



Wigan Council and St Helens Council

Note of fifth meeting of Service Users Forum for Building Control and Development Control

Tuesday, 27 January 2004 - The Arena, Robin Park, Wigan

Present:

Dave Melling	Wigan Planning and Development Department
Roger Latham	Wigan Planning and Development Department
Penny McGinty	Wigan Planning and Development Department
Kevin Hargreaves	Wigan Engineering Services Department
Allan Foster	Wigan Architects
Geoff Clarke	G Clarke & Associates
Arthur Bayley	Bayley Design Associates
Gordon Nash	Nash Building Consultants Limited
Tim Smith	ALG Investments
Peter Rogers	Concept Interior Contracts Ltd
W Wadson	W R Wadson
T W Pye	Pye Design
M Cawley	GLDP
S Bennett	Joy Mining
Chris Court	Court & Bold Partnership
Peter Bold	Court & Bold Partnership
G Brookes	Building Design
John Copeland	Architectural Services
Mark Copeland	Architectural Services
P T Ball	P T Ball - Architect
K Fitzhenry	T C Jackson
N A Lowe	Lowe Moore Associates
Chris Weetman	St Helens Council
Malcolm Hart	Malcolm Hart Building and Civil Engineers
Richard Percy	Steven Abbott Associated
Warren Marshall	Chorlton Homes Limited
Michael Cunningham	Michael Cunningham Planning
Michael Bold	Borron Shaw

Apologies

Stewart Hale

		Action
1.	Minutes of Fourth Meeting of Service Users Forum held 7 July 2003 - noted and agreed as accurate.	
2.	Matters arising	
	(i) Progress on Planning Committee reports on Wigan Website - Only limited progress has been made on this due to the bid for funding being unsuccessful. Alternative ways of progressing the matter will now be investigated.	DM
	(ii) High hedges - This legislation has now been enacted but no guidelines or implementation date have yet been published.	
	(iii) Sound insulation of buildings (Document E) - no completion testing has yet taken place in Wigan.	
3.	Part M of Building Regulations	
	This Part concerns accessibility of buildings for all people, irrespective of disability. Roger Latham explained that it involves a large volume of detailed work upon which he is to provide detailed training for practitioners in mid-February. Noted that changes of use of existing buildings is also involved as well as new construction.	
	Roger Latham will circulate details of the training seminar to Forum members in due course.	WRL
4.	Working amendments	
	These cannot really be defined for building control purposes. For development control purposes in Wigan, it was noted that if third parties need to be consulted, the amendment will not be regarded as a working amendment.	
	For development control in St Helens, third parties are notified of significant amendments and if there are objections the proposal is not accepted as a working amendment.	
5.	Conditional approvals	
	Roger Latham requested that agents' clients are informed of conditional approvals in order to ensure that the correct development is constructed.	All to note
6.	Amendments to plans	
	Roger Latham requested that where numerous amendments are required, agents highlight them on the drawings to make checking easier.	All to note

7. **Building Regulations for developments in Wigan determined by other Authorities**

Malcolm Hart enquired whether the system was working effectively.

Roger Latham reported that the partner Authority system is working quite well. Certain developers and builders like the particular style of an Authority. Arthur Bayley noted that he worked with a particular Approved Inspector. Roger Latham urged pre-design consultation meetings to establish agreement on major design issues as this could save time later in the process.

Minor amendments - Roger Latham agreed to encourage BC officers to make minor amendments to plans where agreed by agents. The amendments to be highlighted on the approved plans.

WRL

8. **Drains under extensions**

Malcolm Hart enquired about the requirements for encasing drains in concrete.

Roger Latham explained that requirements depend on a range of factors including whether the drain is shown on drainage maps, whether the joint is a flexible one and the nature of site conditions. He noted that preventing leakage is critical. Roger Latham will provide guidance to Malcolm Hart.

WRL

9. **Presentation by David Hardman of United Utilities**

David Hardman explained that UU is a monopoly but one which wishes to be helpful. His post is External Planning Liaison Officer.

He noted that all sewerage agencies in the north west will operate within UU by the end of March 2004 in order to reduce costs.

UU are a Statutory Consultee for building regulations but not for planning development control.

UU rely on consultations on planning applications and scrutiny of weekly lists to protect their infrastructure. Developers were advised to carry out more research of their prospective sites and if possible, to consult UU direct, particularly on large schemes.

