



AGENTS & DEVELOPERS WORKING GROUP

*Planning & Regeneration Services
including Building Consultancy*

Wednesday 16 June 2010

2 – 4:30pm The Study, Upton House

	<p><u>BoP Attendees:</u></p> <ul style="list-style-type: none"> • ST - Stephen Thorne, (<i>chair</i>) Head of Planning & Regeneration • SB - Shelley Barnett, (<i>minutes</i>) PA to Stephen Thorne • SPL - Sue Ludwig, Business Manager • WL – Warren Lever, Environment & Design Team Manager • DE – Doug Evans, Development Management, South Team Manager • HH – Helen Harris, Senior Planning Officer, Policy & Implementation <p><u>A&D Attendees:</u></p> <ul style="list-style-type: none"> • MB – Malcolm Brown, Sibbett Gregory • MC - Mike Clark, Clark Design Partnership • NB - Neil Bichard, Bradbury Bichard • PT - Peter Traves, Evans & Traves • DN – David Nash, Urban DNA • PR – Paul Robinson, RBStudio Ltd • LB – Laurence Bowen, RBStudio Ltd • IM – Ivan Maughan, Maughan Architecture
	<p><u>Apologies:</u></p> <ul style="list-style-type: none"> • Martin Godfrey • John Souter Derek Simester • Maurice Stainer
1.	<p><u>Introduction</u> by <i>Stephen Thorne</i> ST welcomed the new members and introduced them to the group. ST gave an overview of improvements that have taken place within the Planning and Regeneration unit over the last year and other matters relevant to the meeting, these included;</p> <p><i>Planning Charter</i> – A tool to shape our service provision as it specifies what we do and what we don't do.</p> <p><i>New Planning & Regeneration Manager</i> – Richard Genge has been promoted to the position for a temporary period of 6 months.</p> <p><i>Merge with Building Consultancy</i> – ST can now offer a 'one stop development shop' as Alan Muzzall has taken early retirement. This is not unfamiliar territory for ST as he has managed Building Consultancy before in another authority.</p> <p><i>Talbot Village application</i> – the Special Planning Committee on 9th June had over 200 attendees.</p> <p><i>3rd edition of the Planning and Regeneration Newsletter</i> – has been released and well received. ST is pleased with the progress.</p> <p><i>Town Centre North (TCN) Prospectus</i> – ST has created a Prospectus for the public and politicians in a committed attempt to move this forward. ST explained that currently Poole has a soul but no heart and this is something the TCN project will provide as well as public realm for Poole.</p> <p><i>Twin Sails Bridge</i> – Has commenced development and is scheduled to finish end of 2011/ beginning of 2012. The connecting road 9 month contract has been let. Landscaping and street furniture to improve the area whilst work the remaining site is developed has been an important element of the project.</p> <p><i>Community Engagement Forum</i> - The pre-app discussions were successful with the between the bridges application and a pilot Community Engagement Forum took place with the community and developers which was seen as a success.</p>

1.	<p><u>Minutes of the Last Meeting</u> <i>Annual Meeting 03/03/10;</i> The Affordable Housing presentation is deferred to the 6th October meeting and will be presented by Nigel Jacobs and Helen Harris.</p> <p>The Pins response has been received; ST is meeting with officers to decide on how to move this forward.</p> <p>The 106 Audit Action Plan is underway; ST commented on how important it is for improved relationships and communications with other units of the council; Leisure & Housing especially.</p>
2.	<p><u>Characterisation Study Presentation</u> <i>by Warren Lever & Helen Harris</i> Poole's Characterisation Study can now be found via the link below. http://boroughofpoole.com/go.php?structureID=U464063d1309fc&ref=N4BF24BB5C9162</p> <p>WL reported that it is a useful document for everyone including the Council, Community and Developers as it provides a framework. MB commented that he found it too general but was a good starting point. WL responded by explaining that any Borough wide characterisation work would set a general framework and in certain areas would be quite detailed. It is a large document that the group will need to read in more detail. HH informed the group that there will be consultations regarding the 'Design Guidance' in August.</p> <p>MB requested a clearer steer with regard to the preference of modern or traditional designs in certain areas. WL and ST felt this was clearly set out in government guidance PPS1 and By Design and that professional officers had to give a professional response in urban design terms not based upon any particular architectural style. Clearly in some areas of very strong architectural style the design response had to acknowledge this. MB also reported that a contemporary design was acceptable by officers but the not Committee as they wanted traditional. This is a consistent piece of advice given to Members and upheld through the appeal process. ST responded by saying that Character has never been defined before so this study will clearly define the key aspects of character that developers need to acknowledge and respond to in specific areas of the Borough.</p>
3.	<p><u>Implementation of Energy & Resource Statements</u></p> <p>HH reported that there have been 11 statements received since April 2010 when the request went live. Some of those that have been submitted are not up to the standard required and those agents have been written to; to that effect. The statements allow the planning permission conditions to be more specific as they can relate to the information supplied in the statements.</p> <p>ST reported that the government enforce these new requests. MB questioned whether these changes were affordable; for example upgrading from code level 3 to 4 – the energy conservation is very expensive. WL, ST and DN stated that if a scheme is not designed to code 4 from the outset the redesign costs would be higher. PT doubted that architects have even had the opportunity to read up on this. DN highlighted that the request to reduce carbon is not going to go away and that you need to look into all the elements early on the design process. DN suggested it was worth looking into early so that there is not the need for changes after permission has been granted. WL and DN commented that dealing with sustainability at the Building Consultancy stage was too late in the process.</p>
4.	<p><u>Planning Committee</u></p> <p>Agents attended Planning Committee for the first time and were surprised by the lack of order within the committee and that the Cllrs were talking over the officers. The agent commented that there should be respect for the chairman and this was not</p>

