introduction to SuDS and Permeable Paving in Guernsey" was distributed to Members.

BB informed members that Robert Bray Associates had been developing the use of Sustainable Drainage Systems (SuDS) since 1996, when research was made into this at Coventry University with the aim to develop an environmental approach that facilitates

development, controls pollution and improves water quality. He noted that London had promoted the use of these systems due to poor water quality and flash flooding following excessive rainfall.

BB suggested that Guernsey is very reliant on clean surface water to filter into the reservoir and as such requires a controlled flow of clean water and that improvements can be made to the daily management of clean water.

Agents were shown pictures of a SuDS system at Springhill Co-housing scheme. BB noted that several features were used within the system including Crates, Basins, Pond, Plants and Permeable Pavement. BB explained that the basin allowed water to slowly drain into the ground and noted that water in the basin only appeared to increase by 150mm following rainfall. BB also highlighted that the volume of green space within the development contributed to the system.

BB informed agents that Permeable Pavement over open graded stone would allow water to drain through and noted that this principle had been used within Roman engineering. BB explained that below the surface paving in this system was a layer of permeable grit bedding, which acts as a treatment zone and crushed stone which provide additional treatment and the facility to store water from where it can be redirected.

Agents were shown the example of Riverside Court in Stamford, where rain water had been directed through features to create aesthetically pleasing effects.

BB informed agents that the systems reduce water pollutant levels, allow for innovation, can sometimes be cheaper than other drainage methods and have a greater lifespan than conventional combined sewage systems.

AAM informed agents that Building Control currently supports the use of SuDS and that this is referred in the new Guernsey Technical Standards Part P.

AAM queried if there was any additional foundation requirement when using SuDS. BB suggested that if water drained into the area was not greater than a grass lawn would be able to facilitate, special requirements should not be required. He also stated that soakaways could create larger foundation requirements due to the concentration of drainage.

AAM queried the longevity of Permeable Paving. BB suggested that grit would be unlikely to travel through the first layer and so could be removed easily and that the paving should last at least 20 years before requiring a dedicated clean.

Jill Bray noted that the GHA were attempting to incorporate sustainable drainage where possible in their developments.

AAM queried the use of geotextile membranes when using Permeable Paving. BB suggested that he would not recommend the use of these as they had been reported to reduce permeability.

BB suggested that Permeable paving was preferable to crates due to the reduced cost and the possibility of crates collapsing.

Oliver Brock queried the ability to reuse rain water. JH stated that in terms of water usage within properties there were strict requirements which had to be met due to concerns over the potential for future cross-contamination to the public drinking water supply and due to the high risk nature of such an installation Guernsey Water preferred the reuse of water to be limited to external areas.

AAM queried uses for greywater. JH suggested that reusing this was of concern due to the potential for future cross-contamination of the public drinking water supply.

JH advised that he would like approximately 5 architects or engineers, along with Planning, Building Control and Guernsey Water, to contribute to the creation of practical guidance notes and standards for use by the industry. JH asked those interested in participating in this to contact him. Jill Bray noted that the Guernsey Housing Association had undertaken several developments using SuDS and suggested taking current Guernsey developments using SuDS into consideration.

BB noted that his presentation had focused on quantity and quality benefits for Guernsey in terms of dealing with water at source but that the landscape features allowed this method of system to significantly also improve an area's aesthetic appearance. David Falla queried if high water tables would affect the system. BB suggested that in cases of high water tables sites can still be drained.

BB and JH left the meeting

5. Development Plan Review - update and progress (AJR)

The larger than anticipated number of Initial Representations, which was over 1500, reflects positively on the level of public engagement but has created an extended administration period, particularly as most were received at the end of the period for Initial Representations. The publication of the Department's responses and start of the 6 week period for further representations, allowing comments to be made on the Initial Representations, is likely to be in mid-June.

