



Planning and Regeneration including Building
 Consultancy
**AGENTS & DEVELOPERS AND ARBORICULTURAL
 WORKING GROUP AGM**
Wednesday, 9th March 2016 17:30 – 19:15
Committee Suite

Borough of Poole

Chair:- Cllr Ian Potter Portfolio Holder for Planning and Regeneration

Internal Attendees:-

Stephen Thorne	Head of Planning & Regeneration & Building Consultancy
Nick Perrins	Planning Policy and Implementation Manager
Richard Genge	Planning and Regeneration Manager
Sue Ludwig	Business Manager
Clare Taylor	PA to Stephen Thorne
Andy Osborne	Senior Arboricultural Officer (Environmental and Consumer Protection)
Adam Cooper	Assistant Arboricultural Officer
Darryl Howells	Senior Planning Officer

External

Agents and Developers:-

Rebecca Smith – BeMa Architects	Paul Bloomfield – Holton Homes
Neil Bichard – Bradbury Bichard	Peter Atfield – Goadsby Planning & Environment
Colin Fulton – Colin Fulton Architects	Janine Pattison – Janine Pattison Studios
Ian Gault – David James Architects	Melissa King – Janine Pattison Studios
David James – David James Architects	Luke Mills – Janine Pattison Studios
James Baron – David James Architects	Howard Baron – Sherwood Estates Ltd
Andy Palmer – Ellis Belk Associates Ltd	John Probert – Sherwood Estates Ltd
Carol Evans – Evans & Traves LLP	Helen Harris – Tanner & Tilley Planning Ltd
Peter Traves – Evans & Traves LLP	Malcolm Randell – Trinity Architecture Ltd
Mike Pearce – Flaghead Developments Ltd	Matt Annen – Pure Town Planning Ltd
Richard Carr – Fortitudo Ltd	

Arboricultural Consultants:-

Mark Hinsley – Mark Hinsley Arboricultural Consultants
 Martin Hanham – Martin Hanham
 Andy Luddington – Treecall Consulting

ITEM	DESCRIPTION	ACTION BY / OWNER
1.	<u>Arrival and Refreshments</u>	
2.	<u>Introductions - Cllr Ian Potter</u> There was an introductory session, where Cllr Potter and internal attendees introduced themselves to external attendees who were present that evening.	Cllr Ian Potter
3.	<u>Planning Policy Update</u> Nick Perrins, Planning Policy and Implementation Manager, gave an introduction to Planning Policy and Implementation and updated the meeting on Section 106's, SAMM Payments, Town Centre SPD, Sustaining Poole's Seafront SPD and guidance on the Seafront, Talbot Village SPD (Talbot Village and Bournemouth University area).	Nick Perrins

