

Planning for a Sustainable Future – White Paper

Response by the Royal Institute of British Architects

Introduction

The Royal Institute of British Architects is one of the most influential institutions in the world, and has been promoting architecture and architects since being awarded its Royal Charter in 1837. The 35,000-strong professional institute is committed to serving the public interest through good design. It also represents 85% of registered architects in the UK through its regional structure as well as a significant number of international members. Our mission statement is simple – to advance architecture by demonstrating benefit to society and promoting excellence in the profession.

Summary

- Design must be entrenched into the planning system.
- The systematic use of regional design panels would help to ensure quality design within the planning system.
- The widespread appointment of duly empowered design champions would further promote good design practice.
- Pre-application discussions should be encouraged wherever possible.
- Planning policy needs to be more strategic and efficient. Clarity and lack of repetition within policy frameworks must be ensured.
- The planning application process must be made more effective. The reform of unrealistic time targets for large projects as well as changes in planning permission for minor developments should produce a more practical system.
- Addressing climate change remains a top priority but this should not only be focussed on the energy performance of new buildings. More must be done to reduce carbon emissions from all buildings types and existing buildings stock.
- Assessing the environmental performance of buildings should remain the role of building regulations and not planning control.
- The planning appeal system must not be allowed to become any more bureaucratic and must not have added pressure placed on it by the unreasonable use of crude targets.
- The right of appeal to the planning inspectorate must be safe-guarded. However, the introduction of fees for lodging planning appeals would discourage unnecessary appeals.
- Increased training and the development of skills among planning officers and committee members would foster effective performance within the local planning authorities.
- Training must include developing the understanding of design issues.
- The idea of a national plan in dealing with major infrastructure projects is welcomed by the RIBA. However, the difficulties that arise from the current compulsory purchase system must be addressed.

- A more positive approach to greenbelt policy must be sought whilst continuing to protect valuable open space.
- There is a need to review how existing floodplains, and land at high risk from flooding or coastal retreat, may be protected from future development. The introduction of a 'bluebelt' protected area may prove essential.

General comments

The RIBA welcomed Kate Barker's review of land use planning when it was published in December 2006, having worked with the Barker review team on the preparation of the report.

Our response to the Planning White Paper falls into two sections: design and deregulation. On deregulation we broadly support measures to improve and streamline the planning system. On design, while we are pleased that many of Kate Barker's proposals have been taken up by the Government, we are disappointed that others such as the systematic use of local design review panels – which would make a huge difference in terms of quality outputs from the planning system – have not been adopted.

Our response to the White Paper as a whole has been that while deregulation must be welcomed, it should not proceed at the expense of design quality. Our response to Barker said that to focus solely on the deregulatory recommendations without addressing the essential checks and balances offered by those that add value through design would be unacceptable, and quite contrary to the achievement of well-designed places and thereby the creation of sustainable communities. Or, in other words, to do so would simply allow poor-quality planning decisions to be made more quickly.

At the Royal Town Planning Institute Convention in June 2007, the Minister for Housing, Yvette Cooper MP, spoke of the need for "more housing and better quality housing". While the White Paper is geared to enabling the delivery of more housing, it needs to go further in terms of delivering quality. If the Government remains determined to proceed with an ambitious building programme – and in particular if it is to deliver its stated target of 3 million new homes by 2020 – it will have to overcome significant local opposition in many parts of the country. Such opposition is often dismissed as "nimbyism" and an irrational fear of development. We would say that, given the poor quality of many built environments, that fear may be perfectly rational. A planning system which has too often failed to deliver on design quality has understandably given rise to such fears. We therefore argue that it is in the Government's interests to ensure that design quality is entrenched into the planning system so that planning can be shown to deliver improved neighbourhoods and amenities for ordinary people.

Entrenching design quality within the planning process

Based on the experience of RIBA members, it seems that planning is a postcode lottery. Architects all over the country complain of applications that have taken months and extraordinary amounts of money to be resolved, and provide numerous examples of decisions by planning officers and committees that range from the careless to the bizarre. Elsewhere, however, RIBA members report that many

authorities have a sound record of making good, timely decisions with proper consideration of design issues and are able to deal sensitively with design. The best authorities are those which allow sufficient time and resources for good decision making and encourage a sound understanding of design among elected councillors and planning officers. What is clear is that the planning system on the ground is patchy and in need of reform. We submit, through this response, that this reform can be achieved relatively easily.

We want a planning system that streamlines process and bureaucracy, while placing a greater emphasis on positive planning, place-making and the creation of successful neighbourhoods. Entrenching design within such a system is important because although planning policies and processes may change several times in the lifetime of a development, a poor-quality development is a more permanent blight on its surroundings.

