



**Agents and Developers including Arboricultural Working Group AGM Minutes (Planning & Regeneration Services including Building Consultancy)  
Wed 6<sup>th</sup> March 2013 - 6.00pm-8.30pm  
Cattistock Room - Civic Centre**

**Borough of Poole**

**Chair:-**

Cllr Phillip Eades– Borough of Poole

**Internal Attendees:-**

Stephen Thorne - Head of Planning & Regeneration & Building Consultancy

Nigel Jacobs - Planning Policy and Implementation Manager

Nicholas Perrins – Senior Planning Officer

Richard Genge – Planning and Regeneration Manager

Bruce Carmichael – Principal Surveyor

Sue Ludwig – Business Manager

Gabriella Cobelli - PA to Stephen Thorne (minutes)

Russ Fisher - Senior Arboricultural Officer

Keith Pegram - Change & Performance Manager

**External Guests:**

Robin Vaissiere - Planning Portal at Communities and Local Government

**External Agents and Developers:-**

Carol and Peter Traves – Evans and Traves

Mike Pennock – Savills

John Christopher – Trinity Architecture

Stephen Hucklesby – Trinity Architecture

James Frampton –Trinity Architecture

May Palmer – Harry J Palmer

Peter Tanner – Tanner & Tilley Planning Consultants

Phil Easton – Western Design Architects

Rob Henderson – Ken Parke Planning Consultants

John Souter – Lionel Gregory Architects

Graham Thorne – Thornes Chartered Surveyors

Trudy Levine - Baron G Levine Building Contractors Ltd

Laurie Marlow – David James Architects

Martin Hanham – Martin Hanham

**External Arboricultural Consultants:-**

John Smith – Maple Waters

Gary Snellgrove – Western Tree Surgeons

Mark Hinsley – Mark Hinsley Arb Consultants

Andrew Scott - Scott Tree Services Ltd

Item		Action By
1.	<b><u>Arrival and Refreshments</u></b>	
2.	<b><u>Introductions</u></b> There was an introductory session, where the Chair and internal attendees introduced themselves to external attendees who were present that evening.	
3.	<b><u>Planning Portal Presentation followed by Q&amp;A – Robin Vaissiere</u></b> The aims behind the launch of the Smarter Planner Initiative by the Planning Portal, to provide a more efficient and smoother process for applicants and agents. A discussion took place and various questions were asked about the process for submitting online. RV recommended users viewed the Smarter Planning Initiative for Professionals and the associated best-practice standards for online submissions, and links to the Planning Portal Hints & Tips pages for online submissions of large documents etc plus CIL Guidance and Forms are below for	