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	<p>NP gave an overview of the Local Plan Review, which stems from the adopted Core Strategy Review 2009. NP outlined the future housing needs and advised that BoP are currently analysing the information and pushing forward the Core Strategy Review. The key site consultation will be progressing this year and we are looking at opportunities in Poole. NP requested that if anyone has any suggestions on sites then please feel free to make contact with NP. NP advised regarding the timescale of the published plan, which is anticipated to be ready for adoption by 2018. We will be looking at Open Spaces and land. It was noted that there will be a Planning Policy Review and NP welcomed any suggestions.</p> <p>RC raised the matter of the PC5 (Housing Strategy). NP responded by advising that we are looking at this. RC advised that this is having an impact on current development pushing forward in the Borough and the economic growth is being affected.</p> <p>CIL Charging Rates were discussed. NP advised that BoP are looking at the viability of CIL, we have consultants working with us. It was noted that no decisions have been reached in respect of CIL rates.</p> <p>It was felt that CIL could have a lasting impact on the delivery of sites and sites going forward. However, developers are finding it difficult making any decisions, as they do not know what is going on with the CIL situation.</p> <p>ST gave an update on CIL and advised that BoP are the 7th Authority to adopt CIL. ST advised that Sandbanks is a problem area and it had been suggested that Branksome Park and Canford Cliffs be considered together with Sandbanks. ST requested that Agents/Developers provide evidence of the cost of building properties in the areas to assist BoP with their analysis of CIL. ST advised that he does sympathise with the developers, as we do need to look into this. However, it would be useful for developers to provide hard evidence of costs involved in building. It was noted that the SHMA, CIL and Local Plan will come together in 2017. BoP met with the consultants last week and there is still more work to be carried out by the consultants. ST stated that BoP want to work with developers through this procedure.</p> <p>CT enquired regarding the SHMA and the 5 year land supply – are BoP confident they have this in line? ST responded by advising that BoP are confident of this. NP gave an overview of the guidelines BoP have to follow in accordance with government legislation.</p> <p>ST advised regarding the 2009 Core Strategy and how this fits in to the SHMA. If challenged, BoP are very robust.</p> <p>DJ advised that he is able to provide an evidence base for BoP and gave an example. DJ stated that it is up to BoP on how to control this. ST advised that he has to be careful when it comes to evidence taking.</p> <p>CIL replacement of the Section 106 was discussed, ST explained and responded to DJ.</p> <p>NP added that we do need to firm up the CIL timescales.</p> <p>RC raised the matter of the new CIL rates, this was discussed together with the impact on the rest of the Borough. DJ felt that if costs increase in the Borough, people will go elsewhere to build, the community will go elsewhere, the balance has to be just right.</p>	
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		OWNER
	<p>ST gave an overview of a comparison he had reviewed between Poole and Birmingham and the viability judgement between two buildings in the same street on opposite sides of the road and the differing opinions on viability.</p>	
<p>4.</p>	<p><u>Housing & Planning Bill</u></p> <p>Richard Genge, Planning and Regeneration Manager, gave a presentation on the Housing & Planning Bill. RTG stressed that he is not legally minded and encouraged everyone to read the contents of the presentation and the draft legislation, which will be included in the minutes, carefully, links can be clicked on below.</p> <p>RTG gave an overview of the Housing & Planning Bill areas, which are relevant to Planning.</p> <p><u>General Clauses as detailed below:</u> <u>Access to Tenancy Deposit Data</u> <u>Approval Conditions for Development Orders</u> <u>Assessment of accommodation needs</u> <u>Brownfield Register</u> <u>Disposal of Vacant High Value Social Housing</u> <u>Enfranchisement & extension of long leaseholds</u> <u>Expanding the approach to managing under-performing planning authorities</u> <u>Housing Administration Order</u> <u>Local Planning Authorities – information about financial benefits</u> <u>Local Plans</u> <u>Nationally Significant Infrastructure and Housing</u> <u>Neighbourhood Planning</u> <u>‘Pay to Stay’ – High Income Social Tenants</u> <u>Permission in Principle</u> <u>Planning applications – setting of fees</u> <u>Process for establishing Urban Development Areas/Corporations</u> <u>Public Authority Assets</u> <u>Reform of the Compulsory Purchase System – Phase 1</u> <u>Rentcharge Formula</u> <u>Restricting lifetime tenancies in social housing</u> <u>Right to Buy Agreement</u> <u>Section 106 dispute resolution process</u> <u>Section 106 Restrictions</u> <u>Self-build and Custom Housebuilding</u> <u>Starter Homes</u> <u>Tackling Rogue Estate Agents</u> <u>Tackling rogue landlords and improving the private rented sector</u> <u>Testing the benefits of introducing competition to the processing of planning applications</u></p> <p><u>Expanding the approach to managing under-performing planning authorities</u></p> <ul style="list-style-type: none"> • Expanding performance measures to ‘non-major development’ to enable measures to be put in place to improve performance giving right to go straight to Planning Inspectorate • Consultation to take place to set target for performance <p><u>Local Planning Authorities – information about financial benefits</u></p> <ul style="list-style-type: none"> • To place a ‘duty’ on the LPA to set out in its reports the financial benefits that were material in reaching a planning decision 	<p>Richard Genge</p>

