

Planning White Paper

Response from: The Battersea Society

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Introduction

The Battersea Society is the long-established civic society for Battersea within the London Borough of Wandsworth and an active member of the London Forum.

The key reservations we have about the Planning White Paper (PWP) are

- The lack of relevance to London
- The lack of detail about the implementation – or indeed feasibility – of these plans
- The emphasis on centralised policy which will reduce local democracy
- The assumption that the Local Planning Authority is inefficient and that Local Plans are not fit for purpose. That has not been our experience in Wandsworth (LBW)
- Removal of Duty to Cooperate: in densely developed metropolitan areas with many agencies having infrastructure criss-crossing LA boundaries, retention of this duty is essential to allowing strategic and efficient development
- The assumption that response from the public via tweets and social media is more democratic than a fully-considered response
- The need for substantial investment in new systems and additional expertise at a time when local authorities have been stripped of both.
- Over-optimism about the gains to be made through new IT systems, and about the problems in implementation
- The emphasis on ‘reducing unnecessary assessments and requirements’. Surely Grenfell suggests caution here. The stripping away of proper oversight from the local planning authority and into the hands of developers and their consultants should be reduced rather than extended
- The inadequacy of the environmental proposals together with the lack of plans for transport infrastructure and the protection of bio-diversity and green space in urban environments
- The lack of proposals for decent standards within the homes such as adequate daylight, room size and ceiling heights. Densification mitigates against all these with the current mantra from developers being that if you wish to live in London you have to put up with these shortcomings
- Lack of awareness of the positive role of development management policies to protect conservation areas and local heritage assets

Should the government be prepared to go ahead with these plans we support those who call for a regional pilot to be set up, this to run for sufficient time for the results to be meaningful.

Given this, we give below our contribution to this consultation. This is based on over twenty years of active participation with the LBW and local developers on planning within our area. We have omitted answers to those questions where we have no opinion or consider we lack the knowledge to provide a worthwhile answer.

Pillar One – Planning for development

Q.1. *What three words do you associate most with the planning system in England?*

Under-resourced, centralised, litigious

Q.2 *Do you get involved with planning decisions in your local area?*

Yes

Q.3 *Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?*

We do not agree with the premise. We have no difficulty accessing plans and contributing our views through the LPA website and often receive direct information by email.

Q. 4: *What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify*

A: **These are all of importance because they interact. It would be quite wrong to give priority to building more homes and to providing infrastructure at the expense of concern for design, sustainability and protection of the environment and heritage.**

Q. 5. *Do you agree that Local Plans should be simplified in line with our proposals?*

No:

The proposals for Growth, Renewal and Protected Areas are ill- thought-through, vague and inconsistent and will not deliver the benefits claimed. The approach is too simplistic for complex built up urban areas. In London more fine-tuning is required within smaller areas, together with site specific policies. If properly implemented, and reflected in planning permissions already in place, a site-specific approach to key potential development sites is an effective way forward.

Circumstances in other countries where zoning is in place is more complex than these proposals acknowledge.

We know that to understand both the local plan and planning applications we need to spend time reading and considering the proposals. It is undemocratic to reduce complex issues to populist soundbites and base decisions on tweeted responses to these.

The LBW Local Plan meets the six key points you make as essential for Local Plans

Q. 6. *Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?*

No.

While the equivalent of general guidelines as in NPPF is helpful in practice, efficient local planning authorities can (and should) develop local development management policies and more detailed supplementary guidance to meet the needs and character of their local areas. A one-size-fits-all approach cannot cover the variety of characteristics in urban, suburban and rural areas in different parts of the country.

Your opening statement that only 50% of local authorities have a local plan conflicts with your own statement in the introduction to the recent consultation on changes to the current system that “In 2010 only 17% of local authorities had local plans in place and now 91% of local authorities have plans”. If this is correct the proposal to implement top-down Local Plans is unnecessary.

***Q7(a).** Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?*

No.

The assumption that current environmental impact assessments are unnecessary is very much at odds with the stated commitment to addressing climate change or to improving environments.