In our response to Kate Barker's report we said there was an urgent need for design matters to be dealt with in a more professional, rational and consistent manner within the planning system. The experience of many architects is that "lowest common denominator" prejudices are applied in decision-making in a manner that is contrary to national and local policy and guidance. This results in capricious or ignorant decisions based on the mistaken belief that there can be no objective basis to the evaluation of decisions on design. Poor or banal schemes are frequently approved as they are "unchallenging", while good quality schemes struggle to obtain consent. There is a desperate need for detached, objective expert advice on design to inform decision-making within the planning system at all levels.

Design is not just about aesthetics. Good design is functional, sustainable and gives pleasure. Kate Barker recognised the ability of design quality to attract people, investment and activity to places, as well as the social and health benefits that good design can bring. Local authorities need to understand design properly and allow nothing less than good design.

We consider that the argument frequently advanced against giving more weight to design issues in the planning process - that design is subjective - is too simplistic. Indeed this argument can more accurately be applied to the current system. Within the current planning system, it is not uncommon for well-designed schemes, which are prepared by design specialists and enjoy wide support, are thrown out on the subjective prejudices of individual planning officers or councillors. What we propose is that design decisions for significant applications should be taken out of the hands of individuals before being given greater weight within the planning system.

Design review panels

We support the use of design review panels at regional and local level, and support Kate Barker's recommendation that these should be integrated within the pre-application discussion process. The highly-respected national scheme provided by the Commission for Architecture and the Built Environment offers a model that CABA - working in partnership with the RIBA and others - is now developing at the regional level.

At present, RIBA members participate on local design review panels in many areas - for free and in their own time - with positive outcomes for their communities. Indeed, the RIBA is facilitating the establishment of design review panels - for example

following the successful establishment of a panel in the London Borough of Southwark, the RIBA is working with other boroughs to develop similar panels in Camden and Islington. We believe that it is a logical next step from the establishment of regional panels for design review panels to be rolled out systematically to the local level to consider all major applications in those areas.

Design review panels enable developers and their design teams to engage with a well-supported panel representing the local authority and other interests such as architects, landscape designers and conservationists. Comments are given without prejudice, and enable developers and planners to develop a positive dialogue about their respective aspirations for the urban environment. Other benefits include raising the standard of design through informed criticism of proposals. Reports by design review panels can be used by local planning authorities to better understand the design quality of submitted schemes. By bringing decision-makers into a forum of informed discussion, vital skills and understanding can be shared and communicated at a political level.

It is important to note that we are not proposing a formal, additional layer of bureaucracy. We do not propose that all proposals for development should automatically be submitted to the design review process. Instead we propose that, as with the CABE national model, design review should be an available option to all parties in every local planning authority.

Such panels need to focus only on the design merits of proposals and should not concern themselves with policy issues which are a legitimate consideration of others within planning authorities. Care also needs to be taken to avoid real or perceived conflicts of interest on panels. Panels must be given full autonomy to give unfiltered verdicts to planning committees if their full value is to be realised – unlike the London Borough of Hackney where the recently-established design review panel's reports are prepared by planning officers – an unnecessary filter in a well-intended process.

In order to give the proposed system some teeth, however, we propose that the findings of design review panels should carry evidential weight on appeal where an application has been rejected by a local planning authority on design grounds. A statement from Ministers that this should be the case would be enormously helpful.

Case study – North Staffordshire

In North Staffordshire a design panel has been established by the North Staffordshire Architecture Centre group Urban Vision in partnership with CABE, the local regional development agency and local authorities in the area. It is chaired by leading architect Edward Cullinan and contains other architects, planning officers, urban designers and surveyors. Local authority design and historic environment champions are also invited to participate. It meets monthly to consider all schemes put forward by local authorities in North Staffordshire (including preliminary schemes) before submitting a design review report to the relevant local authority within ten days. The panel's recommendations are a material consideration in the exercise of the local planning authority's powers.

Case study – Places Matter! North West regional design review

Places Matter! is a joint initiative of Renew North West, the North West Regeneration Agency and RIBA North West which delivers a programme of activity to drive up the quality of design in the North West region. Places Matter! is currently establishing a regional design review panel to consider schemes of more than local significance and is intended to stand alongside both the CABE national design review and any local planning authority panels. The panel will meet on a monthly basis in up to six locations to ensure a spread of service throughout the region. Local planning authorities, regeneration agencies, developers and design teams will be encouraged to consider any recommendations made by the panel. Planning officers are also being urged to include the panel's views in planning committee reports alongside any consequent changes to proposals.

Design champions

The RIBA's *A Manifesto for Architecture* recommended that design champions should be appointed in regional development agencies and local authority cabinets, duly empowered to give a clear lead and insist on the importance of good design. We were pleased that Kate Barker's report endorsed their appointment at all levels and recognised the importance of ensuring that they have the necessary skills and experience.