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	<p><u>Local Plans</u></p> <ul style="list-style-type: none"> To enable the Secretary of State to direct the authority to take specific action to get a plan in place – keeping the responsibility for preparing the plan with the LPA <p><u>Neighbourhood Planning</u></p> <ul style="list-style-type: none"> With the aim to speed up and simplify the neighbourhood planning system to introduce time periods for LA decisions once a plan has been independently examined, and to introduce measures to resolve disagreements between the parties <p><u>Permission in Principle</u></p> <ul style="list-style-type: none"> To introduce a new consent route called ‘Permission in Principle’ designed to separate the ‘in principle’ issues such a land use, location and amount of development from the ‘technical details’ This would give certainty and speed up the overall process. PIPs would be granted when LA or Neighbourhood Groups allocate housing-led development in Local Plan or upon application to the LPA <p><u>Planning applications – setting of fees</u></p> <ul style="list-style-type: none"> To make setting revised fees simpler, by each LA and including scope to link to performance and standard of performance <p><u>Section 106 dispute resolution process</u></p> <ul style="list-style-type: none"> Introducing the power for the SofS to appoint a person to help resolve section 106 disputes and produce binding recommendations <p><u>Section 106 Restrictions</u></p> <ul style="list-style-type: none"> To provide the Secretary of State with a broad power to restrict the enforcement of planning obligations in relation to affordable housing, and to include ‘starter homes’ within the definition of affordable homes <p><u>Self-build and Custom Housebuilding</u></p> <ul style="list-style-type: none"> To place a duty on Las to grant sufficient planning permission suitable for self-build and custom housebuilding on serviced plots of land, consistent with demand in its area <p>NB – Self Building and Custom House Building Act already places a duty upon the LPA to prepare a register – but further legislation will provide details on how to retain and get on the register</p> <p><u>Starter Homes</u></p> <ul style="list-style-type: none"> Placing a general duty on LA to ‘promote the supply of Starter Homes’ when carrying out their planning functions and to make regulations so that Las ‘may only granted planning permission if the starter homes requirement is met’. <p><u>Testing the benefits of introducing competition to the processing of planning applications</u></p> <ul style="list-style-type: none"> To bring forward a small number of limited pilot schemes to introduce competition to the processing (but not determination) of planning applications To enable competition to set their own fees For the provider to prepare a report and recommendation, but this would NOT be binding on the LPA 	

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	<p><u>Progress to date</u></p> <ul style="list-style-type: none"> • Commons - completed • Lords – Committee Stage 8/3/16 • Royal Assent - TBC <p>DCLG CONSULTS ON NEW FEES AND 'FAST TRACK' APPLICATIONS Proposals include competition in application processing and the ability to offer premium services... https://portaldirector.wordpress.com/2016/02/25/dclg-consults-on-new-fees-and-fast-track-applications/</p> <ul style="list-style-type: none"> • Consultation Response by 15/04/16 <p>Watch this space</p> <p>RTG advised that there are questions and answers contained within the above document and read out some examples e.g. % Threshold for Starter Homes.</p> <p>It was felt that the overall profit margin will be reduced due to the affects of the Section 106's. ST advised that Starter Homes come with a 20% discount.</p> <p>ST enquired as to whether the PIP is an advantage to Agents and Developers. CT stated that we are back to the red line drawing around a plan. ST advised that we are aware of the red line drawing problems being experienced. It was felt that it should be defined better as to what the developer sends to BoP and what is required. RTG advised that PIP is another route to take to get consent, however is not a must.</p>	
5.	<p><u>Building Consultancy Update</u> It was noted that, on this occasion, there is no Building Consultancy Update, as Andy Holmes was not present at the meeting.</p>	
6.	<p><u>Tree Species Leaflet</u></p> <p>RTG gave an overview of the current situation with the Tree Species Leaflet and explained that the leaflet had been designed to cover and identify a very complex system into a two page document. However, it was decided that, after much debate, that the leaflet would not be pushed forward. RTG advised that BoP will update the theme online, together with the guidance. Therefore, there will be a trees list online in due course.</p>	
7.	<p><u>European Maritime Day (EMD)</u> ST outlined the European Maritime Day, which Borough of Poole have been nominated to host by the European Commissioners. The dates for the EMD are from 18th May – 21st May 2017. The previous years EMD's were held in Malta (2013), Germany (2014), Greece (2015) and Finland will host this year, 2016 with Bulgaria hosting in 2018 and Portugal in 2019. There are three sections to the EMD as follows:</p> <ul style="list-style-type: none"> • Conference. There are approximately 1,200 delegates attending. • Festival. It is not known, at this time, how large the festival will be. ST advised that Poole Harbour Commissioners started the Boat Show last year, with another being held this year and then another in 2017. <p>Business Element. There will be a lot of stands, opportunities for sponsorship, business promotions over the next 12 months. ST advised that a Royal is scheduled to attend. The link to the European Maritime Day is as follows: http://poolemaritimefestival.uk/</p>	