There is little detail on how the single sustainability test can facilitate reducing carbon, mitigating flood risk or achieving improvements in air quality in areas with widely-varying characteristics. The ambition to ‘ensure high standards for environmental performance’ is unlikely to result from reducing appraisal opportunities. Freeing local authorities from ‘many planning obligations’ is also unlikely to assist them in focusing more fully on enforcement.

***Q7(b).** How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?*

This can be done through the London Plan. While linked the PWP appears to merge the need for sound sustainability tests with Duty to Cooperate across Local Authority boundaries. Local Authorities might agree totally on sustainability but have very different policies on provision e.g. of affordable housing or protection of sensitive sites

We consider the Duty to Cooperate should be retained because of the complexity of physical infrastructure serving brown field sites. Cooperation is essential to allow orderly implementation, especially where records of below surface provision may be limited or non-existent.

***Q.8(a).** Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?*

No.

We are concerned at the notion that this be through ‘densification’ which is already happening within the LBW with the resultant lack of decent standards for many homes (in particular in relation to levels of daylight) and to a reduction in green and open space both between and around buildings.

Q.8 (b) *Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?*

No comment

Q.9(a). *Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?*

No.

The proposal implies that for sites unlikely to be developed in the immediate future, community engagement would be limited to sketchy masterplans and design codes, and that the scope for consultation and engagement once detailed plans are developed will be extremely limited. This is unacceptable, as is the proposal that only if the plans submitted do not conform to the masterplan and codes – which the White Paper expects to occur only exceptionally - would a planning application be required.

The reverse should be the case. Applications which do not meet Local Plan policies should be rejected rather than a LPA spending time working with a developer to ‘tone down’ the policies to make them compliant. The duty should be on the applicant to submit plans which are policy-compliant. Then assessment and consultation can take place to ensure they are of the highest quality.

The weasel phrase that ‘it would still be possible for a proposal to come forward’ under certain circumstances is similar in tone to phrases in the Local Plan which make it possible for developers to ignore policy. Our experience is that such applications and subsequent approvals are all too frequent. We note similarly that the White Paper has nothing to say about crucial issues such as the nature and scale of reserved matters and planning conditions, and how they would be handled under the new regime.

Q.9b). *Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?*

No.

The proposals for automatic consent and prior approval in Renewal Areas are incoherent; and it is wholly unclear how any of the provisions for either Renewal or Protected Areas might apply to intensely built-up areas such as Battersea, where conversion is much more common than new-build. We oppose the use of permitted development rights in conservation areas, and the absence for Protected Areas of any reference to local policies or design codes, which we regard as essential in areas such as Battersea. We can see no evidence of problems in gaining consent for sympathetic changes to listed buildings and those in conservation areas; and we are concerned by the suggestion that local authorities should concentrate only on the “most important” buildings of this kind. We fundamentally oppose the suggestion that proposals from “suitably-experienced architects” should be exempt from public scrutiny. This would basically introduce a new category of permitted development and inevitably increase monitoring/enforcement tasks for the planning authority to ensure historic buildings and areas were protected.

Q.9 (c). *Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?*

No comment

Q.10. Do you agree with our proposals to make decision-making faster and more certain?

No.

Speed and certainty must not be bought at the cost of local democracy and local accountability. The proposals would fatally damage both by massively reducing local scrutiny of individual planning proposals. Whether or not proposals conform to policies set by central Government and to inevitably-sketchy outline plans and design guides will require the exercise of judgement. And our experience is that many proposals of poor quality are improved as a result of engagement with the local community and planning officials even after they have been submitted for approval. That takes time.

Q.11. Do you agree with our proposals for accessible, web-based Local Plans?

Not sure

There is certainly huge scope to exploit further the potential of digital technologies to enhance all aspects of the planning process in the UK. But achieving the transformation which the Government hopes for will take considerable time and will inevitably encounter many problems. A series of pilots will certainly be necessary, involving partnerships. Tensions will arise between the two aims of increasing efficiency and certainty between LPAs, central Government and PropTech companies. There will also be tensions between the two aims of increasing efficiency and certainty for developers, on the one hand, and promoting new forms of civic engagement in the planning process on the other. We would strongly oppose any move towards automated approval or rejection of applications.