UU adopt a demand led approach and consequently developers cannot assume that water supply and sewer capacity is available on all sites. In fact there is an embargo on new development in some parts of the North West, due to inadequacies in water supply.

UU is regulated by the Regulators and consequently their investment programme suffers from peaks and troughs of activity. For example, sewer flooding is an issue but the Regulator does not provide sufficient funding to eradicate the problem.

David Hardman emphasised that consultation by developers is an essential pre-requisite to successful development. He handed out a draft flyer to encourage developers to contact UU in order to avoid cables, pipes and other infrastructure.

There was discussion regarding the effectiveness of the service which UU provides to agents through its mapping service based in Stephens Way in Wigan. Several agents reported difficulties in using the service. There is only limited access to drainage plans in the remaining Drainage Section of the Department of Engineering Services of Wigan Council.

Norman Lowe expressed concern about the lack of response from UU officials.

In response to a question from Arthur Bayley, David Hardman said that UU would be prepared to provide information on a site specific basis to highlight problems.

David Hardman agreed to provide a list of telephone numbers of UU contacts. This will be provided to Forum members when it is received.

David Hardman pointed out that statutory sewers are available for viewing on the UU Internet site. The website is not currently available to individuals but only to Local Authorities, Environment Agency, and large users.

David Hardman explained that it is the Regulator who has insisted on charges for information.

Chris Weetman explained that planners in St Helens have access to the Internet site and make information available to agents.

Tim Smith suggested that UU consider charging for Internet access in the same way that Ordnance Survey already do. David Hardman agreed to raise this with his managers.

In response to users concern about access to up to date information on infrastructure, David Hardman agreed that work has slowed down since UU took over sewerage agencies. He also confirmed that UU had no record of private drains.

David Hardman explained that new or converted dwellings now need to be provided with water meters in order to conserve water stocks. He also pointed out that trees can have a seriously detrimental effect on sewers and should not be planted near to them and/or the species of trees to be planted should be given careful consideration.

The Forum thanked David Hardman for his attendance and for the interesting discussion.

10. **Presentation by Mike Hodges of Greater Manchester Police, Architectural Liaison Service**

Mike Hodges circulated folders explaining the work of the service and explained that they should really be called Crime Reduction Design Advisers.

Their role was to scrutinise plans and to point out errors which might allow criminal activity to take place. This was achieved by applying their specialised knowledge to the physical layout of developments and by advising on appropriate hardware to provide secure doors and windows.

There are 4 No. people in the Architectural Liaison Department who are civilians drawn from the development industry. This has proven to be a successful approach but the number of applications which they consider has greatly increased and this year is likely to exceed 3,000 across Greater Manchester.

Mike Hodges explained that officers visit every site in order to examine the adjacent environment and then assess the local crime pattern over the last two or three years. They also talk to local Crime Reduction Advice Officers (Adrian Dolphin for Wigan) and then make a recommendation to the Planners.

Mike Hodges pointed out that the planning application stage is really too late to apply their expertise most effectively. In his view developers would benefit from making an early approach to the Architectural Liaison Service. If possible this should be at the site identification stage when the most appropriate site could be selected from a number under consideration.

The Crime and Disorder Act 1998 gave fresh impetus to the service which really took off in the year 2000.

Circular 5/94 Planning and Crime for the first time listed crime as a material planning consideration. It was noteworthy that in determining a recent appeal, an Inspector cited Circular 5/94 as the important determinant.

Mike Hodges explained that their approach is not to provide fortress type buildings and not to insist on palisade fencing. They prefer good design and appropriate planting and hedging. Developers are encouraged to pursue standards which would achieve Secured By Design. This is a free service for builders which certifies that developments have reached a satisfactory standard.

Mike Hodges offered to provide additional copies of the brochure to members of the Forum. These can be obtained by telephoning Vicky on 0161 856 2255.

Mike Hodges encouraged agents at the Forum to approach him on schemes of 5 houses and above at the earliest possible stage. He explained, in response to a question from Arthur Bayley, that he is not against walkways but is against poorly designed ones. Walkways need to be wide enough to give surveillance and means of escape, with three or four metres of grass on either side. Mike Hodges explained that his team try to eliminate opportunist crime.

He referred to their website www.securedbydesign.com. This site has all the information contained within the brochure.

Mike Hodges noted that Manchester City Council have, for the last two years, imposed planning conditions on residential development requiring that the development is completed in accordance with the standards for Secured By Design. No decisions have been challenged. However, insurance companies have not yet agreed to reduce premiums as a consequence.

