

DRAFT NOTE OF A MEETING OF THE NATIONAL PLANNING FORUM

THURSDAY JUNE 23<sup>rd</sup> 2011

LOCAL GOVERNMENT HOUSE, SMITH SQUARE, LONDON

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**47 members and guests attended and there were 5 apologies for absence – names recorded in the Minute Book.**

All the presentations made at this meeting can be viewed at <http://www.natplanforum.org.uk/pres2011.html>

## 1. Welcome and opening remarks

Councillor Mike Haines, Local Government Association, Chair of the National Planning Forum and NPF Vice-chair (Local Government) welcomed members and guests.

## 2. The National Planning Policy Framework – recommendations from the Practitioners Advisory Group (PAG)

### Presentation and discussion

John Rhodes (JR): Director, Quod Planning Consultancy and Pete Andrew (PA): Director of Land and Planning at Taylor Wimpey UK and both members of the Practitioners Advisory Group were in attendance and were welcomed by the Chair. John Rhodes introduced the Practitioners Advisory Group report and both he and Pete Andrew responded to questions and comments from Forum members.

CLLr Mike Haines asked about the rationale for the proposed Certificate of Conformity and its likely impact on the LDF process – this was a change from the system under PPSs and might lead to delay. JR responded that the NPPF represented a new start and had a strong emphasis on growth. It was important that local authorities had the assurance that their plans were in conformity with the NPPF, particularly when they had been substantially prepared prior to the NPPF being agreed. If they were not, there was the danger of plan making by appeal and the presumption in favour of sustainable development (PIFSD) would prevail.

CLLr David Smith of the LGA Environment and Housing Board and a member of Lichfield District Council was concerned about the PIFSD and that it would lead to decision making by appeal. People had to understand that although the process had changed the requirement for housing numbers had not.

Mhora Samuel, Director of the Theatres Trust was critical of the fact that the recommended NPPF did not give a place to the importance of planning for culture, which was in her view vital for sustainable development. PA responded that culture should be picked up as part of the planning process. JR added that it was not deliberately excluded. There was a conscious decision not to write a 'vision statement' into the PAG NPPF, because the authors felt it was not their responsibility. Ministers might feel they should include a vision statement in the forthcoming government NPPF draft and culture might well appear in that statement.

Graham Jones (POS) commended the work of PAG in attempting to simplify planning policy and asked a detailed question about the definition of infrastructure requirements, which appeared to be much narrower than the definition currently in use in local government.

Tony Fyson, TCPA and Planning Magazine congratulated the authors on a genuine contribution to the debate about how planning policy should be presented. It was not a particularly iconoclastic approach and might have value in helping people, especially politicians, understand planning. He was concerned at the 'blunt rejection' of a spatial approach in the NPPF. Graham Bell of Planning for Real shared this misgiving, particularly when many other jurisdictions had a spatial framework. PA responded that it was the job of local authorities to construct a spatial plan

approach; following the abandonment of RSS's it was not the job of the NPPF to address the spatial dimension. JR pointed out that there had been a debate about taking a more spatial approach. JR felt responsibility for mapping proposals was the responsibility of local government and their communities, who should take responsibility for spatial decisions.

Barry Davies of BIAC asked why the PAG NPPF was 'silent' on countryside planning apart from promoting the economy and tourism. JR acknowledged that something might have been missed on countryside planning; but he was struggling to understand exactly what had not been said.

Andrew Pritchard of East Midlands Councils was concerned that the document was a good précis of planning policy; but might present significant problems when used in practice because of the lack of definition of terms. He cited the absence of technical information around flood risk and wind turbines as examples. JR opined that the PAG thought it was important that the NPPF was restricted to only those things it was appropriate for government to say about policy and outcome. There had been considerable debate in the group about the sequential test in relation to flood risk. JR's view was that it might have been possible to say less; however there was no intention to reduce the importance placed on flood risk assessment and management. The NPPF was not the place for guidance on how this should be done in technical terms. There was a major question around who should prepare guidance.

John Anderson of CAP opined that the problem was not 'getting planning moving'; but the lack of forward funding from the banks for development. PA's response was that development finance was a key issue; but was separate from the issue of the proposed NPPF; however, in his view, the planning system had failed by not delivering enough land for housing, which was in part responsible for the housing shortage. The PAG NPPF was designed to help growth happen, but not in a way that harmed the environment.

Michael Coupe RICS referred to previous experience of producing foreshortened planning policy in Wales, which led to the need to produce significant quantities of technical guidance to ensure common standards were adopted.