The scheduled timing for the Inquiry hearings in autumn will be unchanged. The process of continual refinement of wording in the draft Plan will continue and proposed changes will be collated and presented at the Inquiry hearings.

Tony Charles suggested that the Department might consider publishing a working draft of the Plan including all proposed changes, prior to the hearings, to assist the public and Inspectors.

6. Managing the Historic Environment - update and progress (AWW)

AWW noted that the Island's conservation areas have been reviewed as part of the preparation of the draft Island Development Plan. It is proposed that the current conservation areas be rationalised and reduced in number. The annex to the draft Plan includes a summary of significance and a more detailed report on the proposed conservation areas has been published. Significant progress has been made regarding the preparation of conservation area appraisals and these have all been drafted apart from that for St Peter Port. AWW noted the intention to publish the draft appraisals for consultation following adoption of the Island Development Plan.

During 2014, 218 buildings had been surveyed creating a cumulative total of 398 buildings surveyed since the start of the protected buildings review. The Department aims to make a decision on all those surveyed during 2015. Therefore at the end of 2015, the protected buildings list will be 'robust' in that all the buildings that should be on the list will be added and all those that should not be on the list will be removed. However, there are still about 900 non-protected buildings that need to be surveyed.

The total number of protected buildings has so far reduced by 12 properties, to 1598. There have been 3 appeals on properties so far, for which an independent inspector from the Planning Panel will review the Department's decision. Agents were requested to notify the Department if clients were looking to sell any surveyed properties to allow decisions to be reprioritised if required.

Carl Foulds noted that a property had been highlighted as requiring review significantly after an application had been submitted to the Department. AWW took details of the application to review the matter. AWW informed that in general decisions on properties took a maximum of a month.

Both existing protected buildings and conservation areas were being reviewed and under the Island Development Plan a holistic approach to the built heritage will be taken.

7. Agent feedback

Oliver Brock suggested that during the Plan Review consultation process, the Department may have missed an opportunity to inform the public of the fundamental principles of the draft Plan and extended an offer to help the Department in the engagement process by presenting principles in layman's terms and putting a positive message out to the general public. Carl Foulds said that agents would be happy to help in communications with the construction industry.

Tony Charles stated that following his extensive experience of review of UK Development Plans, he congratulated the Department's staff as the draft Island Development Plan appeared impressive, well written, well put together and understandable. Compared with

the many other draft development plans he had seen he said that the draft IDP was very good. He suggested that potential negative opinions about the Plan would most likely be caused if there is misunderstanding and so highlighted the importance of positively promoting the Plan to the community.

8. Forthcoming CPD opportunities

The Department had so far received an encouraging number of notifications regarding CPD opportunities. Agents were requested to continue informing the Department of potential opportunities. AWW said that the Department could offer possible CPD opportunities especially in reference to the Historic Environment or landscape matters.

9. AOB and items for next meeting

Chris Lovell noted that clarifying property boundaries was beneficial in protecting applicants and suggested that if a proposed development was less than a metre from a boundary the application should be required to include written consent from the neighbour. AJR noted that such boundary matters were generally considered to be a civil issue and not a planning matter. He also noted that in certain circumstances extensions and other domestic works were exempt from planning control. It was noted that legislation was being prepared to deal with rights of access to adjoining properties. Carl Foulds suggested that this draft legislation was partially completed but perhaps was not seen as of highest priority. Chris Lovell noted that once finalised the legislation would only be of assistance as a last resort. He noted that boundary issues could have a significant impact on bank lending, for example. Craig Whitman suggested that directly corresponding with neighbours was the best current option to resolve boundary issues but suggested that the Duty of Care system as in the UK may be preferable. Chris Lovell noted that legal advice had suggested that this level of legislation was unnecessary in the smaller Guernsey community. Tony Charles suggested that a simple letter exchange was usually most appropriate and that the new legislation will provide an incentive for neighbours to act appropriately.

The next PlanForum meeting will be in November 2015