For us, the key point remains that they should be duly empowered – in other words they should have sufficient authority within their organisations to make a difference. Tokenistic labelling is not good enough.

Case study – Royal Borough of Kensington and Chelsea

Councillor Daniel Moylan is the design champion for the Royal Borough of Kensington and Chelsea. He is well-known for the courageous decision to “declutter” Kensington High Street. He urged the removal of unnecessary railings, signage and traffic barriers in order to produce a more elegant public realm with a greater sense of space and place. In doing so, he went against much of the perceived wisdom of highway management. He took care, however, to take advice and asked his colleagues to consider the design of the High Street from first principles. He gave his officers the confidence to put fresh thinking into practice and, by doing so, produced an approach that produced a more attractive environment for pedestrians, residents, drivers and visitors in Kensington. His approach is now being emulated elsewhere.

Pre-application discussions

The RIBA would like to reiterate the importance to its members of pre-application discussions between planning departments and architects. This is viewed by many to be a fundamental process in securing the most efficient delivery of high standards within a given project. This is especially true given what can be extremely difficult time-targets (13 weeks for larger applications). If planning authorities could give recognition of the valuable ground covered in pre-application discussions so that the agreements achieved with consultees are recorded and ticked off, time pressure would be alleviated during the limited post-submission period. The presentation of a package of a properly researched, minuted and agreed set of documents drawn up during the development of proposals could be considered as sufficient evidence of pre-application consultation. It is also important that discussions continue throughout the application process and that any pre-application discussions are completely open.

Positive planning (Chapter 7)

We agree that a primary objective for the planning system must be to integrate the economic, social and environmental objectives that underpin the development of sustainable communities.

We welcomed Kate Barker's assertion that, in applying a presumption in favour of development where local development plans are indeterminate, applications should be approved unless there is a good reason to believe the costs outweigh the benefits. We have said before that our interpretation of costs, however, includes design outcomes such as the physical impact of development on a neighbourhood where the costs of allowing poor design can be measured not only in aesthetics but also economics and human activity. Poor design hobbles a community's chances of success and must not be allowed.

Our response to the Barker report stated our support for a positive approach to applications for change of use class where there is no likelihood of demonstrable harm in order to provide greater flexibility of use in the context of changing market conditions. This will form the basis of our response to the forthcoming draft Planning Policy Statement on *Planning for Economic Development*.

In terms of decision-taking, we believe that design should be considered when assessing each of the economic, social and environmental impacts of development proposals.

Streamlining planning policy

A more strategic and focussed national policy framework (Chapter 7)

We believe that more can be done to streamline policy and guidance at the regional and local level. Much regional and local policy or guidance does little more than restate national policies at greater length, with less clarity and in unnecessary detail. This is particularly true of generic guidance on urban design and conservation where national policy and guidance can establish general principles which apply everywhere.

Regional and local policy or guidance should limit itself to matters which are specific to the locality in question.

It is also our belief that there is much space for clarification within the content of planning policy statements themselves. It is felt that inclusion of policy guidance within many of the existing policy statements represents unnecessary repetition which results in confusion and subsequent inefficiency in the planning application process. The separation therefore, between national policies and local policy statements should become much clearer.

We agree with the Government that the existing national planning policy framework can be streamlined. We therefore support the proposed review of planning policy statements – but only up to a point.

In recent years the RIBA has had some success in persuading Government of the need to include clear statements of the importance of design quality in national planning policy statements. The most recent versions of PPS1 and PPS3, for example, are much stronger on design quality than their predecessor documents. We would be particular anxious to retain the emphasis on design quality in PPS1 – *Delivering Sustainable Development*, which states that “good design is indivisible from good planning” and contains a clear direction that local planning authorities should reject poor design.

While we believe, therefore, that some streamlining of policy can be achieved through removing repetition and duplication from the range of Planning Policy Statements and Guidance Notes, we will be anxious to ensure that the progress made to raise the profile of design within the series is not diluted in the distillation of the policy statements.

We agree that PPS1 should be the parent document for other planning statements in the series. It already stands as the most authoritative within the current series and should remain so with clear exhortations upon planners to value good design.

An effective and efficient planning system

Planning permission for minor developments (Chapter 9)

The RIBA’s A Manifesto for Architecture called on the Government to devise simpler procedures for small scale planning applications in order to reduce unnecessary burdens on an already overstretched planning system by streamlining processes wherever possible.

We have supported the work of the Householder Development Consents Review and agree with Kate Barker’s conclusion that it is sensible and welcome that planning effort and energy is diverted to where it matters most and householders freed from unnecessary burdens. We support the widening of permitted development rights for minor household consents through the introduction of an impact approach to permitted development.

