



**Wigan Council**  
**Department of Environmental Services**  
**Wigan and St Helens Joint Building Control and Development Control**  
**Service Users Forum – Eleventh Meeting Held Wednesday 21 March 2007**  
**at the Arena, Robin Park, Wigan**

**Present:**

Dave Melling	Wigan Council
Penny McGinty	Wigan Council
Paul Swift	Wigan Council Building Control
Stuart Barnes	St Helens Council
Andrew Starkie	NPS NW Limited
Thomas Taylor	Taylor Associates
Dawn Hewitt	Environment Agency
Mike Sherrington	Peter Dickinson Architects
Helen Smith	Bennett Architects
Christie McDonald	Steven Abbott Associates
Richard Percy	Steven Abbott Associates
Warren Marshall	Bellway Homes
Phyllis Bayley	Bayley Design
Arthur Bayley	Bayley Design
Geoff Clark	CPC
Julie Clark	CPC
D I Groves	D I Groves
G Nash	Nash Building Consultants Limited
M Elliott	Environmental Protection, Wigan Council
G Broome	Building Design
J Copeland	Architectural Services
M Cawley	CDS
T W Pye	Pye Design
P T Ball	Peter T Ball – Architect
Mark Copeland	Architectural Services

**Apologies**

Tim Smith	ALG Investments
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1. Minutes of meeting held 19 September 2006 – noted and agreed as accurate.
2. Matters arising – none.

**Development Control Items**

3. **Planning implications of introduction of ban on smoking in public places.**

Dave Melling circulated a leaflet entitled Smoke Free Premises – Your Guide to Town Planning Requirements. He explained that the introduction of the ban on smoking in public places could have significant implications for managers and proprietors of public houses, clubs, shops and offices, all of whom may be clients of agents present today. He had therefore prepared the leaflet to explain the Town Planning requirements which may arise in adapting these premises to meet the requirements of the new law.

There was debate concerning the implications for amenity issues arising from the introduction of the ban on smoking.

Arthur Bayley indicated that he had dealt with a proposal for a smoking shelter at a Listed Building and in his view planning law had been used to inhibit smoking at the premises. Dave Melling explained this was not the intention. Marcus Elliot of the Community Protection Department advised that their staff will contact applicants and offer advice on the Smoking Regulations.

Paul Swift said that as far as the Building Regulations are concerned each proposal will have to be looked on its own merits in order to determine whether Building Regulation consent is required. He also pointed out that smoking shelters could affect the means of escape from the premises and therefore have implications for the risk assessment.

Peter Ball said that some clubs are planning to install television sets outside buildings.

Dave Melling explained that the leaflet will be available from the office and on the web site. It would be helpful if agents could draw it to the attention of proprietors of premises which may be affected.

All to note.

#### 4. **Outcome of Development Control Applicants and Agents Survey for Wigan**

A paper was circulated by Dave Melling giving details of the outcome of this survey in Wigan. It was explained that this information has been reported to the Planning Committee.

There was discussion about how applicants are advised of the progress of their application. Penny McGinty explained that a judgement is made by the Officer on the acceptability of the proposals and whether contact should be made with the agent to discuss amendments. Geoff Clark said that in his view requests to withdraw applications are generally to do with the timing of the application rather than the quality. Julie Clark said that the issue really comes down to one of customer satisfaction in that most applicants would rather have a positive decision in 9 weeks than a refusal or withdrawal at 8 weeks.

Gordon Nash referred to a particular case which was refused when a nearby similar proposal had been approved. He thought that pre-application consultation could be useful although it could be subject to delays which were problematical.

Penny McGinty pointed out that adherence to targets meant that in most cases there was certainty about when a decision would be made.

#### 5. **Development Control Performance 2006/2007**

Information was circulated on the Development Control performance in both Wigan and St Helens with regard to the previous four quarters in relation to different types of planning application.

#### 6. **Local Development Framework and Supplementary Planning Documents Update in Wigan and St Helens**

A brief paper was circulated explaining that work has now begun in Wigan on a new planning system called the Local Development Framework. Two main documents will be prepared entitled the Core Strategy and Allocations and Infrastructure Development Plan Document. These will eventually replace the Unitary Development Plan. Wigan planners are currently gathering evidence and will be undertaking a "site suggestion exercise" to give people the opportunity to propose sites for development or protection from development. An example of a survey form was circulated which will in due course be issued to the public and members of the Forum in a formal manner. This consultation is scheduled to start in early May 2007 for a period of 5 weeks.