Mike Hodges was thanked for his valuable contribution to the Forum.

11. **Changes to the General Development Procedure Order**

(a) Reason for Planning Decisions

Dave Melling explained that changes to the Order now require Planning Authorities to explain the reasons why they are granting planning permission.

(b) Policies related to reasons for conditions

The Order also requires that when a planning condition is imposed there must be a Development Plan Policy which requires the condition and this should be stated in the reason for the condition.

Dave Melling and Chris Weetman circulated examples of recent decision notices which contained both of these provisions so that the Forum could see the differences in approach between the two Authorities. It was explained that agents can now expect all Planning Authorities to incorporate these requirements into their decision notices.

Arthur Bayley commented that on decision notices issued by St Helens Council conditions were not prominently shown and on occasion this could lead to difficulties when clients were not aware of them.

(c) Appeal period now three months only

It was explained that the period within which appeals must be lodged following the refusal of planning permission has now been reduced from six months to three months. This also applies for appeals against conditions imposed on the grant of permission.

12. **House extension policies in St Helens**

Chris Weetman circulated the current policy document which dates from 1998. He explained that officers were aware of the issue regarding the requirement that a two storey side extension be set one metre off the common side boundary and that this was being reviewed.

Chris Weetman explained that he would welcome comments from Forum members on alternative ways forward.

Peter Bold said that he would appreciate consistency between different Authorities although Chris Weetman said that this was unlikely to be achieved, given differences of approach and local circumstances.

Arthur Bayley requested that flexibility be applied where appropriate.

Chris Weetman advised that St Helens has engaged consultants to assist on improving their approach to design matters.

13. **Planning checklist**

Dave Melling introduced a draft planning checklist concerning the information which should be submitted with non-householder planning applications. This is currently being prepared for consultation and views were requested from Forum members.

Chris Weetman noted that at a recent meeting in London, a representative of the Office of the Deputy Prime Minister had explained that they are about to issue a Model Checklist and would be encouraging Planning Authorities to use it.

Dave Melling explained to the Forum that many Authorities were now preparing checklists in order to improve the standard of information submitted with non-householder applications and that this was an important tool in meeting performance targets.

Geoff Clarke enquired about the applicability of the Checklist for outline applications. Dave Melling agreed that this should be clarified in the document.

DM

Chris Weetman explained that the concept of outline applications is about to undergo fundamental change as part of the new Planning Bill. It is likely that outline applications as we currently understand them will disappear and that every application will have to be accompanied by a given amount of information. The Commission for Architecture and the Built Environment (CABE) are currently advising Government on the information which should be submitted with outline applications.

14. **Agricultural Holdings Certificate for Householder Development**

Penny McGinty explained that householder application forms in Wigan did not contain an Agricultural Holdings Certificate. Consequently, following a recent case, the Planning Inspectorate had declined to entertain a small number of planning appeals because the Certificate had not been completed at the time of application.

This situation is not applicable in St Helens because their forms contain a Certificate.

Wigan have now taken remedial action including amendment of the forms and contacting applicants who have recently had refusals of planning permission on the old forms. However, in one case resubmission of an application has been necessary.

Members of the Forum were advised not to use the old householder forms but to obtain new forms from the Department or to download them from the website at www.wiganmbc.gov.uk.

All to note

15. **Quality of submissions**

A draft Guidance Note was circulated for discussion which drew attention to the problems of inaccuracies, error and omissions on submitted drawings and the consequences which can result to third parties. There was a discussion regarding the merits of the items listed and it was agreed that the guidance was considered reasonable by members of the Forum and agents have an obligation to their clients to follow this guidance.

Dave Melling agreed to incorporate the guidance into an appropriate note for publication.

DM

16. **Draft Supplementary Planning Guidance on Hot Food Establishments in Wigan**

This document has recently been through the Planning Committee and Cabinet of Wigan Council. Dave Melling drew attention to the changes which had been made as a consequence and advised that a formal consultation process would commence shortly. If any member of the Forum would like to be included as a formal consultee, they were asked to notify the Department.

Geoff Clarke was concerned that a considerable amount of information would need to be submitted for speculative applications and that such information may not be available. Dave Melling responded that details such as fume extraction equipment can actually be quite important and ought to be agreed in all cases before the granting of consent. This would avoid difficulties which had been encountered where conditions had not been complied after the premises had opened.

