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Planning for the Future Consultation
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**White Paper: Planning for the Future
August 2020**

City of Winchester Trust response

The Trust is the civic society for Winchester and has existed for over 60 years, influencing development so that the character of the city is respected.

Our overall assessment of the White Paper is that it is composed of commendable intentions, from the need for planning reform in the first place to many interesting ideas in each section. However, we are concerned there are flaws which will prevent the delivery of desirable objectives, in particular:

1. an absence of clarity or detail in many cases, making it difficult to respond satisfactorily;
2. an underestimate of the complexity and time needed to achieve some of the proposals;
3. a failure to recognise the difficulty in organising meaningful engagement of local communities, together with an overreliance on unexplained digital methods.

After considering all the responses to this consultation, we hope more work will be undertaken on the details of the proposals before they are introduced, including taking further advice from those who are involved with the planning system.

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PILLAR ONE PLANNING FOR DEVELOPMENT

Question 1

What three words do you associate most with the planning system in England?

Complex, slow, defensive.

Question 2

Do you get involved with planning decisions in your local area?

Yes.

The Trust examines all planning applications in the town of Winchester and comments on a significant proportion of them. We also participate in the production of local plans.

Question 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?

The assertion that the proposals will make it easier to access plans and contribute views on planning decisions is crucially dependent on the easy use of digital technology. If this is not the case then more inclusive public involvement will not be achieved.

The Trust primarily relies on email and online information and this is likely to remain the case for the future.

Question 4

What are your top three priorities for planning in your local area?

1. Design of new homes and places;
2. Protection of existing heritage buildings or areas;
3. The environment, biodiversity and action on climate change.

Question 5

Do you agree local plans should be simplified in line with our proposals?

Not sure.

The reforms proposed are mainly directed at the delivery of more housing more quickly. It is important that the other objectives that need to be addressed in local plans are not overlooked. For example, they should have an explicit role in helping to meet the targets

for the reduction of emissions in the Climate Change Act 2008. (We acknowledge that climate change and environment are mentioned in proposals 15 and 16.)

We welcome simplification, but development will always be a complex business. There are nearly always several competing or conflicting factors to be taken into consideration. It therefore means the decision-maker will always have to exercise judgement in assessing the weight to be given to competing factors in coming to a decision. Whether these proposals will achieve simplification is not clearly established, given the lack of detail in the paper.

If increased emphasis and time is taken at the plan-making stage by including more details reducing the areas of uncertainty, this is to be welcomed. But not all uncertainties can be eliminated at the plan-making stage.

Much will depend on effective public participation at the earlier plan-making stage, which must ensure engagement with all stakeholders who will be affected by proposed development. Under the present system, people have tended to express views only when an application for development arises in the neighbourhood, and not at the local plan-making stage. We feel it will be difficult to stimulate the public to take part in the making of plans, which is critical to the success of the changes proposed. Great reliance for its success is being placed on the introduction of new technology, and we know from other national projects that new technology does not always achieve the results predicted.

Growth areas: Under the present system, 'permission in principle' is established by allocations in the local plan. If more consultation and successful public engagement takes place at the plan-making stage, then it should be possible to set out in the local plan more detail of what is required. Under the present arrangements, much time is taken up consulting a range of public authorities to establish their requirements, before submitting a planning application. It would therefore simplify and speed up the process if a brief is prepared as part of the local plan which sets out the requirements of all the relevant bodies.

Renewal areas: Further development in existing built up areas is likely to be controversial and will require a lot of consultation to achieve consensus, particularly if densification and infill or something more radical is being proposed. From the experience in Winchester when perceived changes to the character of an area are proposed, it will be difficult or impossible to achieve general acceptance.

We therefore disagree with the suggestion of combining growth and renewal areas; they are very different in nature and require a different approach, not least in managing public engagement. We therefore favour the alternative suggestion in paragraph 2.12, that permission in principle is limited to Growth Areas, and development in renewal areas should be a matter for local authorities to decide, based on their knowledge of their districts and their view of which parts of Renewal Areas may be suitable to be designated for development in principle, and indicating the type and design of development that would be acceptable.

Reference is made to development of residential gardens. This has been permitted in Winchester, but it often results in cramped development not relating well to adjacent

properties. A more satisfactory outcome is likely to be achieved if a policy is adopted that encourages site assembly, thereby providing a larger area offering the potential for better layout and design.

Protected areas: We agree with the scope of this category as described in paragraph 2.8.

Question 6

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

Yes in part.

There is a lot of similarity in the policies of different local plans, so a more standard national approach has a lot to recommend it.

On the other hand, local circumstances differ with different needs and priorities, and these need to be recognised in local plan policies. A way forward would be to have national policies which should be used unless there are justifiable reasons why local authorities wish to adopt different ones. This is in line with the alternative options set out in paragraph 2.16. However, the test of ‘exceptional circumstances’ is too high to enable sufficient discretion to be given to local authorities.

