

**Wigan Council and St Helens Council  
Note of 7<sup>th</sup> Meeting of Service Users Forum  
for Building Control and Development Control**



**Thursday 27 January 2005 – The Arena, Robin Park, Wigan**

**Present:**

Dave Melling	-	Wigan Council
Paul Seddon	-	Wigan Council
Bill Humphreys	-	Wigan Council
Gillian Heath	-	Wigan Council
Dave Young	-	Wigan Council
Adrian Smith	-	Wigan Council
Paul Swift	-	Wigan Council
Nick Aspey	-	Wigan Council
Chris Weetman	-	St Helens Council
Malcolm Cawley	-	Cawley Design Services
Peter T Ball	-	Peter T Ball – Architect
Bill Pye	-	Pye Design
David Groves	-	D I Groves
Colin Brogan	-	Balcarres Design
W R Wadson	-	
Kevan Williams	-	United Utilities
Amanda Harding	-	United Utilities
Mark Copeland	-	Architectural Services
John Copeland	-	Architectural Services
George Broomes	-	Building Design Services
Geoff Clark	-	Geoff Clark & Associates
Julie Clark	-	Geoff Clark & Associates
Arthur Bayley	-	Bayley Design Associates
Brian Ashall	-	Wigan & Leigh College
Gavin Pinion	-	Goldcrest Engineering Ltd
Brian Ramsdale	-	Brian Ramsdale Building Consultancy
Norman Lowe	-	Lowe Moore Associates
Brian Greenall	-	NPS North West Ltd
P D Downs	-	NPS North West Ltd
P Anderson	-	NPS North West Ltd
Tim Smith	-	ALG Investments
Stewart Hale	-	Stewart Hale Design
Richard Percy	-	Steven Abbott Associates

**Apologies:**

Frank Haigh	-	Survey & Design Limited
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**Action**

1. **Minutes of 6<sup>th</sup> Meeting of Service Users Forum held 3 August 2004 – noted and agreed as accurate.**

2. **Matters arising**

(i) The pre-application system has now been introduced in Wigan. Dave Melling confirmed that pre-application discussions take place on a confidential basis unless applicants request otherwise.

(ii) Wigan UDP process – the Inquiry will close on 25 February 2005.

(iii) St Helens house extension guide – consultants are to report back shortly and consultation will be taking place during March and April 2005 which will include Forum Members.

CW

3. **Presentation by Bill Humphreys, Communications Group Manager and Gillian Heath, Technical Support Officer, Planning and Regeneration Department, Wigan - the Planning Portal and the Department's Website.**

The demonstration included submission of a sample planning application on line, including making of payment. Subsequent discussion included clarification of the receipting procedure and provision of block plans electronically.

Bill Humphreys explained that the system is currently being tested and is likely to go live in two or three weeks.

The second stage of the process will enable planning applications to be viewed on line, including via terminals in libraries.

Chris Weetman confirmed that St Helens are hoping to accept applications electronically by September 2005.

Bill Humphreys has arranged with the Planning Portal for training of agents on electronic submissions if required. Forum members should contact Dave Melling or Bill Humphreys to arrange.

All to note

Electronic submission of Building Regulations will follow after planning applications and the facility should be available by the end of 2005 via the Submit-A-Plan system.

4. **Presentation by Dave Young, Environmental Protection Services Manager and Adrian Smith, Principal Officer, Community Protection Department, Wigan Council on dealing with contaminated land.**

Dave Young explained that local authorities are under a duty to search for contaminated land and clean it up. The legislation and guidance is very complex but it is accepted that most land would be cleaned up as part of the development process. It is important to recognise that the term contaminated land has a specific legal definition.

Council land which is contaminated will be dealt with in the same way as private land.

The Government has recently issued the revised version of Planning Policy Statement 23 regarding pollution control and there is an Annex which relates to contaminated land which explains the relationship between planning and pollution controls.

Dave Young also explained that other guidance is available, including Environment Agency documents and the Community Protection Department website, which has a direct link to the Manchester Area Pollution Advisory Council website which has more specific guidance applicable across the whole of Greater Manchester.

It is important to recognise that planning system uses a different definition of contaminated land than the legal definition. In the planning process, the test to be applied is whether the standard of decontamination makes the land suitable for its proposed end use. The legal definition however, refers to land being suitable for its existing use. If a proposed development site is contaminated normally conditions would be imposed requiring remediation. Occasionally the applicant would be asked to carry out an investigation before consent is granted, but this would only be in cases where a risk analysis indicated a high risk was likely.

