

National Planning Policy Framework

Planning Minister Greg Clark announced a review of planning policy, designed to consolidate policy statements, circulars and guidance documents into a single consolidated National Planning Policy Framework. Consultation has now closed. Here Drummond Robson offers his 'few rather random suggestions'.



Drummond Robson is honorary secretary of the London Planning & Development Forum and Director of Robson Planning Consultancy

Reduced Bureaucracy and Those who Actually Effect Change

The primary purpose of planning is to come to informed judgements about what development goes where. It should be creative not restrictive. This is lost sight of in the endless urge for the new and should govern effective and worthwhile planning.

The idea of its real spatial significance is acknowledged in PPS1 and then promptly lost sight of. Much of it should be left to experts who have experience not just in formulating plans but realising them. Patients go to the trained and experienced doctor or consultant rather than many well meaning friends if they have something wrong with them.

Environments should be treated similarly. If environments have nothing wrong with them they probably do not need to be meddled with and don't need endless policy guidance. The invitation encourages planning professionals, local authorities, community groups and members of the public to have an opportunity to shape the new Framework.

Why have developers and scheme implementers been left out since they have exerted far greater influence on what actually happens than the tons of (now electronic) guidance issued from governments at all levels? It is too often forgotten that wide discretion for the local authority (and the local neighbourhood) means uncertainty for the risk taker. A primary current example is in the reluctance of banks to lend because innumerable planning controls may be invoked such that even a good scheme does not happen.

Planning often takes some time and should normally transcend party politics or the term of one government's term in office. All political parties should resist manipulation of planning for electoral advantage.

Most of the essentials are constant and constrained by the physical limitations of environments. Constantly changing the fundamentals does not assist a stable system. At present there is far too much legislation and guidance aimed at state control and far too little to enable and facilitate. Governments – both National and Local – are constantly happy to revise and refine by additional layers of control.

It is rare that significant legislation is repealed or withdrawn, and planning is seldom if ever simplified for the practitioner. The general policy appears to be to give with one hand and take away with the other.

Little account is taken of the time and expense to be incurred by those seeking to realise a project. Schemes are not words but built forms where the first essential is what they look like as a contribution to the environment.

Much that has been built under the planning system is remarkably mediocre and there needs to be greater scope for quality design expression

through the use of good designers' masterplans and creative design ideas combined with peer review.

Development Control restrictiveness

Claims that applications may be considered in 8 or 13 weeks ignore the ever growing lead times while one waits for a pre application discussion to take place, a telephone call to receive a reply or the months taken in validating significant applications, demanding further information (often a wrong excuse for invalidity) and the protracted periods to negotiate associated obligations both before and after determination by a lay Committee.

Increased complexity, detail and complexity in application preparation is now out of all proportion to the capacity of most authorities to cope with. The sustainability or environmental impact assessment required is rarely used to improve the quality of any resulting scheme, but simply a requirement to enable a box to be ticked.

All too often a good scheme is refused for failing to tick one box, whereas there should be scope to allow its modification without having to start again with a new application.

The design judgement of many employed or even on Committees in local authorities – even to an inability to read plans – is poor or simply meddling.

Replacing Current Policy Guidance

There is much considered and sound technical advice (e.g. PPG 24) in current planning policy guidance and statements but some that is weak or from another era. For example: PPG2 says "1.4 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale..."

Much in Green Belts is in conflict with the principles of sustainability which is properly at the heart of planning. When is sprawl a sustainable urban extension? What does openness mean really? Green Belts are not even an environmental designation and most people believe they are there for public access and recreation whereas only about 3 per cent is even publicly accessible. Green Belts should be looked at firstly as simply land and for what they can contribute positively to food production, woodland, biodiversity, public access and recreation etc. Not negatively resulting in endless golf courses and livery stables. Their proper enhancement also requires economic support.

PPG2 could with benefit be combined with PPS7 Sustainable Development in Rural Areas. PPS3 Housing is excessively complex and time consuming with its obscure mechanisms of SHLAAs, SHMAs and detailed devices for controlling housing supply. It should be simplified.

PPS5 with its Heritage Assets is highly ambiguous. PPS9 is an afterthought. PPS20 is written by someone with remarkably little knowledge

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BIDs or Neighbourhoods – what's in a name?

Most places in this country involve both business and residential interests and it surely makes sense that neither one side nor the other should be excluded or disenfranchised by policies that are based on the basic principle of local determination, says Liz Peace



Liz Peace is chief executive of the BPF

Whilst the Localism Bill certainly wasn't as radical or as worrying as many of us had feared, there was one glaring omission in the arrangements for establishing neighbourhoods as the keystone to local opinion forming plan making and eventually decision taking – and that was the lack of any obvious way of getting local businesses, both landlords and their occupiers, involved at either the talking or the voting stage when the neighbourhood clearly involved a strong business component alongside the residents.

Fortunately Minister Greg Clarke didn't need much persuading that this needed to be rectified and we have been working closely with him and his officials over the last few months to work out how to define and 'enfranchise' mixed use neighbourhoods.