The proposal to shift “plan-making processes from documents to data” is vague and incoherent, and we are concerned that, while the White Paper refers to the need for national data standards, it says very little about how they are to be developed. We are concerned also by the claim that “more limited evidence” is required to support a sustainable Local Plan: if plan-making is to be based on data, then it should involve close analysis of more rather than less data than at present.

Q.12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

Not sure

Accelerating the process is laudable. However where there are current reviews of Local Plans half way through a defined, but slightly longer, time period they should be allowed to run to their suggested timetable. In some areas 30 months may be feasible in the long-term with other suggested improvements including digitised maps etc . However to move from now to aspired timescales does not fully take account of the need to change local government processes, engage additional (and upskill existing) staff and work with local communities to ensure proper engagement and consultation.

Pillar Two – Planning for beautiful and sustainable places

Q.13(a). *Do you agree that Neighbourhood Plans should be retained in the reformed planning system?*

Not sure.

Q.13(b) *How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?*

No comment

Q.14. *Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?*

Yes.

Strengthen the three year period and make it necessary for substantial development to have taken place, not just token ground works or a slightly revised reserved matters application

Q.15. *What do you think about the design of new development that has happened recently in your area?*

Other.

Mainly disappointing. The major developments in Battersea are within the Nine Elms and Battersea Park Road area, and the York Road and Lombard Road area, especially facing the River Thames. In both cases a few buildings are well designed, sit comfortably in their environment and are neighbourly in allowing space around them. Many others are densely packed with poor light standards, overly dominant in the landscape, built to the margins of their plot and subject to applications for added height and density. Owners with outline planning permission and masterplans for buildings across a large site sell off plots with no requirement for these to follow the details of those permissions and plans; and there is constant pressure for further densification, worsening the living environment for occupants and visitors alike.

Initial plans may be acceptable but are watered down through reserved matter applications, cost-cutting in terms of material and design and the need for a conservative 'acceptable' approach. Plans for an office building on the South London Mail Centre site are just the most recent example of such an approach, with little public space provided on a building footprint taking up virtually the whole of the site.

We are concerned that the complex assessment of plans is inadequately resourced through willing but time strapped Design Review Panels and that even among professionals there is a lack of focus on the need for individual expertise in aspects of the assessment, something made clear in the Bishop Review some years ago.

Changes in government policy, especially the drive to increase the number of residential units through continuous densification, does not encourage good design for either the internal environment (very small residential units with poor daylight) or accessible and attractive public realm.

Q.16. *Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?*

Our sustainability priority is for an integrated approach covering well designed and sustainable buildings with 'best in class' standards for energy efficiency and carbon reduction; supporting infrastructure which follows the urban transport hierarchy and with good access to open green spaces which foster wellbeing and biodiversity. The provision of lots of small balconies, often overlooking heavily trafficked roads, may meet policy standards but is not a solution to the need for access to open space and clean air for residents and visitors.

Q. 17. *Do you agree with our proposals for improving the production and use of design guides and codes?*

No.

We do not consider preparation of design guides an effective use of resources for redevelopment of inner city sites. Appropriate design will rely heavily on the context and nature of nearby building and land use. General parameters with approved policy status can be a helpful tool in relation to building heights, light levels within different use type, pavement widths and open space.

We are unpersuaded of the ability to legislate for 'beauty' and the manner in which it can stand the test of time. It is obvious that many admired buildings and architects would not have met this test at the time they were built. It is well understood that people tend to like what they know and may not always be able to judge what they like until they have become familiar with it. And even then, opinions differ. Bauhaus, William Morris, Quinlan Terry – all no doubt admired by many and loathed by others even now.

In Conservation areas, area specific management appraisals and development guidance for repair and extensions provide an effective tool to protect the integrity of the conservation area. But they must have the status of approved policies in order to have weight in determining applications. Proposals for buildings which affect the wider setting of a conservation area or historic building should also be subject to constraint.

Q.18. *Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?.*

Not sure.

We support the proposal that all authorities should have access to design advice, develop strong policies for protecting the environment and aim to ensure that development is well designed and sensitive to local community needs. How this is delivered will depend on what development pressures there are locally.