We acknowledge that the proposed changes to the permitted development rights system appear to be well-founded and sound in principle. We note that some simplification of the regime for side and rear house extensions is proposed, although

we do not expect that these will greatly increase the scale of extensions that could be built without planning permission. We also note, of course, that other categories of permitted development would become even more restrictive – notably in relation to alterations to the roof of a dwelling and alterations in front garden areas.

We therefore do not expect that the proposed changes will greatly reduce the amount of work that local planning authorities are required to carry out. Overall we expect that new applications required will add to existing workloads, while even schemes that would not fall within the proposed permitted development rules would much more frequently attract applications by householders for lawful development certificates.

Whether or not permitted development rules are changed, we believe it will be necessary to consider basic planning principles for small-scale development as a matter of urgency. We have included some suggested planning principles in our response to the separate consultation on changes to permitted development which is attached to this paper at Annex 2.

We note the Government has its own concerns about Kate Barker’s proposed development of voluntarily negotiated neighbour agreements. We are concerned that such agreements could be open to abuse and may in some cases be used to disguise intimidation or bribery by aggressive or corrupt individuals. Planning decisions should be made on sound planning grounds and not whether a neighbour will accept a financial settlement. Our position remains that while neighbours can move on, bad design does not.

Streamlining the planning application process (Chapter 9)

Minor amendments to planning applications (consultation question 40)

We are pleased that the White Paper has responded to concerns arising out of *Sage v. Secretary of State for the Environment, Transport and the Regions* [2003] that local authorities were misinterpreting the judgement by requiring any minor amendment to approved plans to be subject to a new planning application.

However, the solution offered is the introduction of an additional layer of bureaucratic planning controls rather than a more direct solution. Where a minor change to a scheme is proposed a local authority already has the power to consider a particular proposal and exercise discretion to take no further action.

The general principle established in UK law, that the law should not take account of trivial matters (the *de minimis* principle), should not be eroded. In practice the scale of matters that are considered to affect planning decisions have become more detailed. The Secretary of State should issue guidance to the effect that very minor matters are not considered to fall within the planning system and it would be expected that the courts would follow that principle.

Streamlining information requirements

We support the Government’s objective to reduce the information requirements supporting planning applications and environmental statements. There is anecdotal evidence from RIBA members that some planning authorities are “gold-plating” Government guidance and requiring more information from applicants than is necessary. We strongly support the ongoing work by Communities and Local

Government on the Householder Development Consents Review and it is logical that the “one size fits all” approach to planning applications causes unnecessary delay and insufficient regard by planners who are unable to devote close attention to those applications which require it. We look forward to working with the Government on the forthcoming review of information requirements later this year.

Strengthening the role of local authorities in place shaping (Chapter 8)

We agreed with Kate Barker’s recommendation that the status of Chief Planning Officer should be raised within local authorities and encourage the Government to pursue its intention – included in the Local Government White Paper – to make planning a prime responsibility of a corporate director within each authority.

Improving the planning performance framework (Chapter 8)

We believe that the current time targets for considering planning applications must be reformed. These targets – 8 weeks for most applications and 13 for major developments - were introduced as a well-meaning attempt to incentivise improved performance by local planning departments. They have, however, produced unintended consequences including additional delays which must be addressed. Many of our members have experienced the resulting bottlenecks caused by trying to cram consideration of what can be years’ worth of design, technical and administrative process for larger projects into such a limited timeframe.

Architects and clients all over the country report numerous cases where quite straightforward planning applications are rejected on a technicality at around the 8 week mark before the substantive planning issues can be resolved, thus allowing planning departments to meet their performance targets for processing applications. Applicants, however, face further delay and costs as they find themselves having to resubmit applications or appeal. Alongside such delays, other consequences include increased caseloads and costs for planning departments as repeat applications are made, and a mushrooming of planning appeals.

The targets also limit the opportunities for designers and planners to discuss applications once applications have been made. While the encouragement of pre-application discussions can temper the time constraints imposed by the time targets, the targets nevertheless limit useful discussions at a critical stage in a project’s development, when the application is in the public arena.

Time targets – a proposal for reform

Article 20(2) of the Town and Country Planning (General Permitted Development Procedure) Order already permits the period for planning applications to be extended by agreement in writing between the applicant and the planning authority. We suggest that Planning Delivery Grant receipts should not be withheld where local authorities meet such agreed targets. By doing so, the important link between PDG and performance would be retained, while introducing a degree of flexibility that encourages greater dialogue between applicants and planners.

