

## Wigan Council and St Helens Council



### Note of 6<sup>th</sup> Meeting of Service Users Forum for Building Control and Development Control

Tuesday, 3 August 2004 – The Town Hall, Earlstown, St Helens

#### Present:

Arthur Hallworth	-	Allenbuild
John Copeland	-	Architectural Services
J C Brogan	-	Balcarres Design + Development Limited
Arthur Bayley	-	Bayley Design Services
G Broomes	-	Building Design Services
Malcolm Cawley	-	Cawley Design Services
Warren Marshall	-	Charlton Homes Limited
Chris Waring	-	Environment Agency
Gavin Pinion	-	Goldcrest Engineers Limited
Andy Houghton	-	Helena Housing
Jane Gowing	-	Knowsley MBC
Jill Wilson	-	Knowsley MBC
Norman Lowe	-	Lowe Moore Associates
Malcolm Hart	-	Malcolm Hart Building and Civil Engineers
Chris Weetman	-	St Helens Council
F Haigh	-	Survey and Design Limited
David Hardman	-	United Utilities
Dave Melling	-	Wigan Planning and Regeneration Department
Paul Swift	-	Wigan Planning and Regeneration Department

#### Apologies:

Tim Smith	-	ALG Investments (Wigan) Limited
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#### Action

1. Minutes of 5<sup>th</sup> meeting of Service Users Forum held 27 January 2004 – Noted and agreed as accurate.
2. **Matters arising**
  - i Wigan Planning Committee Reports are now available on the website.
  - ii High Hedges – Draft Guidance has been published but no documentation is yet available.
  - iii David Hardman of United Utilities reported that investigations are being made into enabling customers to order maps via the Internet. Contact leaflets were handed out.

### 3. **New Approved Regulation documents A, C, E**

These documents covering structure and site preparation and resistance to contaminants and moisture come into effect on 1 December 2004.

Further information on floor and roof timber for traditional house construction can be obtained from the Trada website at [www.trada.co.uk](http://www.trada.co.uk).

Paul Swift reported that pre-completion testing as required by Document E for sound insulation of residential properties (including flat conversions) may be expensive to implement.

Part P regarding electrical installations comes into effect on 1 January 2005. This requires extensive electrical knowledge and the department in Wigan is still working out how it will be dealt with. Five registration systems are being set up for contractors and the regulations will apply to residential extensions, new build and even very small new electrical installations. The regulations only apply to residential buildings and not to commercial developments.

Malcolm Hart questioned the effect of non-compliance. Paul Swift replied that issues involving safety will be rigorously enforced under the Building Regulations and Part P is one of those areas.

Arthur Bayley noted that small builders are unlikely to pay for supervision of projects and this will impact on the quality of work.

Malcolm Hart enquired how the system would operate with a building notice.

Paul Swift replied that he is intending to publish a list of inspections and Certificates which will be required before completion of a development.

### 4. **Built in Quality Award**

Paul Swift explained that this is a national scheme which Wigan intends to implement in 2005. Other north west local authorities operate local schemes and the first national award ceremony was held last June in London.

The scheme is an appropriate way of rewarding quality builders. It is the intention in Wigan that there will be a design element as well as quality of construction. Separate categories will be set for household development, residential development and commercial and industrial development. The scheme can be expected to start in Spring/Summer of 2005 and sponsorship is currently being sought.

## 5. **Party Wall Act Information**

Paul Swift noted that Building Control has been drawn into disputes between neighbours from time to time. Additional publicity is to be given to the Act by the RICS who have recently up-dated their literature. Paul advised that agents need to spell out the implications of the Act to their clients as few people are aware of their obligations.

Arthur Bayley noted that this could be an expensive aspect to resolve and that there are no teeth in the legislation, as disputes are regarded as a civil matter.

## 6. **New Partnership Arrangements**

Paul Swift reported that a new partnership arrangement had been entered into between Wigan and Charles Church Homes, residential developers, and also with Norfolk Property Services, the recently privatised former Borough Land and Property Department.

## 7. **New Part L**

Arthur Hallworth enquired about Part L which commences early in 2005. He enquired whether air testing will be specified for all buildings because it can be very difficult to test industrial buildings with numerous openings.

Paul Swift stated that he did not know at this stage, the 330 page consultation document had only been published two weeks ago. The new regulations are expected to be published next July for implementation in December 2005.

## 8. **Delays in Building Control**

John Copeland expressed concern about current delays of several weeks to process plans in Building Control. Paul Swift stated that over 300 applications had been received in the last month which is the highest since counting was commenced. He indicated that 2 new assistants have been taken on and that delays had been tackled by having 4 plan checkers and regularly working overtime on Saturdays. Calculations are also being sent off for checking immediately upon receipt.

Arthur Bayley was interested to know if amendments are dealt with quickly.

Paul Swift said that they should be and that re-submissions are now being picked up quickly.

Malcolm Cawley indicated that he would prefer telephone or e-mail communication rather than letters in order to save time.

Paul Swift advised that it is likely that fees will be rationalised so that all domestic work has the same lump sum fee to prevent administrative problems. Paul indicated that other Greater Manchester Authorities had resisted this move but the benefits now outweighed the disadvantages for Wigan.

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## 9. **Presentation by Chris Waring from the Environment Agency**

Chris Waring explained the functions of the Environment Agency which include flood defence, environmental protection of water, waste, ecology, ground water, water resources, process industry regulation, contaminated land, fisheries and navigation.

The Agency is required to be consulted on various types of planning application.