Brain Waters, NPF vice chair for Professions, referred by way of example to the detailed technical guidance on noise standards in PPG 24 – would this continue or would noise standards become a matter for legal challenge? JR felt it was not necessary to tell people to how to do everything all the time. He hoped that under the NPPF running a planning authority would become a bigger challenge than ever before. There was a major opportunity for people at local level to properly take responsibility and develop vision for their local area. There was a need to learn new skills in relation to the limited number of financial regimes now available. There would be difficulties in delivering the major changes implied by the PAG NPPF; however, there were important positives in reducing the amount of prescriptive guidance. Policy should set out the objective; but not necessarily prescribe how this should be achieved.

The Chair thanked John and Pete for their significant contributions.

### **3. The 'Bishop Review' – Design Council CABE's review of built environment design support**

Peter Bishop (PB), Chair of the Architecture Centre Network and Director, Allies and Morrison Urban Practitioners introduced the review underway in his name.

It was an independent review, enthusiastically supported by DCLG, that was planned to make its final report in September 2011. Its purpose was to examine how, in its new charity format, as part of the Design Council and in substantially smaller form, CABE could continue to support and encourage good quality design at both national and local levels.

The review needed to recognise the bigger political landscape and particularly government policies to encourage localism, growth, the introduction of the NPPF, the drive to low carbon and the abolition of RSS's and introduction of LEPs. Major changes were underway in how public bodies worked, including major reductions in funding at local level. There was a need to work out how support can be given to communities responding to the challenge of neighbourhood planning.

In the Q and A that followed:

Tony Burton of Civic Voice encouraged the review to explore new possibilities and asked about the extent to which it was now necessary to respond to a new constituency, in the form of communities and neighbourhoods requiring advice on place shaping and good design. PB responded that it was not always clear how to respond to individual groups, particularly when many groups would only go through the process once. It was regrettable that

CABE's enabling capability was now severely restricted. The key question was how CABE can apply its limited resources effectively.

Tony Fyson thought CABE's new role needed to be essentially educative in helping local people understand the role and value of innovative design. There was a danger of a conservative 'backlash' at local level to non-traditional design solutions.

Dave Chetwyn, NPF vice chair Third Sector, emphasised the importance of community engagement in design review, especially when combined with design expertise. PB referred to the long history of design review in England. Overall he thought it had made a positive difference. The earlier it was carried out the more useful it could be. Furthermore, design review could not make a bad scheme good – its role was to help make good schemes even better. He was not intending to become involved with Building for Life and thought there was a role for simple tools that helped people get the process right; he recognised that this did not necessarily mean that good design would be forthcoming – this was dependent on the client, quality of brief and selection of designer amongst other factors.

Cllr David Smith was concerned that communities needed to be talked to rather than confronted with proposals. The role of members in design decisions was very important in having the courage to make brave decisions. Cllr Mike Haines and PB supported this view – political leadership was crucial.

Fiona Howie from CPRE drew attention to the new duty for pre-application consultation that was included in the Localism Bill. She thought this would provide opportunities for discussion about design in addition to those provided by the plan making process.

Mhora Samuel referred to the need for CABE to develop partnerships with organisations involved in education and referred to *Living Places*, the collaboration between DCLG and DCMS, which contained a great deal of learning.

Pete Andrew of Taylor Wimpey drew attention to the need for community engagement to be a partnership with the local authority and the community that should begin before plans are drawn up. He thought Building for Life was a good tool. It was important that relationships between house builders and CABE continued to improve.

English Heritage's Charles Wagner referred to work done by CABE and EH on putting design into its context and asked whether design and access statements should be introduced at the beginning of the design process rather than as a post hoc justification towards the end. PB thought bringing design and access statements to the beginning of the process would be a good thing. He wondered whether good design review could also cover some of this ground.

Mike Hayes, NPF Secretary, referred the need to provide education for design – to help people understand what design is and how 'good' design can be recognised and encouraged. PB thought there was a major challenge in raising aspirations to improve standards of design in the built environment. This was an important debate between the Design Council and CABE.

The Chair thanked Peter for his contribution.

#### **4. Update from Department of Communities and Local Government**

Steve Quartermain (SQ), Chief Planner, DCLG introduced the Government's proposals to amend the *Town and Country Planning (General Permitted Development) Order 1995* (as amended) to grant permitted development rights to changes of use from commercial to residential. This was followed by a discussion:

Cllr Mike Haines asked about non-residential buildings in the countryside and whether they would fall within the orbit of the proposed permitted development changes. Steve's answer was in the affirmative.

Brian Waters talked about a policy to promote live-work units in Hackney. This was only partially successful because of the pressure for residential accommodation from the City. He made the point based on his own experience that there was a need to be market responsive and to ensure that changes permitted under the proposal could be easily reversed if the market demanded it.