	<p>reference:- <b><u>Smarter Planning for Professionals Hints and Tips</u></b> - <a href="http://www.planningportal.gov.uk/planning/professionalinfo/">http://www.planningportal.gov.uk/planning/professionalinfo/</a>  <b><u>CIL Guidance and Forms</u></b> - <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>	
4.	<p><b><u>Building Regulations – Bruce Carmichael</u></b>  A presentation was made by Bruce who advised that approved documents will be changing in phases. Some changed on 9th Jan, others will change in April and July.</p> <p><b><u>Presentation details are in the download area of the Working Group page found at</u></b> <a href="http://www.boroughofpoole.com/planning-and-buildings/news-and-consultations/planning-working-group-meetings/">http://www.boroughofpoole.com/planning-and-buildings/news-and-consultations/planning-working-group-meetings/</a></p> <p><b><u>Also see link below to a section on the Planning Portal about Building Regulations:-</u></b> <a href="http://www.planningportal.gov.uk/buildingregulations/">http://www.planningportal.gov.uk/buildingregulations/</a></p>	
5.	<p><b><u>Community Infrastructure Levy (CIL) – Nicholas Perrins</u></b>  A presentation of progress/updates since CIL started in Jan 2013 was given by Nicholas. A lively discussion then took place followed by questions and answers. To assist applicants and developers, Nicholas has developed a CIL Developers and Agents Guide, now available on the BoP.com Planning pages.</p> <p><b><u>See link below (to download from the right hand side of the page):-</u></b> <a href="http://www.boroughofpoole.com/planning-and-buildings/planning/ldf/community-infrastructure-levycommunity-infrastructure-levy/">http://www.boroughofpoole.com/planning-and-buildings/planning/ldf/community-infrastructure-levycommunity-infrastructure-levy/</a></p>	
6. 6.1	<p><b><u>Working Group Summary of 2012-2013</u></b>  <b><u>Arboricultural Working Group – Andy Scott</u></b>  These meetings began in 2012. Andy summarised key points raised from meetings to date as follows:-</p> <p><b><u>Crown cleaning</u></b>  Issues were raised in July 2012 with its consistency with other Councils. Any application would be unacceptable if the term “Crown Cleaning” was included in the content, i.e. there must be a concise description of works instead.</p> <p><b><u>TPO’s</u></b>  This was also raised in the July meeting. The law is that if a TPO is served but not confirmed by the BoP within six months, it becomes invalid.</p> <p><b><u>Resistograph Use</u></b>  A proposal was put forth in the Jan 2013 meeting to see if the resistograph usage policy could be changed. Consultants are expected to visually inspect a tree for faults, thus, resistographs should be used a last resort.</p> <p><b><u>Section 202s</u></b>  Section 198 (6) (a) of the Town and Country Planning Act 1990 has been replaced by S202 with effect from April 2012. There were discussions around this issue. The word dying has been removed from S202, to leave two terms: - dead and dangerous. One of the exemptions from the need for consent to work on a protected tree is that it has to be one or the other of the above. It was felt that consultants could do very limited work in order to make the tree safe.</p> <p><b><u>Green Card</u></b>  This was brought to the Jan 2013 meeting. Some thought the Green Card issue idea meant no flexibility should matters change, though it was mentioned that a telephone call to the unit would suffice. Richard Genge agreed to explore this further with a view to bringing it back to the next Arboricultural Meeting.</p> <p><b><u>Campaign for Sensible Tree Management</u></b>  Sue Whitehall, a representative behind the campaign, outlined the issues in the Jan Meeting as to how and why this came about. After a lengthy discussion, there was agreement that the petition notes would be submitted onto the BoP.com website, and views around the content be submitted to Richard Genge within the next 28 days following. <b><u>See link here below for petition notes for information:-</u></b></p>	

<http://www.boroughofpoole.com/planning-and-buildings/news-and-consultations/planning-working-group-meetings/>

## 6.2 **Agents & Developers Working Group - May Palmer**

MP summarised key points from the meetings from 2012-2013:-

### **Pre App Advice**

There were concerns with consistency and quality, though many issues seem to be resolved. It was felt ST was keen to keep abreast of concerns at each stage of pre-app and submission, and eager to respond to any queries.

### **CIL**

NP has attended meetings to provide updates to provide more clarity. The feeling is attendees' further comments have impacted on the delivery of advice, the process that existing floor space submissions are made to the BoP and also their processing of the paperwork.

### **Bats and Biodiversity**

KP Ecology presented this in May 2012, supported by Natural England, and covered a 'protocol' drawn up by the parties in response to the Wildlife Trust's concerns that their advice given at application stage was being unheard by some authorities who did not employ their own Ecologists. ST agreed to ensure this was discussed with applicants at pre-app stage.

### **Decision Notice Procedure Changes**

The unit proposed to change these procedures. With the introduction of the planning portal, most applications are submitted online and whilst this has been successful there has been a cost impact, as unit have to print out 2 plan copies. The final proposal was that one copy was printed, scanned to the website and passed on to the case officer. The public can then view the file online in the Planning Reception. The proposals were well received, provided there was no quality compromise, and a list of approved plans on the decision notice was included. A clear reference (drawing no) and revision should also be added to the validation checklist.