	<p>present. MB commented that he found committee to work very well. PT felt that members are rude to officers and that the chairman found it difficult to control the lack of respect.</p>
5.	<p><u>Pre-Application Process</u> IM reported a pre-app made 7 weeks ago and that the footprint was ok but has now been given to a design officer for comment after 7 weeks. This period is far too long for a small company as they need to move things forward. ST has tried to formalise the service and the current process is being re-evaluated by DH. IM suggested that there should be a penalty for delay perhaps a reduction in price. DE reported that 60% are dealt with in 28 days, a few are delayed due to the agent or developer not supplying or agreeing the minutes. DE is going to look into the charging and how close the sum is to submitting an application. MBs issue is the consistency of pre-app advice. NB commented that in the last 12 months there has been a new approachability to the department and feels like he is now being treated like a fellow professional. The group agreed that officers need to acknowledge the reaction of delay on small companies.</p>
6.	<p><u>Contributions Procedure</u> The group questioned the lack of consultation with the process and the strength or it with regard to legal and the Inspectorate. MB commented that the released procedure is factually correct but should not have been released to the public. MB questioned the Section 111 process – DE responded that he was satisfied that the process was robust and the legislation had been used successfully by other Authorities.</p>
7.	<p><u>New Government policy direction</u> The coalition has emerging issues; the abolition of the RSS – regionalism is dead but what is going to replace it? The scale of the national deficit is extensive and the government mood is for radicalism and revolutionary change. Ministers are obsessed with the pace of change and how we can speed it up. Strengths that Poole has with regard to localism - the Multi Area Agreement (MAA) as Poole/Bmth/SouthEast Dorset were the first in the country to sign up in the 'sub regional context'. The government are pushing for Local Enterprise Partnerships (LEP's) to give power to the individuals. The group agreed that with regard to the new policy on 'Garden grabbing' that there should be a briefing for Planning Committee.</p>
8.	<p><u>EA – High flood risk</u> IM questioned where permission was granted against the objections of the EA. It was reported by other members of the group that there has been a similar case in the Isle of Wight where it becomes a 'separate island' with a community that can exist for a couple of hours. This would appear to be a change in stance on means of escape. DE cited Sandbanks as the example where it had been used in Poole.</p>
9.	<p><u>A.O.B</u> N/A</p>
	<p><u>Next Meeting</u> Wednesday 6th October 2010 2-4:30pm The Study, Upton House</p>



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Planning & Regeneration Services
including Building Consultancy

Wednesday 06 October 2010

2 – 4:30pm The Study, Upton House

BoP Attendees:

- ST - Stephen Thorne, (*chair*) Head of Planning & Regeneration
- SB - Shelley Barnett, (*minutes*) PA to Stephen Thorne
- SPL - Sue Ludwig, Business Manager
- RTG – Richard Genge, Planning & Regeneration Manager
- NJ – Nigel Jacobs, Planning Policy & Implementation Manager
- HH – Helen Harris, Senior Policy & Implementation Planning Officer
- AMH – Andy Holmes, Building Consultancy Team Leader
- KR - Kerry Ruff, Senior Housing Resources Officer