Planning appeals (Chapter 9)

The proposals for changes to the planning appeal system are very unsatisfactory. The system is already becoming unduly bureaucratic and the unreasonable use of crude targets to put pressure on the Planning Inspectorate is likely to generate poor outcomes. The Inspectorate should be encouraged to facilitate the appeal process rather than rely on inflexible procedures.

It is most important that the right of appeal to the Planning Inspectorate must be retained as Planning Inspectors are both skilled and independent. It would be unacceptable and unjust for councillors to determine appeals against their own authority.

The removal of the right to an oral hearing would be wrong. Even a domestic extension leading to a planning application may be one of the most important single transactions undertaken by a householder and it is essential that such proposals be judged competently and fairly. This could be compromised if witnesses are not present in person to present their case.

We support the introduction of reasonable fees for lodging planning appeals in the hope that this will discourage unnecessary appeals. We believe that financial disincentives could be useful elsewhere in the system too. Some planning decisions – for example where councillors go against the advice of planning officials on design grounds – can be capricious and carry financial consequences for local taxpayers through inevitable appeal costs. Thus a greater awareness within planning committees that their decisions are not without financial implications should be encouraged.

Options for consideration include allowing for planning appeal fees to be returned in the event of an appeal being upheld, with the ‘losing’ authority being required to pay the difference to the planning inspectorate or the refund of such fees by unsuccessful local planning authorities at appeal to the appellant. The issue of awarding costs in planning appeals should be reviewed in any case.

Effective performance by local planning authorities (Chapter 8)

The development of planning skills and resources must be a priority. The RIBA’s *A Manifesto for Architecture* called for investment in a planning system where planners are valued and equipped with a sound understanding of design. We have stated our support for Kate Barker’s recommendation of compulsory training for planning committee members and increased training for officers. This training must include developing their understanding of design issues. While we are pleased that the Government has acknowledged the need to improve the quality and numbers of staff in local planning authorities, we do not believe that staff and resources alone are the answer as their impact will only be felt over time. Our proposals above for entrenching design further into the planning system would have an immediate and positive effect and should be taken forward alongside further investment in planning departments.

The White Paper cites the establishment of the Commission for Architecture and the Built Environment (CABE) and the Academy for Sustainable Communities (ASC) as organisations that can support skills development in local planning authorities. Both

bodies – and CABE in particular – have had a positive impact on architecture and the built environment since their creation. The RIBA is very pleased to enjoy a close working relationship with both organisations and its own members around the country are able to play their part in developing design awareness among planners – perhaps through mentoring or participating in more formal training schemes. There could also be opportunities for schools of architecture to play a part in this process.

A general principle should be that planners' attention should focus most on the more complex cases that come before them. Improved resources, skills development (including design training) and empowerment of planning officers would enable councillors to focus more on strategic issues and less on design control. A second sound principle is that the state should not interfere unnecessarily with the private rights of householders and others to use their property, unless the exercise of those rights would cause some identifiable and significant harm to individuals in the vicinity or society as a whole.

Addressing climate change

Over the last few years a remarkable consensus has developed around the need to tackle climate change through the energy performance of buildings. Efforts by Government so far have concentrated on new buildings – in particular new housing – through measures such as the Code for Sustainable Homes and the Government's stated objective for all new homes to be carbon neutral by 2016. We have supported those measures, but maintain that more must be done to reduce the carbon emissions from all building types and existing building stock.

We have welcomed the Government's proposal to issue a supplement to PPS1 *Planning and Climate Change* and that the new supplement should, like PPS1, enjoy "supremacy" among its sibling policy statements. We responded to the consultation on the draft supplement to PPS1 which we include as an Annex to this response.

Among a range of recent measures and proposals by the Government – such as the supplement to PPS1, the Code for Sustainable Homes and the current *Building a Greener Future* consultation, there is an increasing blurring between the respective roles of planning control and building regulations in assessing the environmental performance of buildings. We would submit that the building regulations should remain the focus for addressing building performance issues as they provide clear targets against which constructed buildings can be measured and recommendations for improvement made.

Encouraging microgeneration (Chapter 7: consultation question 33)

The RIBA's *A Manifesto for Architecture*, published in 2005, stated that the planning system should be sympathetic to domestic renewable generation. We were pleased that Kate Barker gave her support for domestic microgeneration and we therefore welcome the Government's proposal that broadly all forms of householder microgeneration should be permitted without the need to apply for planning permission (subject to conditions on noise, vibration and visual impact). We also support the White Paper's proposal that permitted development for microgeneration should similarly be extended to other land use types including agriculture and commercial buildings.

We welcome signals in the White Paper that the Government is keen to reduce carbon emissions from new commercial buildings, and we look forward to learning more about the Government's forthcoming proposals. An early lesson worth noting from the Code for Sustainable Homes is that where Government shows a clear lead and determination, the industry will ultimately follow.