Copies of all the adopted and consultation editions of Supplementary Planning Documents in Wigan were provided for all members of the Forum.

There was discussion about developer contributions which are now required for a wide variety of issues. Richard Percy enquired whether a simple document could be prepared which summarised all the required contributions and the thresholds at which they began to apply. Dave Melling agreed to raise this issue with the Policy Section for further consideration.

DM

Arthur Bayley raised an enquiry about provision of open space on small developments. Penny McGinty explained that open space is only required to be provided on developments of 100 dwellings and above. Therefore provision of open space on smaller developments would not meet the policy requirements.

For St Helens, Stuart Barnes said that draft Supplementary Planning Documents are being prepared with a comprehensive one covering all planning obligations which will consolidate all developer contributions. He advised agents to speak to the local planning authority as early as possible in the development process in order to ascertain what the obligations might be on a particular site.

## **7. Calculation of Housing Land Supply and Monitoring in Wigan**

Geoff Clark had raised a question regarding how the housing land supply figure was calculated and monitored. Dave Melling referred him to an ODPM document published in 2005 which set out a methodology for housing land availability assessments. Julie Clark said the main issue was over the frequency of monitoring. Warren Marshall said that completion rates for dwellings is very important but are difficult to measure accurately.

Geoff Clark said the database for housing land availability in Wigan was deficient in certain respects and this could hamper preparations for planning appeals where this was a critical issue. However, his question had been answered by the document provided by Dave Melling.

## 8. Interpretation of Housing Policy on Greenfield Sites in Wigan

Richard Percy had raised this question in relation to how Wigan is now interpreting policy R1B of their UDP. He enquired why the stricter interpretation of the policy which is now being applied was not raised at the last meeting of the Forum and how long it might be before there was a change of approach.

Dave Melling explained that it was only in November 2006 that the Planning Committee considered the Annual Monitoring Report of the UDP and it was only at that time that the change of approach was adopted. The last meeting of the Forum was in September 2006 and at that time no one was aware of the proposed change. It was explained that there was no change to the wording of policy R1B, only to the way it was being interpreted.

As regards the how long this approach will remain in force, Dave Melling explained that later in 2007, Regional Spatial Strategy will be adopted and this will most likely set a much higher housing target for Wigan. At that time the approach adopted by Wigan will be reviewed in the light of the new target.

Warren Marshall pointed out that there was a target set for the proportion of housing developed on brownfield sites and raising the overall housing target will put increasing pressure on commercial sites to bring them forward for residential use. He enquired whether Wigan are confident that both the targets can be met. Dave Melling responded by acknowledging that this could be a difficulty which would need to be resolved.

DM

Julie Clark enquired whether St Helens would be seeking to end the housing land restraint policy currently in force. Stuart Barnes said that they would await the publication of the Regional Spatial Strategy before making any changes to their current approach.

## 9. Affordable Housing Guidance Note for Wigan

Members of the Forum were supplied with a guidance note on the implementation of the affordable housing policy being applied in Wigan. It was explained that the guidance note is to be reviewed annually and the next update will be in July 2007. At that time it will be circulated once again to members of the Forum.

PMcG

**Action**

Penny McGinty explained that it had recently been agreed that an additional 1.75% of the 6% of the total site value contribution will be charged as an administration fee to cover the Council's ongoing costs of administering affordable housing provision throughout the life of each property.

All to note.

**10. Design and Access Statements**

Two recent examples of good quality Design and Access Statements submitted to Wigan were circulated for information of Forum members.

Geoff Clark raised an issue regarding an outline residential application which had been made invalid because it was considered it did not contain relevant information. However, he said this information was included within the Design and Access Statement.

Penny McGinty explained that information for outline applications should be shown on plans as well as in the Design and Access Statement. The purpose of the Statement is to explain the design process which the architect has used to prepare the scheme.

Gordon Nash raised the issue of simple projects such as the conversion of a first floor above a shop to a flat and expressed the view that Design and Access Statements seemed to be over elaborate and unnecessary for such simple cases.

Arthur Bayley referred to a case of a smoking shelter where a Design and Access Statement had been rejected because it did not refer to disabled access specifically even though ramps had been shown on the plans.

Geoff Clark enquired why details needed to be provided on outline applications for one dwelling.

Penny McGinty explained that officers are keen to obtain feedback following the recent introduction of Design and Access Statements and it is interesting that most agents are concerned with smaller developments. Officers will consider whether improvements can be made to guidance as a response to this feedback. Up to the present time there have been no appeal cases which would inform Officers of the view being taken by Inspectors. Gordon Nash enquired whether the requirements of the Access Officer are getting ahead of the requirements and the Building Regulations.