A&D Attendees:

- MS – Moe Stainer – Maurice Stainer Architects
- NB - Neil Bichard, Bradbury Bichard
- PT - Peter Traves, Evans & Traves
- DN – David Nash, Urban DNA
- PR – Paul Robinson, RB Studio Ltd
- LB – Laurence Bowen, RB Studio Ltd
- IM – Ivan Maughan, Maughan Architecture
- JS - John Souter, Lionel Gregory Architects
- DS - Derek Simester

Apologies:

Martin Godfrey, Mike Clark & Malcolm Brown

1. Introduction by Stephen Thorne What is coming out in Local Government

- **Changes to Houses in Multiple Occupation (HMOs)** – The former Government announced plans to change the Use Class order to require planning permission changes of use of properties to HMOs. This was particularly pertinent for areas such as Talbot Village where there are concerns about the growth in HMOs and subsequent impacts on character. However, the Coalition has, since coming to power, renounced this change and will allow to changes of use from family houses to small HMOs to happen without the need for planning permission. However, where there is a local need to control the spread of HMOs, Local Authorities will be able to use existing powers, in the form of article 4 directions, to require planning applications in their area. BoP Planning are looking at evidence to see whether there is a specific need for the Council to use an article 4 direction for this purpose.
- **Gypsy & Travellers Provision** - Previous Government Policy established the need and numbers of permanent and transit Gypsy & Traveller sites, regions should provide. The Coalition Government has now devolved power to Local Authorities to determine the accommodation needs of Gypsy and Traveller sites locally, and make appropriate priorities.
- **Infrastructure Delivery through Tax Increment Financing** – The Liberal Democrat Party Conference and LGA recently urged Councils to consider using US style tax free bonds to front load infrastructure delivery and then see it repaid through Tax Increment Financing (TiF). TiF allows infrastructure delivery to be front loaded and

	<p>then repaid through using the future taxes gained by new development attracted into an area due to the infrastructure being put in place. This will allow Council's to turn local tax revenue into investment to fund public transport, schools, community facilities etc which in turn helps stimulate economic growth;</p> <ul style="list-style-type: none"> ▪ Renewable Energy and the Feed in Tariff – The Government recently announced that Council's are now able to sell electricity they produce back into the national grid through using the 'feed in tariff' (Council's were previously prohibited from doing this). This provides potential for the Council to invest in Renewable Energy technologies and install on their land and property assets to reduce Carbon Footprint as well as creating new revenue streams when budgets are being cut. ▪ Shared Services – A key part of Local Government reform will be to consider sharing services across administrative boundaries where opportunities exist to make best use of resources. ▪ Local Enterprise Partnerships (LEPs) – Poole were party to the recent Dorset, Bournemouth and Poole LEP proposal submitted to the Government in September 2010. The LEP proposal sets out how the partnership will operate and achieve a list of specific economic focused aims and objectives. One of the fundamental purposes of the LEP is so the public and private sectors can come together to stimulate business and investment across Dorset to provide the growth and future jobs the area requires. <p>Positives for us in Poole - we have an adopted Core Strategy – a structure that very few Council's have.</p> <p>Talbot Village application – has been called in by the Secretary of State</p>
<p>2.</p>	<p><u>Affordable Housing Presentation/Discussion</u> By Helen Harris, Nigel Jacobs and Kerry Ruff</p> <p>A new policy came in February 2009 which reduced the affordable housing threshold from 15 and above to 6 and above. Recent discussions have taken place regarding its flexibility – the policy is not flexible. The flexibility comes within the viability as this is the key determinate of what can be delivered on the site.</p> <p>With the economic downturn large developments have reduced which has reduced the amount of affordable housing achieved. It is harder to attain affordable housing on the smaller sites this is either due to the number of units being under the threshold of due to the viability.</p> <p>A new Supplementary Planning Document (SPD) which was out for consultation earlier this year will add flesh to the Core Strategy and the 117 comments received will help to inform the final version of this SPD. HH requested a discussion within this group prior to the adoption to ensure that it is a workable guide, it will be considered by Committee in November and full Council in December.</p> <p>The issues that have been highlighted are;</p> <ol style="list-style-type: none"> 1) Three dragons toolkit 2) Verification 3) Financial information to be kept confidential 4) Phasing requirements <p>Three dragons The main issue is the set 15% profit margin - KR informed the group that it is one of the parameters that can be negotiated. The position of the Borough is to work through it and seek professional advice – very much a negotiation process.</p>