Dave Young explained that the Environmental Protection Section encouraged applicants and agents to approach them as soon as possible in the development process so that the fullest information could be made available. The appropriate contacts are Adrian Smith (telephone 01942 827484) or Chris Ball (telephone 01942 827131).

Dealing with contamination is a staged process including preparation of desk studies, carrying out of remediation and validation of works after treatment. It is a specialised function requiring help from specialist consultants. The Environmental Protection Section can explain the level of expertise required in individual cases.

Stewart Hale enquired how far into the application stage would information be required.

Adrian Smith replied that this would depend on the nature of the site. The Local Authority has historic records which he can search on behalf of agents.

Geoff Clark enquired whether further information will be requested during the consideration of the application.

Dave Young explained that they need as much information as possible at the pre application stage or submitted with the application. If this is not submitted it could hold up the decision, although conditions requiring further investigations will usually be imposed if it is appropriate to do so.

Dave Young noted that they do not receive many pre application enquiries. They would respond to these by checking records for past industrial use. Adrian Smith explained that he deals with a range of consultations from different sources and he prefers pre application approaches. He realises that different Authorities across Greater Manchester may require different information and this can be confusing for agents.

The relationship between planning and contaminated land studies was discussed, including imposition of conditions where possible.

Stewart Hale enquired whether the contamination information is available on the website. Adrian Smith advised that it is not yet available.

Geoff Clark was concerned about the resource implications of investing in contamination reports when the principle of development had not been established.

Geoff Clark also noted that more information on potential contamination of sites would be very helpful for agents.

5. **Part P update of Building Regulations.**

The ODPM have revised the original regulations and some confusion exists across the country as to how these new requirements should best be applied. The preferred option is to use contractors registered with an approved Competent Persons Self Certification Scheme.

Wigan in conjunction with GMDSA and most of the country will require that applicants provide certification verifying that their installation is safe, Building Control officers will validate these certificates (via electrical engineers at NPS). Paul Swift explained that he had been working hard to clarify the arrangements, including changing the appropriate forms and issuing of a Building Control Bulletin with details. Information is supplied to applicants with Approval Notices for household development advising them of their responsibilities. The Building Surveyors themselves will not test electrical work which is carried out but they will advise contractors of any obvious signs of incompetence.

Some Councils, but not Wigan, are charging extra fees of up to £250.

6. **Disability Discrimination Act feedback.**

Paul Swift explained that the Access Officer Kathryn Barker is now liaising regularly with Building Control Officers in Wigan to advise on compliance with the Act.

Arthur Bayley saw the applicability of certain situations as a grey area.

Paul Swift emphasised that if access is provided for disabled people, then a means of escape must also be provided.

Malcolm Cawley was of the view that many people were ignoring the Act's requirements.

7. **Feedback on Wigan BC/DC Newsletter.**

This had been supplied to all Forum Members and an extensive list of other agents and is on the Department's website.

The agents confirmed that this was a useful and informative document and that they would welcome its publication twice a year.

The agents had no additional requests for specific information to be included in the Newsletter.

Paul Swift said that future Bulletins will advise on other parts of the Building Regulations. PS

8. **Feedback on changes made to improve procedures.**

- (i) Following comment from an agent a special foundations early warning system has been introduced – whilst agents found this useful, there remained a problem with dwellings which had been constructed under the auspices of the NHBC, as agents had been informed that NHBC will not provide information on how dwellings had been constructed. Peter Ball asked Paul Swift to take this up with NHBC and Paul agreed to do so. PS

Barry Greenall advised that NHBC had recently provided him with information for a fee of £33.

- (ii) Speeding up plan checking – Paul Swift advised that Brian Ramsdale has recently been engaged in Wigan to improve speed of plan checking. The agents confirmed that this was a welcome and effective improvement.

Paul Swift confirmed that pre application discussions are still being offered for major schemes.

Paul Swift enquired whether agents would prefer conditional consents to refusals and the agents confirmed that this was the case.

Paul Swift then explained that this is the approach he is pursuing, except for calculations which control the structural integrity of buildings.

- (iii) Minor Building Regulation amendments being dealt with via phone prior to letter – David Groves had enquired whether this was being deployed and Paul Swift confirmed that it was. Malcolm Cawley agreed that he is receiving amendments via email and this is very satisfactory for him. Peter Ball stated that the telephone system had worked well with Brian Ramsdale.

9. **Built in Quality Awards**

Paul Swift explained that this was on track for being introduced in the summer of 2005 although a sponsor was still being sought.

10. **New Approved Documents A and C.**

No problems were reported by the agents on these.

11. **Building Control performance in 2004**

Paul Swift explained that surveys were carried out in 2004 asking applicants about their experience with the application process. The outcome had been positive and details will be brought to the next meeting of the Forum.