Tony Burton was critical of the proposed relaxation on the grounds that it was not localist, did not allow the answer 'no'; was not restricted to vacant offices; would remove opportunities for business growth such as 'silicon

roundabout' in Shoreditch; flew in the face of mixed use proposals in a plan-led system; and uses the Use Classes Order as a tool for deregulation rather than for delivering policy outcomes. SQ emphasised the Government's agenda to liberalise the planning system and create a climate of freedom.

Andrew Pritchard questioned the assumption that there was a shortage of land for housing. The question was how to turn permissions into houses. There was a lack of information on how many houses were contained in planning permissions – this was the area to which the Government's attention should be addressed. SQ pointed out that there was a major question about whether the homes that had planning permission were houses of the right type to meet market conditions and achieve viability. There was a need to 'oversupply' in order that housebuilders had flexibility and choice in programming bringing sites forward.

Graham Jones referred to his experience of successfully encouraging the conversion of redundant office space to residential purposes. The planning system provided a mechanism to ensure the housing units met adequate standards, were fit for purpose and delivered open space, affordable housing and Section 106 agreements. This positive power could be lost under the current proposal.

Cllr David Smith raised the question of whether the sites of derelict sheds in rural areas could be redeveloped to residential estates. SQ pointed out that the proposal did not apply to buildings with an agricultural use.

Peter Geraghty, RTPI, was concerned that the proposed approach undermined the *raison d'être* of the planning system because it was a blunt instrument. The system already has the tools to solve the issues that the permitted development proposal will struggle to address.

Simon Leask, NPF vice-chair Public Agencies, was concerned that the proposal was a fundamental change that ran against the spirit of localism and that there was no clear evidence that the problem the new measures were designed to solve existed. SQ felt there were places with high levels of office vacancy which represented an opportunity and others where local authorities were reluctant to respond to market demand for office to residential conversion.

Pete Andrew commented that some planning consents were undoubtedly unviable; however, the key issue for developers was the need to provide a highly segmented and differentiated product from a variety of outlets at any one time.

Jan Molyneux from Planning Summer School remarked that in Bath there were a lot of vacant commercial units; however, this was in the midst of a recession and the question remained as to what conversion to residential might mean for commercial office supply when economic conditions improved. She felt that too much would be lost in the removal of planning scrutiny and the imposition of conditions and other requirements for the proposal to be supported.

Barry Davies pointed out that there were many vacant storage buildings in rural areas that were consistently refused permission for conversion to residential.

Michael Coupe was opposed to the proposal on the grounds that the real issue was the availability of mortgage finance. He thought it unlikely that local authorities would seek to introduce controls through Article 4 Directions because of the compensation implications and that values might rise as a consequence of the removal of the requirement to provide affordable housing.

Fiona Howie asked about public consultation around the proposed strategic environmental assessments of RSS's proposed for revocation. SQ replied that the exercise was currently being scoped and if and when the SEA process began there would be the opportunity for engagement. He responded to Andrew Pritchard that DCLG were on track for the Localism Bill to receive the Royal Assent in November. The process of revoking RSS's would commence after the Bill had received Royal Assent.

Trudi Elliot, Chief Executive of the RTPI, pointed out that the RTPI would argue against the current proposition and remarked on the large number of representations the RTPI had received, particularly from local authorities concerned that the proposed new permitted development change of use will inhibit their ability to respond to the growth agenda in its widest form. She asked what work the department was undertaking on transitional arrangements in the context of the Localism Bill and the NPPF – there was a danger of chaos. SQ observed that much of the system remained unchanged; however, there was an issue around housing target figures in the RSS's. Some areas of policy or process change did not require transitional arrangements; but there was an issue around

the introduction of the NPPF, which had led the PAG to propose a Certificate of Conformity to enable core strategies to be taken forward – this proposal was under consideration. Other measures to fast track amendments and alterations were also under consideration.

The Chair thanked Steve for his contribution.

## **5. Update from the Executive Board The Secretary**

Mike Hayes updated the Forum on progress in relation to:

- a. Membership policy, subscriptions and funding – the response to the call for subscriptions in 2010/11 had been very positive. Initiatives to grow the Forum’s membership were underway. 2011/12 subscriptions would be addressed in September and needed to be viewed in the light of the need for the Forum to be financially independent.
- b. The ‘Mediation in Planning’ project – the publication *A Short Guide to Mediation in Planning* had been launched at the Planning Convention during the previous week, where 38 people attended a workshop. Copies were available.
- c. NPF at the 2011 RTPI Planning Convention – a well received event. Seven member organisations had taken advantage of the NPF stand for the distribution of literature.

## **6. Draft note of March 4<sup>th</sup> 2011 meeting**

Not available.

## **7. AOB**

There were no matters arising.