	<p>DN questioned whether the variables can change in the three dragons? KR confirmed this if advice is provided.</p> <p>KR is aware that the toolkit is not robust in dealing with complex schemes (large scale, multi use, phasing aspects) and that those schemes need more technical and detailed viability toolkits.</p> <p>The introduction of the three dragons was aimed at small scale, straight forward developments. NJ highlighted that the intention of the three dragons wasn't just for the use of BoP but for those applicants who did not have access to other viability toolkits and that it was generally aimed at small scale development and to put in place a better understanding of viability.</p> <p>PT commented that it so fundamentally floored and the basic parameter of the 15% profit margin. NJ responded that at the time it was created 15% was generally the profit margin. PT highlighted that he wasn't aware of anyone developing with a profit margin of under 20%. PT also highlighted that the profit means profit and risk and the risk is not taken into account – 20% profit is seen as a low risk.</p> <p>Negotiations are not inclusive of grants – KP ensure that the Section 106 reflects what the scheme can deliver within its own right rather than being propped up with grants.</p> <p>Verification</p> <p>As part of the consultation HH asked that if verification is needed what is the fairest cost to recap? The decision has been made to pass the cost back to the developers for independent professional advice.</p> <p>ST suggested that both parties agree on the district valuer so that both share the same independent valuer – this would simplify the process. The group agreed to this; HH questioned whether this needs to be agreed this month so that it is covered in the SPD? It was agreed that a form of wording would be incorporated to facilitate this direction. This process has apparently been adopted in Bournemouth for a short period of time and is a more expensive approach. PT commented that the negotiations were very straight forward and that the only issue he had was that the planning officer was not talking to the valuer. The positive outcome of this new upfront approach is efficiency and a reduction in time. HH to review Bournemouth's position.</p>
<p>3.</p>	<p><u>Planning Application Validation Checklists</u></p> <p>RTG reported that a review of validation checklists had been undertaken to ascertain whether they were still valid and complied with legislations.</p> <p>RTG provided the group with a sample new form. The pack of forms will be sent out to the group for a 6 week consultation period.</p> <p>The aims of the new forms is to provide more clarity on what is required and why; this relates to local and national requirements. By requesting the information upfront this should ensure no delays in the processing period of the application.</p> <p>LB suggested that the local requirements could be more co-ordinated within the pre-app process. This comment was met with approval and RTG to review.</p> <p>NB noted that the loss of a specified scale was a welcome change as this was a time consuming issue.</p> <p>SPL reported that she has been encouraging the registration team to call/email rather than write a letter if there are any problems with the validation process to reduce any time delay. The group appreciated this and were positive that it was an improvement.</p> <p>LB questioned the use of Planning Portal for submitting applications as it wasn't clear how the separate statements/forms were received. SPL responded that the portal isn't the easiest process but the registration team would be looking for headings to ensure</p>

	<p>that everything is there during validation so as long as everything is clearly identified this shouldn't be an issue. SPL also commented that various comments of improvements have been submitted to the Portal directly and as part of a working but to no avail. MS highlighted that although BoP prefers plans to be submitted in a3 format the clients usually prefer it all on 1 sheet.</p>
<p>4.</p>	<p><u>Pre-App Consultation</u> RTG met with John Montgomery to discuss the issues of inconsistency, differing views and internal consultees.</p> <p>RTG has sent an instruction to the unit regarding consistent views and the need to strip out the regurgitation of policies and where possible for consistency the same officer deals with both the pre-app and the application.</p> <p>The concept meeting approach has been introduced which is a cheaper option than the full pre-app and enables the applicant to gauge the position of the planning department without war and peace. RB & LB commented that they had a quick turn around from this and found it to be a positive approach.</p> <p>PT reported that he had experienced good and bad meetings with regard to a time delay in response; he felt this was not due to the complexity of the application but the different approach by officers.</p> <p>ST highlighted that it was important that notes of meetings are produced by applicants and agreed in a timely manner so that they are available on the website once an application goes live. Any delay invites scrutiny from members of the public.</p> <p>With regard to charging for advice it was noted that not all officers had a consistent approach. RTG to reinforce.</p>
<p>4.</p>	<p><u>Energy and Resource Statements</u> RTG reported that it was still too early to evaluate the quality as it is still an evolving document.</p>
<p>5.</p>	<p><u>Building Regulations</u></p> <p>SUDs (Sustainable Urban Drainage systems) RTG is drawing up conditions relating to SUDs and Code for Sustainable Homes which are led through the Energy Resources Statement. JS questioned whether a certificate would be required at the end of the development? RTG responded by saying that it was an evolving process.</p> <p>AMH reported that under the Flood & Water Management Act proposals suggest that a SUDs board within the Council will need to be implemented to provide a consenting authority – making decisions on suitable sustainable drainage systems with potential future maintenance obligations. The idea is that the authority will have an opportunity to look at the scheme during the planning process. AMH is awaiting further info. Currently the responsibility of drainage is spread across the Council; the lead could possible be within emergency planning.</p> <p>There is a SUDs Supplementary Planning Guidance which can be found at; http://www.boroughofpoole.com/strategiesandplans/ref:75/</p> <p>DS commented that he had received a good service from Building Consultancy but the code level 3 is more expensive and that conventional building methods are dying out. ST highlighted that with good insulation central heating is not required which reduces the carbon and allows the home to become more self sufficient.</p>