PS

12. **Clarity of Wigan's forms and notices.**

Paul Swift was interested to know whether they are clear and easy to understand. The survey had shown that 80% of respondents felt that they were. The agents confirmed their agreement that the new forms and notices are clear and easy to understand. There was discussion about the current fee sheets which the meeting agreed can be difficult to understand, Paul Swift is to re-draft these in similar format to the West Lancashire sheets which many are familiar with. Paul Swift explained that the new forms are printed at 12 point font and in plain English. These will shortly be placed on the website.

13. **Poor quality builders.**

Paul Swift is preparing a leaflet advising the public on selection of competent builders.

Arthur Bayley said that many people will not pay for supervision and Malcolm Cawley agreed that unauthorised work is common in Wigan and St Helens.

14. **Any other Building Control business.**

(i) Peter Anderson enquired about information on the Party Wall Act. Paul Swift advised that this is available on the website.

(ii) John Copeland noted that there was no Building Control representative from St Helens at the meeting. Chris Weetman explained the reasons for this and that he will try to ensure a representative is present at the next meeting.

CW

## Development Control agenda items

### 1. The Freedom of Information Act.

An information sheet was submitted on the Freedom of Information Act. Dave Melling explained that copies of planning application plans and drawings now have to be provided where requested and that a fee is payable. There was discussion about some of the exemptions from the Act and examples were given of when these might apply.

Dave Melling explained that the introduction of the Act has not affected the availability of letters being made available for five working days before the Committee Meeting at which the relevant application will be considered.

Geoff Clark raised a question about when he could see letters submitted by the public in response to applications which would be decided under delegated powers. After discussion, it was agreed that Dave Melling would check on the legal position.

DM

### 2. **Feedback on changes made to improve procedures**

- (i) Listing of approval plans on decision notes (Wigan). The agents agreed that this was a useful improvement.
- (ii) Improved speed of decision making (Wigan and St Helens) – the agents agreed improved speed was helpful but they have some reservations about the consequences for the process which were discussed later in the meeting.
- (iii) Information on Committee procedures (Wigan) – this is satisfactory, and it was noted that St Helens have a procedure requiring speakers to register the day before the meeting. Geoff Clark thought this a good idea because it gave the agent prior warning of whether an application might be contentious.
- (iv) Committee reports on website (Wigan) – agents considered this to be a useful provision.
- (v) Amended speaking arrangements at Committee (Wigan and St Helens) - Generally these were found to be satisfactory. Geoff Clark enquired

why speakers were heard before Officers in Wigan. It was explained that this gives the Officers an opportunity to pick up and comment on what the speakers may say.

- (vi) Planning checklist (Wigan and St Helens) – the agents thought these were satisfactory.
- (vii) Amended decision notices and reasons for decisions (Wigan and St Helens) – these were satisfactory although Arthur Bayley was concerned that some conditions do not meet the appropriate tests, and sometimes are not discussed with agents beforehand. There was a discussion about potential delays which can arise if agent is not readily available to discuss them. The agents accepted that imposing conditions in this way was often a reasonable compromise.
- (viii) Increased level of decision making (Wigan and St Helens) – the agents thought these arrangements were satisfactory. Chris Weetman advised that delegated powers are to be extended further in St Helens.
- (ix) Amended team boundaries (Wigan) – the agents had noted no negative impact.
- (x) Later opening by arrangement (St Helens) – Chris Weetman explained that this enables agents to arrange a meeting with an Officer within the next 5 working days up to 7.00pm. This has operated since November 2005, but there has been little take-up by agents.

Paul Seddon enquired whether agents had any difficulties in arranging meetings with Officers in Wigan. The agents confirmed they did not have any problems.

Peter Ball suggested that United Utilities are difficult to contact and could benefit from improved arrangements. The UU representatives Kevan Williams and Amanda Harding explained that there are five people in their team covering a large number of North West Authorities.

However, they were surprised that contact with staff was difficult as their hours are 7.00am to 10.00pm. It was agreed that Amanda Harding would supply Dave Melling with contact details, which would be circulated with the minutes of the meeting. (Attached to agent's copies of minutes).

Richard Percy enquired whether meetings with Officers could be arranged on Saturday and Sunday mornings. Chris Weetman said that he is not able to do so yet but may consider in the future.

3. **Outcome of recent applicants/agents surveys in Wigan.**

- (i) A paper was circulated outlining the main results of a satisfaction survey carried out in late 2004 and covering applicants who had received decisions on planning applications between July and September 2004.

It was noted that the satisfaction of applicants had improved significantly from the previous survey the year before and that continuous improvement was evident. The agents noted the information.