17. **Amendment to Delegated Powers and Speaking Arrangements at Committee in Wigan**

Dave Melling explained the changes which are to be shortly introduced.

Delegated powers will be extended to enable refusal of applications which are clearly contrary to UDP policies. In addition, petitions and bundles of standard letters are from now on to be treated as one representation only.

Speaking arrangements at Wigan Planning Committee are to be amended in that the order of proceedings will be objectors followed by applicants followed by officers followed by a debate. The opportunity to cross question speakers by the Members is to be discontinued.

It was explained that for each speaker:

2 minutes would continue to be the time limit for householder and minor applications; and

a total of 8 minutes would be allowed for exceptional applications (e.g Leigh Sports Village) with 2 speakers for and 2 against.

Arthur Bayley and Geoff Clarke were concerned that officers might introduce new information at a late stage which could be unfair. The officers responded that the situation is no different from that currently applying and that no such difficulties have occurred.

The new arrangements will be starting in February and March 2004.

All

18. **Amendment to delegated powers and speaking arrangements at Committee in St Helens**

Chris Weetman explained that delegated powers are now to be extended to enable decisions contrary to the views of up to 4 No. independent objectors and the term "objector" has now been defined. He also explained that significant cases will still be considered by Committee.

The Committee cycle is to be changed from three weeks to four weeks.

The speaking procedures in St Helens will remain at 5 minutes per speaker with the applicant only being permitted to speak if an objector speaks. However, registration will now be required by noon on the day before the Committee meeting otherwise speaking will not be permitted.

Delegated powers were also to be extended to undertake certain enforcement actions.

19. **Development Control performance in Wigan and St Helens**

Dave Melling explained that performance during 2003/04 had been adversely affected by a 32% increase in application numbers during the first quarter and staffing shortages. The current quarter is now very critical in determining the Council's Comprehensive Performance Assessment score. Consequently planners in Wigan are likely to be taking a very strict line with regard to the 8 week period for determination.

All to note

The position in St Helens is similar with an 11% increase in applications over the year. Performance is almost on target.

Chris Weetman explained that if it became clear that issues are not going to be resolved within the 8 week period, then the application will be refused on the basis of insufficient information.

All to note

20. **Wigan Unitary Development Plan at Second Deposit Stage**

A sheet of critical dates for the Deposit, Public Inquiry and adoption of the Wigan UDP review was tabled for the information of the Forum.

21. Highway responses on Planning Applications

This item was requested by Geoff Clarke and Arthur Bayley. They were concerned that during the processing of an application for a small housing development they had not been advised that the Director of Engineering Services was unlikely to adopt the highway under Section 38 of the Highways Act. Although the problem was eventually resolved in a satisfactory manner by the intervention of Kevin Hargreaves, the process was not satisfactory.

Kevin Hargreaves responded that Engineering Services Department have a responsibility to ensure that the General Highways Section are satisfied that schemes can be adopted. He apologised, as he had done previously, for their error but noted that this had now been corrected.

Penny McGinty confirmed that Planning case officers should alert the agent if the Engineers indicate that they would be unlikely to adopt the highways.

Kevin Hargreaves confirmed that Engineers should consider adoption requirements as part of the consultation process.

KH

Dave Melling suggested that in order to guarantee that this matter was adequately considered at the application stage, agents could write to the Director of Engineering Services and confirm that adoption of the proposed layout would be acceptable.

Gordon Nash enquired about the rather dated Highways standards document and when this might be renewed.

Kevin Hargreaves confirmed that Engineers are still operating on the basis of the previous guidance but are currently in the process of adopting guidance issued by Bolton and this should be available as a public document within a few months for use in Wigan.

22. Meeting performance targets

Several agents expressed concern that increasing emphasis on meeting performance targets may not give the best overall service to applicants.

The officers indicated that they recognised this but pointed out the tremendous pressures which are now being applied by Government on all Planning Authorities to improve performance, including the close correlation between performance and funding.

Arthur Bayley suggested that if an experienced officer took an early view on an application and identified the important issues, this could often avoid problems further downstream.

The officers agreed with this general approach and pointed out that in Wigan steps which were being taken for improved case management by Development Control Managers at an early stage in the life of an application.

23. **Next meeting of Forum**

It was agreed that the next meeting will take place in the summer of 2004 and a venue in St Helens will be explored.