Infrastructure and the national planning commission (Chapters 2-5)

The Government's anxiety to speed up and simplify the application process for major projects is understandable and realistic in the national interest. The underlying principle – that the decision-making body should be at the right level of authority for the scale of the application (e.g. that national bodies should determine outcomes with national impacts) is correct. It is vital, however, that every section of the community below the national level should have proper opportunities to make their views heard in a democratic and transparent manner.

We also support the principle that the final decisions on large-scale infrastructure projects should be depoliticised. The idea of a national plan is strongly supported, and the RIBA has itself in the past argued that a national plan should underpin all planning policies. It is correct that the responsibility for determining national infrastructure policy should rest with democratically accountable ministers while individual proposals should be determined by a properly independent body. All decisions must be taken after due local consultation with citizens and stakeholders.

We note, however, that one reason why projects involving compulsory public acquisition of land are unduly laborious in the UK is the compensation regime. Minimal compensation is often paid, in turn generating resistance to the public project. A thorough review of the compensation system would need to consider fairer compensation to individual landowners whose property must be taken over. At the same time compensation to whole communities could be considered – perhaps through a system of council tax relief – if the national interest required that a major element of infrastructure such as an airport or motorway needed to impinge on their community.

Protecting the green belt (Chapter 7)

In response to Kate Barker's report we said that a review of greenbelt policy was due, noting that refusals of small-scale developments on greenbelt land and the resultant appeals clog up an over-burdened system. We hope that both a more positive approach to greenbelt development (while protecting and enhancing valued open space), and the reforms signalled elsewhere in the White Paper on householder development consents, will enable those applications which genuinely require fuller consideration to be properly processed.

Floodplains

We would also like to take this opportunity to call for a review of how existing floodplains, and land at high risk from flooding or coastal retreat, may be protected from future development. Major flooding events will increase in frequency and

severity over the coming years due to climate change, while development pressure will remain intense, sometimes necessitating development on the flood plain. In many areas, the designation of 'bluebelt' land, floodplain protected from significant development, may be necessary to enable flood water to be held away from urban centres. At the moment no single agency has sufficient or co-ordinated powers to protect such land from development. We would encourage the Government to explore ways in which floodplains and sustainable water management systems may be developed and protected for the future through a suitable land designation system.

Planning Policy Statement: Planning and Climate Change

Supplement to Planning Policy Statement 1

Comments by the Royal Institute of British Architects

Introduction

The Royal Institute of British Architects is one of the most influential architectural institutions in the world, and has been promoting architecture and architects since being awarded its Royal Charter in 1837. The 35,000-strong professional institute is committed to serving the public interest through good design. It also represents 85% of registered architects in the UK through its regional structure as well as a significant number of international members. Our mission statement is simple – to advance architecture by demonstrating benefit to society and promoting excellence in the profession.

General comments

We welcome the Government’s proposal to issue this planning policy statement as a supplement to PPS1. We are pleased that the Government intends that, just as PPS1 is the most authoritative of the PPS/PPG series, so should its new supplement have similar “supremacy” among its sibling documents.

The draft PPS has been issued as part of a broader package including the Code for Sustainable Homes and the Building a Greener Future consultation document. This conscious effort to pursue joined-up thinking also points to an increasing blurring between the respective roles of planning and building control when assessing the environmental performance of buildings. We would submit that building control should remain the focus for addressing building performance issues. Other issues, such as ensuring compliance with Building Regulations or accounting for post-occupancy behaviour will need to be addressed as more ambitious Building Regulations are brought forward. But that is not an issue for this response.

Summary

- Local planning authorities should be free to aim for higher building standards.
- The supplement should clearly state it applies to all building types
- The role of design quality should be clearly stated
- Proposals to look favourably on renewable energy are particularly welcomed
- Compliance and enforcement will require investment and skills development in local planning authorities

Detailed comments

Climate change and planning

This section is drafted around the UK Government's own domestic targets to reduce carbon dioxide emissions. It is noticeable, however, that the empowerment of local communities comes last among the benefits of positive spatial planning listed in paragraph 5. A less rigid redraft of this section would give local planning authorities the confidence to pursue their own carbon reduction targets if these are more ambitious than the Government's own national targets.

We suggest this section would also benefit from a clear statement that, as it takes precedence in the national series, this supplement to PPS1 is concerned with other building types beyond the domestic sector.

Key planning objectives

Paragraph 6 lists the key planning objectives for the policy statement. We strongly believe that high quality design is a crucial element in delivering sustainable buildings. Architects, for example, bring to projects a unique set of skills that are necessary to produce buildings that perform well, fulfil their function and are attractive. Similarly, there is a risk that design quality might be compromised if efforts to produce low or zero carbon buildings are made with undue haste or insufficient care.

