

**Development Management Agents' Forum Q and A
held on Thursday, 27th May 2010 in the Penn Chamber**

Local Development Framework Update

- 1) Where are you with your Strategic Housing Availability document?

The update of our Strategic Housing Land Availability Assessment will be available on the Council's web site from the 11 June 2010.

- 2) Martin Stent, Architects Corporation – bearing in mind shortage of staff, etc. are there any efforts to make some of these individual documents standard with other people/authorities. Differences are sometimes marginal.

We work closely with other Authorities, particularly through the Herts. Chief Technical Officers Association (HCTOA), and so there will be some similarities with documents but each LPA have their own priorities and so they cannot be standardized.

- 3) L Gilli-Ros, Architects Corporation – asked for views on the enormous amount of money that Local Authorities are insisting upon by way of Unilateral Undertakings and Section 106 Agreements. Hertsmere decided no financial contributions at all because of financial situation.

The majority of contributions are required by Hertfordshire County Council towards infrastructure such as transport, education, libraries, childcare, Fire & Rescue Services etc and are set out clearly in the Hertfordshire County Council's 'Planning Obligations Guidance – Toolkit for Hertfordshire available at <http://www.hertsdirect.org/yrccouncil/hcc/resandperf/hertsprop/plannigobs/>

The contributions required by Three Rivers District Council are relatively small relating mainly to (but not restricted to) open/play space, affordable housing and site specific matters.

The County Council revised their tariff system to take account of the downturn in the markets and it is always open to an agent to make an open book application to justify a lower contribution. However if an applicant has bought a site at an exorbitant price and wishes the community benefits to be waived simply to provide a better return they would be unlikely to get a lot of sympathy.

Nick Gough advised after speaking to Hertsmere officers direct that Hertsmere had not in fact waived any financial contributions. This has subsequently been confirmed by the Head of Planning and Building Control at Hertsmere.

- 4) Martin Stent – can the document on Affordable Housing be applied at the beginning of the process? Most people want to know how much you want.

Currently, we use the national indicative minimum site size (as detailed in PPS3) of 15 dwellings to provide 30% affordable housing.

The forthcoming Core Strategy includes a new policy on the provision of affordable housing requiring 45% of all new housing to be affordable. Development resulting in a net gain of one or more dwellings will be expected to contribute. In relation to small sites delivering between one and nine dwellings, we will consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability. The amount of contributions is expected to be set out in a tariff and will be finalised in the Affordable Housing Supplementary Planning Document, consultation on which is due at the end of the year.

This policy is expected to be used by the Council from September 2010 when the Core Strategy is submitted to the Secretary of State.

- 5) Jane Wakelin, Wakelin Associates – 45% affordable housing requirement, is it related to the Three Dragons Study, which has been discredited to some extent in other Local Authorities?

The requirement for affordable housing is based on a number of studies, which are available to view on the Council's web site.
<http://www.threerivers.gov.uk/Default.aspx/Web/EvidenceBase>

- 6) Andrew Lashley – will CPlan, Energy Statement and other new forms be available on the Planning Portal as well. Can they be filled out on the Portal and at what point do I do this and other on-line statements?

We will be looking at adding links from the Planning Portal to the CPLAN Energy and Sustainability Checklists. These should be completed prior to the application as sustainability measures should be incorporated into the design of any proposal.

Reorganisation of the Development Management internet pages

- 1) Will details be available on the website of contacts for officers in terms of who is responsible for which streets? Much more beneficial to talk at pre application advice stage to the officer who will be dealing with the case.

We will be able to put the Team Leader details up but the case officers are occasionally moved between teams and/or work across area teams depending upon workloads and in order to spread experience and knowledge more evenly.

- 2) Graham Seabrook - will reference to Village Design Statements be included on the website; very helpful for reference even if they are not accepted as policy.

There are currently no Village Design Statements produced in Three Rivers.

- 3) Martin Stent – if modernising the website, consistency is very important. Also consistency in that the person who deals with the application complies with the advice given.

Agreed.

- 4) It would be very useful if GIS was incorporated in the website design so that it could be used with maps

Advised that this would be considered as part of a Council wide review of the website and budgets.

- 5) PDF electronic forms – can we provide forms that can be filled in on the computer rather than having to print them off. The full Acrobat version is able to do this.

Agree to investigate but advised we prefer agents to use the Planning Portal for this service. The link to forms on our website was only intended as a back-up to the Portal.

Pre-application advice (in response to a written question from Chris Gregory)

- 6) Jane Duncan – said that she did not mind paying for pre application advice and that Watford charge for this. The response is quicker but not necessarily better. She would rather pay and receive advice quickly against not paying and getting it more slowly. She would expect the person giving the advice to have discussed it with the Chief Planning Officer.
- 7) Peter Selby – sometimes with pre application advice a junior officer will have a different opinion to the Manager. He would expect officer's opinion to be binding on officers but not on Councillors.
- 8) Graham Seabrook – many clients would be willing to pay for a letter counter-signed by the Team Leader.
- 9) Pre application advice varies – Dacorum charge £250 for housing scheme with comprehensive letter from the planning officer setting out exactly what his/her opinion was and what needs to be submitted and the Conservation Officer was present. St Albans also charge £250 but this is for a 10 minute

meeting at which it is advised that the application “should be OK” but no letter.

- 10) Nick Gough – was very interested in some form of charging, although the County Council cannot charge.

Geof Muggeridge advised that whilst TRDC do not currently charge for any form of pre-application planning advice this would have to be reviewed in the light of tightening Council budgets. There were also rumours of a national system being introduced by CLG in due course. Agents views were welcomed and there would be advance notice of any changes to our current practices. We were pleased to hear that the present system at TRDC was well received.