### **RICS Guidance Note and Harman Report "Viability in Planning"**

Discussed at the Sept 2012/Jan 2013 meetings. The guidance provides a robust approach to evaluate financial viability on a site specific basis and one of the envisaged issues of this guidance is that banks may not lend unless a suitably viable scheme showing appropriate returns was presented to them, and that the Authority should have due regard to this impact when considering the parameters of what is acceptable to the District Valuer (*[Post Meeting Note: amendment to this point made on 10<sup>th</sup> April 2013 following feedback by Simon Greenwood](#)*).

This should be recognised by the unit when considering parameters of what is acceptable to the District Valuer, especially as the 3 Dragons Report still forms the basis of council opinion that a profit margin of 15% is realistic and feasible.

### **Contractors Parking**

Concerns were brought from the Community Working Group in Jan 2013 about builders' indiscriminate parking. As the Code for Sustainable Homes gains momentum, the adoption of the Considerate Constructors Scheme provides 'easy-wins' of code points for builders.

### **Campaign for Sensible Tree Management**

The Group was notified of this, which went to the Environment Overview and Scrutiny Meeting in Nov 2012.

### **Estate Agents Boards**

Attendees were asked about practicalities of a voluntary scheme to eliminate estate agency board's numbers in specific areas.

### **Summary**

As the unit moves towards cutting costs by relying on technology rather than bearing costs for printing/posting, attendees should stay committed to helping the authority in this, advising them of the clarity of information resulting from these cuts.

7.	<p><b><u>Working Groups Refresh</u></b></p> <p>It was suggested more developers and builders, and sometimes unit Planning Officers should attend the A&amp;D meetings. Four members of the A&amp;D working group have completed their cycle and stand down. A vote of thanks was given to Laurence Bowen, Paul Robinson, John Yeoman and Adrian Black. The refreshed membership for the A&amp;D Working Group for 2013-2014 was confirmed as follows:-</p> <ol style="list-style-type: none"> <li>1) John Souter - Lionel Gregory</li> <li>2) Carol Traves – Traves and Traves</li> <li>3) Simon Greenwood – Savills</li> <li>4) Martin Hanham – Martin Hanham</li> <li>5) May Palmer – Harry J Palmer</li> <li>6) Graham Thorne - Thornes Chartered Surveyors &amp; Estate Agents</li> <li>7) Peter Tanner - Tanner &amp; Tilley Planning Consultants</li> <li>8) Phil Easton - Western Design Architects</li> <li>9) Keith Harrison - Harrison Property Group</li> </ol> <p><b>The 2013-2014 meeting dates for the Agents &amp; Developers and Arboricultural Working Groups will be forwarded to members in the next few weeks.</b></p>	Note
8. 8.1	<p><b><u>Questions and Answers</u></b></p> <p><b><u>John Christopher: Trinity Architecture</u></b></p> <p>John Christopher posed questions to the unit as follows:-</p> <ol style="list-style-type: none"> <li>a) The time taken to respond to discharge of planning conditions submissions is still too long and not within 21 days, which we are told is a reasonable time period. This affects applicants' contractors in progressing the works and even further when solicitors seek written confirmation from the BoP that any conditions have been discharged. RTG was unsure if this was a general concern or an issue for particular sites and felt 21 days was reasonable. If as much detail as possible can be submitted with an app this will enable contractors to get on site quicker.</li> <li>b) The planning conditions for Code for Sustainable Homes are incorrect. They call for the submission of design stage assessment and post construction assessment. The planning condition tends to be discharged after the submission of the design stage assessment, negating the need to submit the second. In submitting the post construction assessment, we are being asked for a further fee to discharge a condition which has already been discharged. RTG advised that the condition was an old condition and we have more recently produced two new conditions which resolved outstanding concerns.</li> <li>c) Advice given by some planning officers is still not fully reflecting senior officer opinion, resulting in last minute change to designs or a change in recommendation. ST confirmed that the Scheme of Delegation has changed to allow for double signature sign off, to provide more assurance and consistency. This should have solved the problem. Both RTG and ST are concerned about these comments. <b>Action:</b> If any attendees have any particular concerns please email Richard Genge at <a href="mailto:r.genge@poole.gov.uk">r.genge@poole.gov.uk</a>.</li> <li>d) CIL calculations: - No guidance has been forthcoming. Questions were raised prior to implementation together with the loopholes that appeared to exist, but met with no response. To enable this contribution to be clearly indicated to applicants prior to any application submission, a series of clear guidance notes is needed. There appears to be no CIL calculator available as with the old section 106 contributions. NP confirmed that a link with calculation advice will be available. (<i>Post meeting note: - See link in item 5 for more information on calculations</i>).</li> <li>e) <b><u>Pre App Advice</u></b> Carol Traves mentioned a specific issue concerning a pre app submission and</li> </ol>	A&D