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8.	<p><u>A. Summary of Arboricultural Working Group</u></p> <p>Mark Hinsley – A Year in the Life of the Arboricultural Working Group.</p> <p style="text-align: center;"><i>“A Year in the Life of the Arb Working Group</i></p> <p><i>Ladies and Gentlemen, another year has passed in the life of the Arb Working Group and I am pleased to report that the previous high standards in both the quantity and the selection of the tea, coffee and biscuits have been amply maintained.</i></p> <p><i>In between mouthfuls we have engaged in some lively discussions:</i></p> <p><i>Topics have included the logistical problems caused for the Borough by still having to administer far too many wide ranging and non-specific Area Tree Preservation Orders (known to most as the ‘Blanket TPO’). All around the table agreed that many Tree Preservation Order applications, and by implication BS5837:2012 tree surveys, are involving trees that do not truly warrant statutory protection. The difficulty for the Borough is that their first duty is servicing those Tree Preservation Orders and assessing those Planning Applications, and that work, along with their other duties, takes up so much Officer time that there is little left for sending Officers out to re-assess and update old Area TPOs. The group discussed ways that submitted information related to Planning Applications might be used to assist in this task and thereby break the Catch 22 situation the Borough finds itself in.</i></p> <p><i>The tightening up on the content and implication of Arboricultural Method Statements was discussed at length. Those of us on the Private Sector side of the table did express some concern regarding the way the new approach was introduced, somewhat out of the blue, which I know caused some problems and consternation among consultants, architects and clients at the time. However, beyond that, the move was welcomed. The Private Sector is about doing stuff, facing challenges and finding solutions. The more firmly the rules and parameters in which we are required to work are laid down the more straightforward our job is. Inconstancy and wishy-washiness are our enemies; they waste our time and our clients’ money. That Poole has come out with specific documentation that ties them down as much as it does us is to be applauded, and we wish other Authorities would follow their lead. We have all suffered the frustration of an LPA Officer who is so vague in his or her requirements that they can keep moving the goal posts on us. We have even come across those who take the goal posts out into a field, dig a hole and bury them and refuse to even say where they are! No such problems exist with trees in Poole.</i></p> <p><i>The Arb Working Group Centenary Tree Species Leaflet is still slowly progressing as you will have heard earlier in Russ’s presentation of a draft. However, there is a danger that, by the time we all agree upon what should be in it, climate change will have overtaken us and all we will be able to plant will be Palm Trees and Cacti.</i></p>	