Chris pointed out that there are 5 key constraints for developers:

1. Waste
2. Pollution
3. Ponds
4. Watercourses
5. Flood risk

Where these are relevant for a particular proposal, further information will be required to investigate the impact the development might have. For example, the Agency has prepared Indicative flood plain maps which are now being replaced by flood zone maps. These indicate areas prone to flooding and development in such areas will require a flood risk assessment prior to determination. The Planning Section in the Environment Agency has an important co-ordinating role. Sometimes there may be conflict between flood defence and ecology and the Planning Team will be able to resolve such conflict.

Arthur Hallworth enquired as to the definition of main rivers. Chris advised that enquiries should be made of the Agency direct.

The Agency do not normally approve culverting because this causes blockages and flooding. Building over culverts would only be approved in exceptional circumstances and normally an 8 metre easement either side of the culvert would be required.

The new flood zone maps indicated 3 zones:

- Zone 3 Showing the 1:100 year flood levels.
- Zone 2 Showing the 1:1000 year flood levels.
- Zone 1 Showing areas beyond Zone 2.

This information will be shortly on the Environment Agency website.

If a site is within Zone 3 a flood risk assessment will be needed. This may simply involve looking at ground and slab levels. In more complex cases, more comprehensive studies will be required.

Norman Lowe was concerned regarding the 600mm freeboard requirement for slab levels. This was in addition to 20% height increase above flood level. Chris Waring advised that the 600mm is an advisory measure to cover possible inaccuracies in flood data. However, Chris did agree to investigate the origins of the 600mm advice.

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The Environment Agency may object to Change of Use Applications where more sensitive uses are involved (housing for people with limited mobility for example).

Environment Agency prefer sustainable drainage systems whilst acknowledging the problems they can raise for health and safety and maintenance.

The Environment Agency is available for pre-development enquiries and provide a free service for developers. Chris Waring is the development contact in this area.

Arthur Bayley enquired as to how long responses on planning applications currently take.

Chris Waring said that they tried to reply within 21 days but accepted that on more complex cases more time is required.

A discussion ensued about the investigation and remediation of contaminated land. The Environment Agency, Environmental Health and Building Control all have an involvement. Procedures vary somewhat between different Authorities but in most cases Environmental Health are involved in vetting of schemes of remediation.

Arthur Hallworth was concerned that Environment Agency guidance is often translated into planning conditions. This lead to a debate on requirements for landfill gas measures.

#### 10. **Development Control Performance in Wigan**

Dave Melling circulated figures for the previous 5 quarters and explained that for the first 2 quarters in this period there had been a rapid increase in workload and a loss of staff, leading to a reduction in performance. Since then, performance had improved considerably.

#### 11. **Development Control Performance in St Helens**

Chris Weetman reported that there had been a 33% increase in applications over a 12 month period. Consequently, performance had dipped in the same way as in Wigan.

12. **Planning Checklist for Non-Householder Development in Wigan and St Helens**

Dave Melling introduced the Wigan checklist as a useful tool for agents when preparing schemes. In due course, applications submitted without the relevant information specified in the checklist will not be registered until the information has been provided. Chris Weetman informed the meeting that a similar checklist was being prepared in St Helens, a draft copy of which was circulated.

Arthur Hallworth was concerned about the complexity of the information which is now required. Some agents were concerned that the requirements of the guidance in these documents was quite onerous on applicants who had no degree of certainty that permission would eventually be granted. The officers explained that planning policies and guidance now required that a substantial body of information is submitted with complex proposals and it was accepted that significant investment was sometimes necessary to establish that the principle of a development was acceptable.

Warren Marshall said that he had operated with Stockport's checklist and found it to be acceptable and workable.

Frank Haigh enquired whether pre-application discussions were registered and monitored. Chris Weetman referred to a system in use in St Helens for pre-application discussions. A similar system is now being implemented in Wigan.

13. **UDP Progress**

Dave Melling circulated a note explaining the position and that the public inquiry opens on 7 September.

In St Helens, a revised UDP will not be prepared but a Local Development Framework document with core policies, area documents and supplementary planning documents will be prepared. A final plan is anticipated to be complete by June or July 2005

14. **Housing Land Availability in Wigan**

Dave Melling explained that, unlike authorities in Lancashire, there is currently no moratorium on development on brownfield sites in Wigan. No housing allocations have been made in the Replacement UDP and consent is not granted for residential developments on greenfield sites except in exceptional circumstances.

15. **St Helens House Extension Guidance**

Christ Weetman explained that this is currently being prepared by consultants who are looking at all design matters. Concern was expressed by Members of the Forum about the requirement for a 1 metre set back at the side of extensions. Chris confirmed that this will be considered as part of the review which is to be published for consultation in October or November 2004. It was accepted that discretion should be applied to each situation.

16. **Major Schemes in Wigan and St Helens**

Dave Melling referred briefly to a number of major schemes in Wigan including Leigh Sports Village, Chaddock Lane Business Park and Gin Pit Village in Astley.

In St Helens, Chris Weetman said that large housings sites are under consideration at the former Vulcan Works, at Worsley Brow and at Lea Green. A new stadium and casino development and a new hospital are under consideration in St Helens town centre.

Discussions are underway regarding a major rail freight development at Parkside Colliery.

17. **Appeal Decisions**

Two interesting appeal decisions in Wigan were circulated for discussion and information. These involved a conservatory at first floor level and windows in the rear of an office building overlooking housing.

18. **Planning Portal**

Dave Melling indicated that Wigan was signed up to the Planning Portal and were looking for a "friendly agent" to work with them to bring forward the submission of planning applications electronically. Arthur Hallworth agreed to act as "friendly agent".

19. **Arrangements for next meeting – To be held at Robin Park, Wigan around the turn of the year.**