	<p>advised Christchurch Council issue a refund if there has been no response forthcoming after 21 days.</p> <p><b>Action: ST asked RTG to look into this, and issue a refund if appropriate.</b></p> <p>May Palmer was equally concerned about a pre app submission submitted on 7<sup>th</sup> Jan 2013. She is still waiting for a response.</p> <p><b>Action: ST confirmed that, if May provided details, he would investigate and write a letter for May to give to the client if needs be.</b></p>	<p>RTG</p> <p>ST</p>
8.2	<p><b><u>Permitted Development Rights</u></b></p> <p>It was asked at the meeting how PD Rights were monitored.</p> <p>On 6<sup>th</sup> Sept 2012 it was announced PD Rights would be introduced, allowing commercial use of property to change to residential without planning permission. The unit have applied to the DCLG seeking exemption from the policy for the BoP. The Group discussed this further. There was concern regarding office space loss and issues with energy conservation designations. Office space may be protected to some extent, as there will be a prior approval process that will need adhering to, though the details are, as yet, unknown. The BoP may also have some control over the policy regarding office new builds. Bear in mind this policy will only last for three years if it comes into force.</p>	
8.3	<p><b><u>Phil Easton:- Western Design</u></b></p> <p>Phil Easton posed some CIL related questions to the unit as follows:-</p> <p>Please let us have the planning applications liable for CIL made in the two weeks prior to 5<sup>th</sup> Nov 2012. The list should be divided by those determined before 1<sup>st</sup> Jan 2013 and those determined after 1<sup>st</sup> Jan 2013.</p> <p>Please show us how much CIL the applications determined before 1<sup>st</sup> Jan would have attracted, and the same with those determined after 1<sup>st</sup> Jan 2013.</p> <p>The reason we want to know is that simple applications were dealt with, whilst more complex applications were not dealt with until after 2<sup>nd</sup> Jan 2013. This has cost our clients enormous sums of money which would not have been payable had the applications been approved in the 8 week period.</p> <p>Different officers gave different and contradictory explanations verbally and in writing for not dealing with applications in time. We expect to hear from the unit which of the explanations is the Council's position on not dealing with applications expeditiously. Even if they did not have a strict legal obligation, they have a moral obligation to do so.</p> <p>Nicholas Perrins kindly provided the answers to the above and these together with supporting information can be found in the download area of the Working Group webpage at</p> <p><a href="http://www.boroughofpoole.com/planning-and-buildings/news-and-consultations/planning-working-group-meetings/">http://www.boroughofpoole.com/planning-and-buildings/news-and-consultations/planning-working-group-meetings/</a></p>	
9.	<p><b><u>Close</u></b></p>	
	<p><b><u>Dates of the Agents and Developers and Arboricultural Meetings for 2013-2014:</u></b> Will be confirmed shortly.</p>	