But how is this likely to work in practice? Well, we do already have a model in the shape of Business Improvement Districts or BIDs which provide a very effective mechanism for the businesses in an area to get together to plan for and implement improvements. BIDs don't formally include residents since the voting for a BID is carried out by the business rate payers (and that by the way also means landlords are excluded, which is something we are working on with CLG and on which we hope to make progress in the coming months). But some BIDs with a strong residential presence in their area, such as Better Bankside in Southwark, have brought residents' groups onto their BIDs board and have ensured that the plan-making includes residential as well as commercial aspirations.

This suggests that one way of dealing with the creation of commercial

mixed use neighbourhoods, at least in places where BIDs already exist or are being considered, would be to base them on the BID structure. The advantage for the BID would be that if they could nudge the Neighbourhood/BID towards the production of a jointly agreed Neighbourhood Plan this might eventually become a Neighbourhood Development Order which would provide for accelerated commercial and residential development.

This may, however, need some fancy footwork from CLG Ministers and officials since it would involve bringing together different systems of voting – the one for BIDs which only enfranchises business rate payers and the one being proposed for neighbourhoods which at the moment only involves residential council tax payers. And for both BID based neighbourhoods and new mixed use neighbourhoods where BIDs have not so far developed it would also require a degree of coming together of commercial and residential interests in a spirit of co-operation which has sometimes been sadly lacking.

On the other hand, most places in this country do involve both business and residential interests and it surely makes sense that neither one side nor the other should be excluded or disenfranchised by policies that are based on the basic principle of local determination.

Growth seems to be the single most used word in politics at the moment but that doesn't mean just growth in housing numbers, it means encouraging commercial activity, and the development that it will require in ways which are sympathetic to local residents' needs. Getting residents into BIDs and business into residents' neighbourhoods, so that we end up with mixed use neighbourhoods that have the powers they need to agree on mutually acceptable growth plans, seem to be a neat way of ensuring that both business and residents are all working towards the same end. •

>>> of coasts and their interactions with the sea and its uses by a maritime nation. Subsequent advice should obviously be combined with PPS25.

Sustainability needs much closer understanding. Sustainable development is an unintended oxymoron since the most sustainable planet is a dead one.

Unintended consequences exceed the intended

These random thoughts derive from some 40 years experience in a complex and subtle industry where unintended consequences exceed the intended. A National Planning Policy Framework is most likely to end up as either motherhood and apple pie or another rag bag of pious hopes. It should be there to improve real environments. It should result from close engagement with those who have planned and carried out schemes and projects successfully rather than merely to confuse activity in its preparation with genuine helpfulness to achieve meaningful action. Planning Circulars seem of recent years to have assumed less and less significance. •

Next meeting of the London Planning & Development Forum

Monday 6th June 2.30pm
at TCPA 17 Carlton House Terrace SW1

Discuss: The new GLA organisation, the role of businesses in neighbourhood planning and London's green infrastructure.

Details: www.planninginlondon.com

Call for planning shake-up to make way for new homes

Making it easier to turn currently vacant or under used offices and shops into housing could create tens of thousands of new homes and provide a powerful boost to the economy, according to new research published by think tank Policy Exchange.

The study – *More Homes: Fewer Empty Buildings* – which came out days before the budget, calls for allowing vacant or under used retail, industrial and office space to be converted into housing, without having to obtain planning permission for change of use.

Authors Alex Morton and Richard Ehrman show that despite the current housing crisis, there are currently 266,000 vacant commercial units, many of which have outlived their usefulness.

Alex Morton says: "Councils are holding back the conversion of vacant and under-used urban space into housing. Relaxing the planning rules to make it easier to convert commercial property would encourage investment, increase regeneration and create large numbers of jobs.

"We have rates of vacancy among commercial buildings nearly six times that of empty housing. That is a major indictment of our current system.

"Just because a building has always been a shop or offices shouldn't have to mean it stays that way forever."

Problems with the current system are underlined by the huge discrepancy between the vacancy rates for commercial and residential property. Around 3 per cent of houses are currently empty nationwide, while even in the economically-vibrant South-east England, office vacancies are running at 17 per cent.

The plans would mean tatty shopping centres and parades could be a thing of the past. Many vacant retail or employment spaces are now no longer viable because of changing retail and business patterns. Internet shopping now makes up 10 per cent of all purchases and is growing fast. Meanwhile changing employment needs mean older office buildings that are not suitable for open-plan spaces, air conditioning or computer-cabling are much less in demand.

Yet these premises, which might make good homes, are currently often left empty or even derelict because planning policy impedes their conversion to housing. The interests of existing business occupiers would be protected because only vacant or part vacant premises could be converted without per-

mission.

Conversion without the need for planning permission would only be to housing – meaning residents would still be protected against new fast-food outlets or off-licenses.

Many of the new homes expected to be built if the rules are relaxed could be ideal for first-time buyers finding it harder than ever to get on the housing ladder. In 2008, some 16,000 homes were converted from redundant commercial premises. By freeing-up the system, the authors expect that figure could be multiplied many times.