We are concerned that yet another new national body is proposed headed by a government appointed professional possibly with a pre-existing agenda as to what is a 'better place' We respected the work of the Committee for Architecture and the Built Environment (CABE) possibly downgraded by a predecessor of this government. CABE, as with Heritage England, had the merit of providing a wide range of views rather than being led by an individual with a specific view of what is beautiful.

A leading planning professional of cabinet status can help maintain standards within a LPA. In our experience planning leadership of this stature has diminished over recent years with the number of hard worked conservation professionals reduced and planning leadership designed to be managerial rather than visionary.

Public sector planners don't just 'feel' over-worked. They are, and there are too few of them. Their ability to insist upon 'beautiful and sustainable new homes and places' is also reduced through central government policy and increasingly litigious applicants.

Q.19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Yes.

It is essential that design professionals of standing should be involved

Q.20. Do you agree with our proposals for implementing a fast-track for beauty?

Not sure

We do not believe such an approach would be appropriate for new buildings and larger development in a densely-built-up area such as Battersea.

We can see the advantage of a 'pattern book' approach, combined with relevant policies appropriate to the specific area, for domestic extensions within neighbourhoods which already have a degree of cohesion. This could provide for consistency of design in both conservation areas and other built up areas of some historic merit and would, we hope, speed up the cost of the process and avoid inappropriate over-development.

LBW already provides guidance through Conservation Area management guides together with guidance notes on such things as basement extensions. It might be possible to extend these.

Pillar Three – Planning for infrastructure and connected places

Q.21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Affordable housing and complementary social support infrastructure e.g. health centres, libraries community facilities. NB: as with question 4 above all are important and it should not be necessary to exclude any of these. It is also important that affordable housing is for families in order to maintain a balance of communities within Battersea rather than there being a focus on smaller homes or 'collective living' both of which lead inevitably to a transient population with little incentive to invest in the community in the longer term.

Q 22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

Not sure

Q.22(b). *Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?*

Locally to a boundary that makes sense in terms of the development and local land values. The definition of area specific is vague. In extensive metropolitan 'local areas' in terms of land values could well cross local authority boundaries.

22(c). *Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?*

More value

.. in areas such as Wandsworth where there are large disparities between the national average household income and local housing at affordable levels. The levy should be set to support greater investment in affordable housing and maintain local communities. It is essential that key workers are not priced out of inner London boroughs.

22(d). *Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?*

Yes

However this needs to be in tandem with development across larger sites/local areas being undertaken within a broad strategic plan. Where there are multiple developers of sites/adjacent areas it clearly makes sense for LPAs to borrow against future levy incomes to get essential infrastructure in place in parallel with development coming on stream. However the developers should be required to contribute in a timely manner to avoid unnecessary and costly delays. Too often games are played with viability and contributions delayed. The proposal that payment should only be paid once the development is completed is unacceptable

Q. 23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes

It is essential in high value areas. It could also act as a disincentive for opportunistic permitted development of poor or incongruous design/use

Q.24(a). *Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?*

Yes.

The critical issue is to increase proportion and provision on site within major developments of e.g. 100+units and penalise authorities for accepting cash or off site provision. It is essential that truly affordable homes for families be available in Battersea as in other inner London boroughs. There are few areas where the supply of affordable housing meets demand.

Q. 24(b). *Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities*

No.

Unsure how in practice this would work if LA did not purchase units. We are concerned at the suggestion that any housing should be built of such poor quality that it is unsellable. Requiring cash payments as an alternative to high quality affordable units should never be an option. The planning system has failed if poor quality development is allowed.

24(c). *If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk*

n/a – see answer above

24(d). *If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality*

Although we do not support uniform design guides, best practice and lessons learnt from award winning schemes should be more widely disseminated. LPA planning departments should have access to both design and housing management expertise.

Q.25. *Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?*

Yes

However it should not be spent, as suggested in the consultation, on resources to develop new Local Plans. It must be used for infrastructure and affordable homes.

Q.25A *If yes, should an affordable housing 'ring-fence' be developed?*

Yes

Equality Act

Q.26 *Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?*

No

Battersea Society Planning Committee

28 October, 2020