Question 7a

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?

Not sure.

We believe that the current tests of soundness are understood and deliver what is required by at least some of those closely involved in the preparation and examination of local plans. If a new test of ‘sustainable development’ is adopted, we assume it would use the definition set out in the NPPF. We question whether it would in practice be simpler, as it will require an assessment to be made against the three dimensions of sustainability: the environmental, the economic and the social; these are often in conflict. For example, to what extent should development accommodate private car use?

Whatever test is used it is important that local plan policies are still based on objective evidence.

Question 7b

How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

We understand that the duty to cooperate does lead to cross-boundary decisions being taken on development needs, but we know many consider the duty is not really effective.

There is a general belief that the abolition of regional plans was a mistake, leaving a void between local authorities and central government.

The proposal to abolish the duty to co-operate test is immediately followed in the text by an acknowledgement that there is a need for something in its place. No change should be made until something better replaces it.

If regional bodies are unlikely to be reconstituted, then the easiest way to introduce a more strategic tier for planning in those areas like ours where there are county councils, is to give those authorities a strategic planning role for their counties. They should also be required to co-operate with neighbouring areas. In our area it would include Hampshire County Council, the unitary authorities Southampton and Portsmouth and South Downs National Park.

Question 8a

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

Greater clarity required.

While a standard method is in principle acceptable, there is no doubt that the algorithm proposed for calculating housing need in the earlier consultation on 'Changes to the Current Planning System' has generated a lot of adverse public comment, including in Parliament.

On reflection, our opposition to that way of calculating housing need has strengthened since submitting our response to that consultation. It is clear that there is an overemphasis on affordability, which has the perverse effect of reducing housing numbers in more sustainable urban areas and increasing them in more rural ones.

We are relieved that the proposals include taking into account constraints, and we support most of those listed in paragraph 2.27 such as:

- Size of existing urban settlements being a relevant factor
- Importance of land constraints such as national parks
- Prioritising use of brownfield land
- Higher densities using good design

There may also be other relevant constraints which should be taken into account. In our district the major constraint is the South Downs National Park, which takes up 40% of the area. This increases property prices and so reduces affordability as well as reducing the amount of land available for development in the rest of the district.

We would also add that some of the rural areas fall into the classification of 'valued landscapes' which is a further constraint on developable land in this district.

Question 8b

Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

No.

Both need to be taken into account, but as we said above, giving too much weight to an indicator like affordability produces a totally inappropriate housing requirement. An assessment that takes account of all relevant factors giving each one appropriate weight is more likely to produce a housing requirement figure which most people will consider acceptable.

Question 9a

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

More detail required.

Under the present arrangements, allocations in local plans for development have a form of permission in principle. We assume something with much more detail is proposed, such as we have described in our comments about Growth Areas in our answer to question 5. It would help both local planning authorities and those promoting sites if guidance were to be produced nationally about the details normally required, so these can be included in or with the local plan.

Question 9b

Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

Renewal Areas

Not sure.

Like growth areas, there will be a presumption in favour of development as they are brownfield areas, but we think it may be a difficult process to get acceptance from any residents from the surrounding neighbourhood. If plans set out changes that can take place which in their view adversely affect the character of an area, they are likely to oppose them. There will have to be room for extensive dialogue at the plan-making stage to gain agreement and avoid opposition at the planning application stage.

Protected Areas

Yes.

Conservation areas are the protected areas that most concern the Trust. We support the proposal to retain the existing planning application procedure.

Question 9c

Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

No.

The Trust has not had any direct experience of this, but we are concerned about the lack of local democratic input.

Question 10

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

Yes in part.

If new technology helps with processes it should be used, but paper-based alternatives should also be available for those who cannot access the technology.

Faster and more certain decision making are laudable aims. But it is important that a high standard of development is delivered, and we are concerned that may not be achieved because speed is given too high a priority at the expense of quality. Also, we reiterate that adequate opportunity for public participation must be provided.

Question 11

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

Yes. See answer to question 10.

Question 12

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

No.

From our experience of participating in the production of local plans, they require longer than this. While it might be possible to speed up some stages, we think 30 months is too short.

The reforms are now suggesting that more detail needs to be agreed and included at the plan-making stage, which until the reforms are firmly established, will take time to achieve. It would therefore be wise to allocate extra time to enable this.

More consultation and public engagement will be needed to establish the acceptability of new development, particularly in the renewal areas suitable for development. The proposals do not provide this, with 6 months being allowed for suggestions to be submitted for the three categories of development areas. Then no further consultation is suggested until 18 months into the process when a complete draft plan is published and at the same time is submitted for examination. The consultation is limited to a short 6 weeks. The

stages of public participation proposed are less than has been provided in the past in our area and will be particularly inadequate given the new role and content proposed for local plans.