Key proposals in the study include:

- Any A (retail, eg shop) or B (eg offices) Class building or land that has been vacant for more than a year should be allowed to change to C3 housing without the need for planning permission.
- If an A or B class building has been vacant for less than a year, up to 50 per cent of the overall floor space should be allowed to convert to C3 in any five year period without the need for planning permission.
- Village shops and pubs would be protected by only allowing bureaucracy-free conversions if there are other such businesses within a mile of the proposed conversion until the new Community Right to Buy is established.
- Measures would be included to ensure that "windfall" planning gains are shared fairly between the local community and developers using existing mechanisms like the Community Infrastructure Levy and New Homes Bonus.

Alex Morton was Secretary to the Conservative Globalisation and Global Poverty Policy Review 2005-2007. Following a period in the civil service, he joined Policy Exchange in 2010 as a Senior Research Fellow on Housing and Planning issues, and wrote Making Housing Affordable, Prospect's 2010 ThinkTank Publication of the Year.

Richard Ehrman was a Government Special Adviser in the 1980s and subsequently Chief Leader Writer of the Daily Telegraph. He is the Deputy Chairman of Policy Exchange and has interests in commercial property.

Download the report from:

http://www.policyexchange.org.uk/assets/More_Homes.pdf



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U-turn if you want to

A tsunami hits planning writes Martin Goodall

When I wrote a piece entitled "Straws in the Wind" the day before the budget, I predicted that there was a sea-change coming in the coalition government's attitude to town and country planning. I had no idea that what might be described (if somewhat tastelessly) as a tsunami was about to hit us the very next day.

I do not recall seeing any suggestion as to what lay behind this seismic shift in government policy, but I strongly suspect that there has been growing panic within the coalition at the disappointingly low growth figures ("Down, down, down" as Ed Miliband gleefully put it in the Budget debate last week), and somebody – perhaps even Michael Heseltine himself, as the government's *eminence gris* – may have suggested that the government should rev up the bulldozers and get the concrete mixers turning, in the same way as Maggie Thatcher had done, with Heseltine's help as Secretary of State, after coming to power in 1979. A similar relaxation of planning restrictions was promulgated at that time in circulars such as 9/80, 22/80, 15/84 and 14/85. It was only after Nicholas Ridley's departure as Secretary of State later in the 1980s that the machinery was again put into reverse, and the concept of 'plan-led' development then became the new orthodoxy.

As one or two others have already pointed out, there is one important difference between then and now – the availability of credit. The banks either can't or won't lend to builders to finance speculative development schemes, nor are they lending to prospective house-buyers, mainly because most of these borrowers can't put down a large enough deposit. The days of the 100 per cent mortgage seem to be gone for good, or at least for a very long time to come. The combined effect of this continuing credit crunch is that houses are neither being built nor bought in sufficient quantities to make much difference to overall economic growth, and it seems unlikely that a relaxed planning regime will change that to any extent. The chorus of criticism which various ministers have directed at town planners in recent weeks (much to the indignation of the RTPI and its members) is therefore largely mis-directed as an analysis of the underlying reason for the continuing sluggishness of the property market. Local authority planners must, on the other hand, accept that their attitudes and antics, especially over the registration and processing of planning applications, has provided plentiful ammunition for their critics.

There is bound to be much uncertainty over the detailed implementation of the changes foreshadowed in the budget, and we shall have to await further announcements from De-CLoG (or maybe the Business Secretary or the Chancellor, both of whom seem to be perfectly happy to trample all over

Uncle Eric's turf) as to precisely how these various ideas are to be put into practice. However, the importance of Greg Clark's ministerial statement following the budget should not be overlooked; it has all the force and effect of a ministerial circular, and is very similar in its message to the circulars put out by Michael Heseltine in the early 1980s. Out of all the verbiage which spewed out of Whitehall, that piece of paper is by far the most important.

Meanwhile, what of 'localism'? Having nailed their colours rather firmly to the mast, the government cannot be seen to abandon the concept of localism, but the fact remains that the new course on which they have now embarked is hardly consistent with the various notions of localism which they had previously been peddling. I suspect that the opportunity may be taken to make rather more extensive 'concessions' to critics of the Localism Bill in the form of amendments designed to restore an element of strategic planning, which had been the most conspicuous casualty of the localism agenda, coupled with a corresponding watering down of 'neighbourhood planning', by raising the minimum number of people who

can ask to be registered as a neighbourhood, and hedging round the formulation of neighbourhood plans with various restrictions and qualifications. On the other hand, allowing businesses to combine together to become neighbourhoods for this purpose was a clever wheeze, which will further assist the government to achieve the change of direction on which it has now embarked.

Planning law and practice has been in a continuous state of flux ever since I started to specialise in the subject over 30 years ago, but I cannot recall a change of approach so sudden and unexpected as this one. Whilst I do not expect the results, in terms of the volume of development and overall economic growth, to be as significant as ministers apparently hope to achieve, it certainly represents a welcome freeing up of the planning regime, which I for one am happy to see. As I observed in an earlier post, it needs to be backed up with a robust appeals system, and the government will need to ensure that PINS has the resources it needs to cope with the likely increase in appeals. Ministers must certainly abandon previous suggestions of reducing the appeal process to a mere desk-based 'checking' exercise. •

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