	<p>The Flood and Water Management Bill has now become an Act and therefore law. This Act removes the public right to connect into a public sewer. There is currently a consultation document which can be found at; http://www.defra.gov.uk/corporate/consult/private-sewers/index.htm</p> <p>Part L Changes – AMH presented a summary of the new Building Regulations Parts F, J and L. DN stated that the changes to the Part L regs in Building Consultancy have upped the anti. The points you receive for materials and fabrics have been reduced but need to be found elsewhere. NHBC have created a document entitled <i>Code for Sustainable Homes, simply explained</i>; http://www.nhbcfoundation.org/Portals/0/NF15%20The%20Code%20for%20Sustainable%20Homes%20simply%20explained.pdf This is similar to the advice note provided by BoP.</p> <p>Outcome focused place shaping should help to ensure quality outcomes. PT reported that as design evolves it has to take into account the carbon and sustainability dimensions. LB pointed out that this then reflects back into the planning enforcement with regard to retrospective planning applications being submitted. The group highlighted at planning stage the drawings are not working drawings and do not include the details as this would be an expensive and timely process for an application that may be refused.</p> <p>Dm Overlap The group were enthused by the prospect of having early input from Building Consultancy at the pre-app stage to reduce the likelihood of issues further down the process. BC and P&R are working together on schemes – especially those of a certain size and complexity. ST commented that it was a positive step to merge the units due to the synergies involved. ST highlighted that with regard to the money pressures on the unit – they may not be able to deliver the services that we want.</p> <p>LB commented with regard to the ‘one stop shop’ approach at a pre-app there needs to be a co-ordinator who invites others to attend otherwise all officers will be charging and it won’t be cost effective. ST emphasized that the DM officer was the co-ordinator.</p> <p>BC are continuing their partnership working and ST wants to enhance this element of their business. Can we pick up more work? Making the base as broad as possible for BC. PT commented that the current service provision is very good and very professional.</p>
<p>9.</p>	<p><u>A.O.B</u> TRN’s (Tree Replacement Notices) 40 are outstanding in the Borough. ST is now addressing and currently collating a list to identify and prioritise the top offenders, providing them with the options to take them to court or plant the tree and put a charge on the land.</p> <p>Planning Wam The new software for the website it due to be in place by the end of October. This enhanced web provider includes a tracker bar and measuring tool. It also sends email acknowledgements to those who have registered an interest in a certain application when new information is available on that application file.</p> <p>Equality Legislation ST informed the group that from the 1st October the new equality legislations were</p>

	<p>introduced which the group needs to be aware of as it will have an impact. ST highlighted that it needs to be considered and it is a potential challenge. SPL is considering a checklist with applications to monitor.</p> <p>Transport Contributions The Inspectorate is now acknowledging and we are winning more appeals than we are losing. The Inspectorate are now accepting the cumulative effect. Out of 19 appeals only 5 were allowed without contribution. Evolving our contributions strategy – ST informed the group that after the last Contributions Working Group meeting they are awaiting a paper from David James which may look into the threshold on smaller developments.</p> <p>Minor Amendments DS questioned why this has to be an application. ST responded that due to changes in legislation it has to be a formal application.</p>
	<p><u>Next Meeting</u></p> <p>Wednesday 12th January 2011, 2-4:30pm The Study, Upton House</p>