Common Validation Issues

- 1) Where the description includes demolition this can be relevant to amenity companies. Is the 50% applicable to external or internal walls on the plan, or both?

In general this would constitute 50% of *all* walls to be demolished. However, officers are aware that, if not within a Conservation Area, internal demolition does not require express planning permission. 50% is therefore an indicative figure.

Often, if a method statement can be provided to show that the works can be carried out without demolition of the entire building, this will be sufficient for the Council to accept that the proposal constitutes extensions, as opposed to demolition and rebuild. However, please be aware that we may include ‘part demolition’ within the description of development.

The reason for this ‘50% rule’ is that there have been issues in the past where extensions have been applied for but essentially the entire building has ended up being demolished, leaving the applicant / developer with no valid planning consent.

- 2) Andrew Lashley – the client is advised to obtain a Certificate of Lawfulness because they cannot obtain a statement regarding permitted development. Could a drawing with a letter saying it is permitted development be possible?

The Planning Department cannot give a definitive answer to letters regarding permitted development. Furthermore, a response letter setting out an officer’s opinion, without prejudice to any decision made under the Town and Country Planning Act (as amended), holds little weight in terms of determining whether or not a development is lawful.

A Certificate of Lawfulness is a legal document and therefore provides a formal decision.

- 3) Can we clarify the 50% of walls – is it just look at the plan of the building and measure 50%?

As stated under 1), 50% is an indicative figure. In general it would be taken to be 50% of the length of all walls as shown on the floor plans.

- 4) Lucie Stone, Bidwells – if a copy of the plan is required for renewal of the application does it matter if it is stamped from the previous permission or does this need to be removed?

It does not matter if plans are stamped from the previous permission.

It is not a mandatory requirement for plans to be submitted for extension to time limit (renewal) applications; however, it is very helpful to us if at least one set can be provided. Sometimes the original planning file can be difficult to locate if, for example, it has been sent away to be scanned.

- 5) Peter Selby – accuracy of dimensions – if a structure is built 6 inches, 1 foot or half a metre in non compliance with the plans, when do you state that enforcement action needs to be taken? What would you advise agents to do?

Plans should be drawn up as accurately as possible, and development should be built in accordance with the plans.

Very minor variations such as one or two millimetres are unlikely to be noticeable; anything greater than this would have to be assessed in terms of impact.

- 6) Martin Stent – the OneApp form states that three copies of the forms and plans are required; Dacorum asks for three, Chiltern District Council say they require four, Harrow only want one and Stevenage wants two.

Whilst officially OneApp requires the original *plus* three copies, Three Rivers District Council is seeking to become more sustainable and reduce the amount of paper used. The Planning Department is therefore happy to accept the original plus two copies, i.e. a total of three sets.

Update on Town and Country Planning General Permitted Development Control Order (GPDO)

- 1) Martin Stent – are Ground source and air source heat pumps permitted development; one has a pipe into the ground and the other does not?

Part 40 of the GPDO states that the installation, alteration or replacement of ground source heat pumps and water source heat pumps are permitted development. There is currently no class for air

source heat pumps and therefore they would require planning permission. The matter is due for review by CLG together with micro wind turbines.

- 2) Paul Gadsden – referred to a planning consent for a house which included an Informative stating that they may need to apply for permission for ground source heat pump.

This question relates to an individual planning permission. However, if an application proposes to include microgeneration equipment then we would attach a condition requiring further information to be submitted regarding the implementation and maintenance of the equipment. This is to ensure that the microgeneration equipment proposed would actually be implemented and operated in a manner that would not give rise to disturbance to neighbours in particular.

- 3) Martin Stent – had attended the Killian Pretty review; aim was to reduce the number of applications, one step was to bring in permitted development in a wider context, but agents now need to apply in order to establish whether they need permission.

Without the submission of an application we can only offer agents and applicants an informal view as to whether a proposal constitutes permitted development or not. An extension, on paper, may appear to fit within the criteria as set out in the GPDO, however, on site there may be circumstances that mean that the proposed development would fail to meet the criteria set out in the GPDO. We would only make a formal site visit with the submission of an application. Certificates of Lawfulness give certainty to applicants.

- 4) Lucie Stone, Bidwells – permitted development for photovoltaic windows - do you have a general view on panels that are not permitted development?

Depends on the existing street scene, prominence of the building within the street and the number of PV's proposed. As with all applications, a proposal for PV's, which does not constitute PD, would be assessed on its individual merits following a site visit. The Council is keen however to promote sustainable development.

- 5) Ken Balneaves – dimensions and interpretation of 2.5m to eaves which are overhanging – where is the 2.5m taken from and to, e.g. ground level to top or bottom of fascia?

We would measure it from the ground level to the bottom of the fascia.

- 6) Mark Dodds, DPP – Article 4 Direction only covers specific items like chimneys and windows. Does it need to be modified to cover existing permitted development?

There is a rolling programme to re-evaluate the Conservation Area Appraisals which would in turn result in the Article 4 Directions being updated. We have Article 4 Directions restricting development within Conservation Areas, where side extensions and two storey rear extensions do not constitute PD. As such, development permitted within Class A of the amended GPDO may not result in any significant changes to the older Article 4 Directions.

However, as outbuildings within the Conservation Area are not restricted by their size and proximity to the dwellinghouse the Article 4 Directions may need to be updated to ensure that the character and integrity of the Conservation Area is protected. This would be especially important in areas where the open and rural character of the Conservation Area contributes to its character and appearance.

- 7) Martin Stent – is there any data available on the ground source heat pump at Three Rivers House regarding what has been achieved.

Nick Dimbleby, our Head of Sustainability would be pleased to receive any requests direct at Nick.Dimbleby@Threerivers.gov.uk