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	<p><i>We have explored subjects such as the abatement of nuisance, the installation of Cellular Confinement Systems, including their use as temporary as well as permanent access through Root Protection Areas, the availability of TPO information on line. We actually found somebody who knew how to find the Your Poole Website Interactive Map for looking up TPOs and Conservation Areas (which of course meant it was moved the following week) and we talked about the timing of pre-commencement meetings, required replants and when Tree Protection Fences should be erected.</i></p> <p><i>I feel that the main benefit to all involved in this group is a more complete understanding of the pressures and requirements that fall on both sides of any planning proposal. This has lead to those of us on the Private side being much better placed to guide our clients to acceptable solutions and for the LPA Officers to be better able to recognise said solutions as such. It has not necessarily resulted in any more or any fewer trees being lost to development, but it has definitely improved solutions and reduced the time it takes to reach them, which, in an industry where time is money, is a very worthwhile achievement.</i></p> <p><i>Finally, I would like to thank Richard Genge for the manner in which he chairs the meetings. A room full of squabbling Arboriculturists must be a nightmare to chair, particularly when I am one of them, but he does it with a calm professionalism that keeps us reasonably on track without stifling lively debate.</i></p> <p><i>Mark Hinsley”</i></p> <p>RTG advised the meeting that we are currently reviewing the old TPO’s in order to get these updated.</p> <p>RTG also advised that Russ Fisher has created and implemented a Pre-Commencement Site Check List, which several Arboriculturists are utilising. The form is a very useful tool and assists with preventing issues developing.</p>	
8.	<p><u>Summary of Agents & Developers Working Group</u></p> <p>It was noted that there were no volunteers from the Agents & Developers Working Group to give a summary of the past year.</p> <p>ST enquired regarding the frequency of the meetings, it was unanimously felt that the frequency is satisfactory.</p> <p>SPL advised that the Arboricultural Working Group meetings commenced at 16:00 and enquired if the Agents & Developers are happy with a 14:00 commencement time. After discussion, it was decided that meeting times would remain the same and would be added to the Agenda for the next meeting.</p>	
9.	<p><u>Working Groups Membership Refresh</u></p> <p>SPL gave an overview of the Working Groups Membership Refresh and encouraged Agents and Developers and Arboriculturists to put names forward for the Groups Membership for these meetings.</p>	

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	<p>It was noted that CPT will add the following new members:</p> <ul style="list-style-type: none"> • Richard Carr – Fortitudo Limited • Matt Annen – Pure Town Planning • Janine Pattison – Janine Pattison Studios <p>Changes to be made:</p> <ul style="list-style-type: none"> • Carole Evans – Traves & Evans to be removed • Peter Traves – Traves & Evans to be added <p>SPL advised that the current Membership will remain with the exceptions of the above additions and changes.</p> <p>It was noted that, for Data Protection purposes, we are not permitted to share the list of invitees to this meeting.</p> <p>The groups meet 4 times a year, including the AGM and it was felt that this is sufficient.</p>	
<p>10.</p>	<p><u>Any Other Business</u></p> <p>a. Richard Carr. Although RC is aware of understaffing being experienced in Planning, he advised that on a particular site they are 20 weeks into the application and they are still awaiting a Section 106. This causes issues liaising with clients and the signing off of mortgages. RC has requested that the Section 106's be submitted at an earlier stage.</p> <p>b. Appointments – District Valuer. There is an issue with Section 106 verification documents. ST advised that there is an administration issue with Section 106's and DV's. RTG added that there are two streams for Section 106's. The response time on complex Section 106's is not efficient to our needs in Planning. These issues are being resolved and this system is being developed. RTG advised that he needs to speak to the DV's in order to speed up the process. Planning are pushing this, we are trying to get the issues resolved. It was noted that, on complex cases, they could be passed externally in order to deliver it. However, this cannot be done internally. RC advised that the developers do not mind paying more in order to speed up the process. ST stated that we are experiencing problems with the service in the Legal Unit and are aware of the issues being experienced. ST welcomed any suggestions from Agents and Developers on any independent assessments or ideas.</p> <p>c. David James. What is BoP's stance on Flood Level/Sequential Tests? DJ advised that this is a grey area when Planning is requesting the sequential tests. ST responded by advising that RTG is involved in this and has raised Flood Risk problems. There are varying opinions on this matter and it has been discussed at length. We will request a sequential test dependent on the area. These are Local Planning Authority constraints governed by legislation and these have been interpreted as best as possible. However, another discussion is required regarding this. The Environment Agency lay down guidelines, we can either choose to use their advice or not.</p>	

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	<p>However, if we choose not to then we run the risk of 5-0-5 intervention. We are in the process of sorting the issues out and have carried out research including looking at previous court cases. RTG outlined the sequential test/exceptional test, if required. Flood Zone 3 – demonstrate sequentially why it needs to be there. NP added that Policy is looking at the Local Plan in conjunction with the Sequential Tests. There are new policies currently being reviewed. NP advised that this is a time consuming process and will not be complete until 2017/2018 approximately. There being no further business the meeting ended at 19:15.</p>	