- (ii) Development Control Website Users Survey (Wigan).

Details of a small survey of website users was circulated indicating to what extent the website was used and for what purposes.

Geoff Clark enquired whether arrangements could be made to save application forms on the system. He advised that the Planning Inspectorate system had forms in Word which could be saved. Dave Melling agreed to investigate this.

DM

Richard Percy said that details of the progress on the UDP process were not updated regularly enough. Dave Melling said he would investigate this also.

DM

4. **Development Control performance in Wigan 2004**

Details were circulated which showed that the three main targets had been met and it was indicated that further improvements were likely. The agents noted the report.

5. **Development Control Performance in St Helens in 2004.**

Details were circulated and it was noted that the three main targets had been met although the performance was variable over the year. The agents noted the report.

6. **Performance in relation to quality of responses from Officers and negotiations – requested by Geoff Clark.**

Geoff Clark wished to be advised of any problems with his applications at an early stage rather than very late in the day, which sometimes resulted in a request that he withdraw the application. There was some concern that speed seems to be driving quality. Chris Weetman explained that there is sometimes an issue with consultees not responding quickly enough. The agents expressed concern that Officers may not be visiting sites until quite late in the process in some cases.

There was discussion about how widespread these sorts of difficulties were. Geoff Clark indicated that it only occurs in a small number of cases but he has a similar experience with each Authority he deals with and cumulatively this has become something of an issue.

There was discussion about senior officers intervening at a late stage and Geoff Clark enquired whether this could be improved by better communication. Paul Seddon explain that junior staff were guided through their cases by their line managers in order to avoid difficulties later on wherever possible.

Agents said in some cases it was difficult to obtain timely responses to pre application enquiries because most effort was being directed to live planning applications. It was noted that Stockport has set up a more formalised pre application procedure and that Salford are pursuing the Development Team approach. It was enquired whether Wigan could look at these. The Officers said these issues would be considered further.

DM/PS

7. **Increase in planning fees in April 2005 – Consultation document.**

Details of the provisional fee increases were circulated and noted.

8. **Major schemes in Wigan**

Dave Melling reported briefly on the current situation regarding Leigh Sports Village, Billinge Hospital, Sandyforth Farm (appeal pending) and Gin Pit Village (called-in).

9. **Major schemes in St Helens.**

Chris Weetman reported that on the Worsley Brow and Lea Green schemes there was currently there is no progress. He advised that an application is likely in late summer for the stadium and casino. St Helens are about to determine a 400 house scheme on a former glass tip which is a greenfield site.

10. **Housing land availability in Wigan and St Helens.**

Richard Percy and Peter Ball had both enquired about the position in Wigan and Richard Percy requested a warning if a change of policy was to be considered.

Dave Melling advised that a report would be put to the Environment Panel in April which would review consents and completions for houses over the previous year and draw conclusions on future land releases.

Peter Ball expressed concern about the restrictions which had been imposed in St Helens.

11. **Community involvement exercises.**

Leaflets prepared by both Wigan and St Helens was circulated. These explain the procedure for carrying out these exercises. Dave Melling explained that they could be useful for more complex proposals and that if residents understood proposals they were less likely to object.

## 12. **Appeal decisions of interest.**

Copies of these were circulated, they involved:

- (i) Extension of a dwelling in the greenbelt – contrary to policy – appeal dismissed. (Wigan).
- (ii) Residential development on former haulage site in greenbelt – site overgrown with vegetation and subject to flood risk – dismissed. (Wigan).
- (iii) House extension with impact on streetscene judged unacceptable – dismissed. (Wigan).
- (iv) Large house to be replaced with apartment block – dismissed on grounds of design being unacceptable, quality of plans, highways issues, massing and bulk of building. (St Helens).
- (v) New dwelling in form of tandem development for dwellings with un-neighbourly long access – dismissed. (St Helens).
- (vi) Redevelopment of Social Club – noise from inside club judged acceptable but noise from outside due to patrons leaving etc judged not acceptable – dismissed. (St Helens).
- (vii) Single dwelling proposed – main issues were impact on streetscene and living conditions in adjacent dwellings – allowed. (St Helens).

The last four of these decisions related to residential development in St Helens and the Inspectors gave little weight to the recent interim guidance which restricts residential development, because it has not yet been subject to public consultation.

- (viii) Chris Weetman noted a judicial review brought by an objector against an approval of the conversion of a Grade II Church building to apartments. The case was dismissed.

13. **New publications from St Helens.**

Chris Weetman circulated leaflets on Building Control, Development Control and a guide for businesses including contact details.

14. **Arrangements for next meeting – to be held on Wednesday 3 August 2005 in Wigan.**