PMcG

Dave Melling explained that in Wigan there is a weekly meeting between the Building Control Officer and the Access Officer to discuss critical planning applications so that planning approvals are not granted to schemes which would not meet Part M of the Building Regulations for adequate access arrangements. In addition, if the officers find aspects of the design which are likely to be important at Building Regulations stage, these will be drawn to the attention of the agent. This is considered to be good practice.

Gordon Nash said that some projects do not warrant providing access for disabled people because of their small scale and the unsuitability of the property.

Paul Swift explained that unreasonable cost is a valid reason for not carrying adaptations under the Building Regulations.

#### **11. Appeal Decisions of interest in Wigan and St Helens**

Four Appeal Decision letters were circulated in relation to sites in Wigan involving design issues for apartments, a domestic balcony, a development at commercial premises in the Green Belt. All these Appeals have been dismissed.

Stuart Barnes said that there were two significant Appeals pending in St Helens in relation to urban villages.

#### **12. Planning Appeal Performance in 2006/2007**

Numerical information for Planning Appeals determined in both Wigan and St Helens during the last 12 months were circulated for the information of members.

In Wigan 25% of determined appeals have been allowed and in St Helens 17% have been allowed. It was pointed out that the National average is approximately 35% of Appeals allowed.

#### **13. Major Schemes Updates**

The major schemes referred to in Wigan were the Grand Arcade which opens on 22 March, Leigh Sports Village which is now proceeding rapidly and Wigan Pier where development is reaching an advanced stage.

In St Helens there are proposals for two urban villages, proposals for a strategic rail freight interchange at Parkside and an application is expected shortly for a new rugby league stadium linked to two sites for residential and retail development in the town centre.

**14. Items included in Wigan BC/DC Newsletter**

Copies of Wigan's Newsletter was circulated and attention was drawn to particular issues.

**15. Any other Business**

There were no items of other business in relation to Development Control matters.

**Building Control Items****1. Presentation of Sustainable Buildings Code.**

Paul Swift gave a presentation of the Code. He explained that there are 6 levels of achievement and the top level will result in zero carbon rating for dwellings. The assessment covers nine categories, energy and water conservation feature highly but it also considered materials, surface water run-off, waste, pollution, health and well-being, management and ecology.

Features of the design which may impact on the score will include things like lighting, heating and ventilation, domestic appliances, drying space availability, provision of storage space for recyclables, composting facilities, proximity to local facilities etc.

Paul Swift explained that the Code is voluntary at the present time but will be mandatory for Government funded schemes.

From 2008 the Building Regulations will begin to assimilate the Code requirements on a phased basis.

There was discussion amongst Forum members of where this fits in with planning control.

Penny McGinty explained that members of the Planning Committee are becoming increasingly aware and concerned about these types of issues.

**2. Building Control Performance in Wigan**

Paul Swift indicated that plan checking has now been speeded up. There was discussion about delays which are sometimes caused by the Fire Service and Paul Swift agreed to look into this further.

3. **Dangerous Structures**

Paul Swift explained that as a result of the gales on 18 January 2007, 64 calls had been taken about dangerous structures in 24 hours. This compares to approximately 100 such reports in a normal year. Consequently, the Building Control service had been very busy during that period.

4. **Building Regulation Changes - Part B**

Paul Swift explained that these refer to fire protection and that he had held a seminar at which the changes have been explained.

Paul enquired whether agents find the seminars useful and whether the timing and venue are appropriate. Members of the Forum confirmed that they were satisfied with the arrangements and that the seminars were very useful.

PS to  
note

5. **Built in Quality Awards in Wigan**

Paul Swift explained that the purpose of these awards is to identify good builders and it provides an opportunity to identify good practice. A further round of awards for the current year is to be organised.

6. **Any other Business**

- (i) David Groves enquired whether Building Regulations applications for commercial buildings are sent to the Fire Officer.

Paul Swift explained that Building Control should resolve these applications initially and then refer them to the Fire Officer.

- (ii) David Groves enquired whether agents can be told specifically why schemes are not acceptable.

Paul Swift agreed and said he would advise staff accordingly.

PS

- (iii) Paul Swift circulated leaflets to the Forum members about Part P of the Building Regulations.

16. Date of Next Meeting – to be arranged in approximately 6 months time in the Autumn of 2007. The venue will once again be the Arena, Robin Park, Wigan.