The role of design is well expressed in the "parent" PPS1, which states:

"Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted"

Because design quality is so central to the successful achievement of the Government's own targets, yet also at risk from less conscientious developers, we submit that paragraph 6 should contain a similar statement of the importance of design quality.

Energy supply

In 2005 the RIBA published *A Manifesto for Architecture*. Among its recommendations was the following:

- Make the planning system sympathetic to domestic renewable energy generation. The planning system should encourage people to run their homes with minimum impact on the environment.

For this reason we welcome paragraphs 22-23, and in particular the encouragement to "look favourably on proposals for renewable energy".

Determining planning applications

Paragraph 28 currently says that “where proposals are inconsistent with the policies in this PPS, consideration should be given to how they could be amended to make them acceptable or, where this is not practicable, to refusing planning permission.”

We believe this is too weak. Local authorities need to be given the necessary tools to be able to refuse applications on the grounds that they are environmentally poor. We suggest that it should simply state “where proposals are inconsistent with the policies in this PPS, they should either be amended to make them acceptable or, where this is not practicable, planning permission should be refused.”

Responsibilities

There has been some concern that paragraph 31, which says that local authorities need not set their own standards above those set out nationally in the Building Regulations, might preclude local authorities from applying the energy saving parts of the Code for Sustainable Homes to private housing. The paragraph is certainly ambiguous and can certainly be given that interpretation.

We believe that there should be nothing in the document which fetters local planning authorities’ ability to demand higher building standards than those set nationally. To do otherwise would not only run contrary to the spirit of the recent Local Government White Paper, but would also ignore the fact that the growing acceptance of the need to maximise building performance has come about thanks to the pioneering efforts of local planning authorities around the UK.

There is some inconsistency between paragraph 34, which effectively requires at least an element of energy to be supplied from on-site renewable sources for all new development, and the third bullet of paragraph 35, which places such a requirement only on substantial new development. At present, the latter is more realistic.

Compliance and enforcement

Much of the content of the proposed supplement to PPS1 is relatively new, and remains subject to rapidly changing technology and other factors. It is true that ensuring full compliance is important – but full compliance will require greater investment in skills and staff resources in local planning authorities. We supported Kate Barker’s recent call for greater investment in the planning system – and if efforts by local and central government to improve building performance are to be meaningful, this is absolutely crucial.

ANNEX 2

Changes to Permitted Development Consultation Paper 2: Permitted Development Rights for Householders

Comments by the Royal Institute of British Architects

Introduction

The Royal Institute of British Architects is one of the most influential institutions in the world, and has been promoting architecture and architects since being awarded its Royal Charter in 1837. The 35,000-strong professional institute is committed to serving the public interest through good design. It also represents 85% of registered architects in the UK through its regional structure as well as a significant number of international members. Our mission statement is simple – to advance architecture by demonstrating benefit to society and promoting excellence in the profession.

General comments

In 2005 the RIBA published *A Manifesto for Architecture*, in which we challenged Government to devise simpler procedures within the planning system. To that effect we have supported the work of the Householder Development Consents Review and Kate Barker's conclusion that planning effort should be diverted to where it matters most, freeing householders from unnecessary burdens. In principle therefore, we support the widening of permitted development rights for minor household consents through the introduction of an impact approach to permitted development.

We acknowledge that the proposed changes to the permitted development rights system appear to be well-founded and sound in principle. We note that some simplification of the regime for side and rear house extensions is proposed, although we do not expect that these will greatly increase the scale of extensions to be built without planning permission. We also note, of course, that other categories of permitted development would become even more restrictive – notably in relation to alterations to the roof of a dwelling and alterations in front garden areas.

The principal aim of the Government's proposals should surely be to remove a lot of minor small-scale planning applications from the planning system altogether. The planning system, which is severely over-stretched, should be streamlined wherever possible so that planners can spend their time on more important matters. Unfortunately, we do not believe that the Government's proposals will achieve this.

We do not expect that the proposed changes will greatly reduce the amount of work that local planning authorities are required to carry out. Overall we expect that new applications required will add to existing workloads, while even schemes that would not fall within the proposed permitted development rules would much more frequently attract applications by householders for lawful development certificates.

The RIBA would like to stress the necessity of considering basic planning principles as a matter of urgency for inclusion in a national planning policy statement, whether

or not permitted development rules are changed. In the rest of this response the RIBA lays out a basic set of principles related to changes in permitted development and planning permission for minor developments in general. We feel that these could be adopted by Government and would be recognised by relevant professionals as principles which are in any case generally acceptable.

Proposed basic RIBA principles on permitted development rights for householders and other small-scale development.

Background

Presumption in built-up areas

Within the development limits of built up areas, as defined in development plan documents, there is a presumption that planning permission will be granted for development unless it would clearly cause significant harm to planning policy objectives, including harm to fundamental amenities enjoyed by neighbours.

Presumption in the countryside

In the countryside, outside the development limits identified in development plan documents, development proposals will normally need to be justified by site-specific proposals in the development plan. Nevertheless, landowners can reasonably expect to be allowed to extend and improve existing buildings, to an extent that the development would not cause significant harm to the rural character of the countryside or real and material harm to the openness of green belts.

Planning considerations generally

Within the development limits of built-up areas, issues of significant harm most commonly arise in relation to the effect that development proposals may have on immediate neighbours, their visual impact on the setting or street scene, and their traffic implications.

Neighbour issues

Effect on neighbours' amenities

It is often argued by objectors to development proposals, even to very minor development proposals, that a particular scheme would cause a loss of privacy, a loss of sunlight and/or daylight, or an increase in disturbance.

Privacy

In built up areas, high levels of privacy in gardens can not be expected, but reasonable standards of privacy are necessary, especially within the home. Where first floor windows face each other across gardens, for example, a separation distance of about 20 metres should be sufficient to achieve a reasonable standard of privacy, although a lesser standard may be appropriate where only oblique views can be obtained.

Sunlight and daylight

Where a loss of sunlight and/or daylight is alleged, it may sometimes be necessary to carry out detailed appraisals using sunlight and daylight calculations. In general terms, however, it can be stated that new buildings should not overshadow their neighbours for a large part of the day and should not cause unreasonable loss of light to the windows of neighbours' habitable rooms. Likewise, some regard must be given to whether the adjacent building has been constructed in a neighbourly way or whether flank windows would have the effect of imposing unreasonable restrictions on the use of adjoining land. It should be recognised, of course, that formal rights of light are not protected through the planning system but through the courts.

Overbearing impact

Even where the effect of a proposed development on the sunlight and daylight available to its neighbours would be acceptable in planning terms, it may be the case that the proposed building project would have an unreasonably overbearing effect on adjoining property. There is no fundamental right to a view in the English planning system and the loss of a view from a particular window or, indeed, from a property as a whole, would not amount to a loss of a fundamental amenity as envisaged by this statement. Nevertheless, the construction of a large flank wall, for example, close to existing windows or alongside an existing garden, could create an overbearing presence that would amount to a significant loss of amenity.

Disturbance

Any resident should have the right to enjoy a reasonably undisturbed existence. However, the character of any given location is an important factor and has to be borne in mind. It will, for example, be unrealistic for those who live in town centres to expect to combine the benefits of a busy urban location with a wholly tranquil setting. Conversely, the effect of proposed development on the peaceful enjoyment of nearby residential property needs to be taken into account when considering development proposals. Such matters will be especially important in the consideration of proposals for late night uses or disturbance caused by new vehicular accesses. In the residential environment it is also necessary to consider the effect that new residential development would have on existing residents.

Transport and highway issues

Traffic considerations

Traffic issues involve considerations of design factors that can affect both highway safety and convenience. Any new vehicular access or the intensification of use of an existing access can give rise to hazards if the visibility for turning vehicles is inadequate. The need for wide visibility splays should not be overestimated but nor should visibility for moving vehicles be reduced below a safe minimum. The guidance given in PPG13 and Manual for Streets (or any formal modification of that guidance) should be adhered to.

Parking provision for residential development

Parking provision is also dealt with in the national policy documents and, again, that advice should be adhered to. In principle it advises that on-site parking provision for private development proposals ought to be minimised in order to encourage the use of public transport. It may not be necessary at all where very small residential units are to be constructed close to important transport nodes or interchanges.

Nevertheless, it should be acknowledged that households are often likely to own cars and so homes with two or more bedrooms should normally be able to keep at least one car off the public highway.

Design considerations

When they have an impact on the public realm, the design of new buildings and of extensions or alterations to existing buildings can be a legitimate public concern and the effect of a proposal on its surroundings can be an important planning consideration. Local planning authorities should refuse proposals that are obviously poorly designed and, in exceptional cases, may reject a proposal that fails to make the most of an important opportunity. Guidance on design is to be found in PPS1 and councils should ensure that they have well qualified advisers to assist in making judgements. However, the design of small-scale building development, such as householder extensions, is seldom crucial in the determination of planning applications, if the effect on the street scene or on the setting more generally would be very limited. Councils should not impose their own taste on applicants, merely because they believe it to be better and they should be especially reluctant to reject on aesthetic grounds a proposed building or extension that has been designed by a qualified architect for a specific site.