One of the consequences of this suggested process is that it is likely to lead to extended local plan examinations, and there is the risk of more legal challenges. We wonder if this is why 9 months is suggested for the involvement of a planning inspector and the examination. It would be better if more time is given for public participation at an earlier stage of the process.

Good consultation is not easy and takes time and expertise. Training will be required so that public participation is managed constructively and inspires confidence in all those taking part.

Question 13a

Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes.

The Trust has no direct experience of neighbourhood plans but they seem to be valued by those who have been involved with them even though they take a long time, require a lot of community effort and are expensive.

The desire of the reforms to standardise many aspects of the planning system should always make allowance for local preferences so long as the main national objectives are met. This applies to the design and siting of new development and so neighbourhood plans help to respond to local wishes.

Question 13b

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.

Question 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.

The Trust agrees build out rates are too slow and has seen examples of this in Winchester. This appears to lie with the decisions and choice of developers and in which local authorities have no power to intervene. Involving more builders on larger sites may help.

PILLAR TWO

PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES

Question 15

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

With a few small exceptions, the general design of new housing development has been poor, of disappointingly standard pattern with little relationship to the locality, despite the local authority's publication of a High Quality Places Supplementary Planning Document in 2014. Often the larger the housing development the poorer the quality. Commercial type urban schemes initiated by the local authority have been too large for their sites and out of character with their surroundings in order to maximise the financial return.

Question 16

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

The standard of sustainability for new-build locally is reasonable, but there is little advance on basic requirements.

Efforts are being made to reduce car use in Winchester but so far with insufficient urgency to affect the serious congestion, despite the joint Hampshire County Council/Winchester City Council publication of a long overdue movement strategy. Housing estate design still remains far too reliant on cars. Our first priority for existing urban areas would be the accelerated removal of central area parking.

For new housing developments it would be higher density, with layouts designed to minimise the reliance on cars, including mixed-use development to reduce the travel distance between home and work.

Retrofitting older housing would be of equal priority, because there is no local encouragement or assistance, and which is totally inadequate nationally, bearing in mind that such homes are 80% of the housing stock. We therefore support Winchester City Council's objective of achieving carbon neutrality within the district by 2030, rather than the national target date of 2050.

Question 17

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

Yes, in principle, but subject to four important conditions:

1. the appointment of an appropriately qualified team to prepare the National Design Guide, with time allowed for assessment by appropriate professional bodies before implementation;
2. local codes should not be mandatory but for guidance, allowing for innovation;
3. the process for community input into local codes is given both sufficient forethought and allowed enough time for community response and official assessment;
4. there should be fixed dates for review of all design guides and codes.

Question 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?

Yes, subject to three conditions:

1. the need for approval by appropriate professional bodies of the make-up, remit and powers of the proposed national body to support local authorities;
2. adequate funding for the employment of a suitably qualified chief officer for design and place-making, that the officer be appointed at director level and that they attend cabinet meetings to ensure design and place-making are integrated into policy decisions. It has been our experience that more junior officers with admirable intentions are not able to influence development to deliver satisfactory place-making and design outcomes;
3. adequate funding for the employment of sufficient staff with the necessary expertise for the preparation of local design codes.

Question 19

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

Yes.

However, we are concerned that at Homes England (and elsewhere in the White Paper) there is frequent reference to affordable homes. This expression can be confusing because few so-called affordable homes are within the financial resources of most who need homes. It is important therefore that priority is given to social rented housing of good design quality, as recently provided in Norwich.

Question 20

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

No.

These are very complicated and potentially dangerous proposals that we are unable to evaluate without more information. The principle of fast-tracking the planning process for developments that genuinely meet nationally and locally approved design quality is worth

investigating further. However, we are very concerned that existing examples of legislation that allow projects to by-pass the full planning process have serious drawbacks that do not bode well for further relaxation in the interest of speed. For example:

- Outline approval creates a considerable risk of allowing too much scope for the scheme approved in outline to be modified, because reserved matters are seldom strong or comprehensive enough to ensure that the design and layout will not be modified for the worse at the development stage.
- Permitted development, though often well intentioned, has generally been prepared without sufficient knowledge of the circumstances or the ingenuity of owners and developers, so that traditional areas of housing have been and continue to be downgraded by ugly big dormers and inappropriate doors and windows. Recently added permitted development has allowed the conversion of offices and retail premises to provide homes that are frequently of unacceptably low standards.

The word beauty in connection with housing asks for dissent. When Sir Henry Wotton translated the word *venustas* used by Vitruvius, he chose 'delight' rather than 'beauty', which is not a fitting description of ordinary housing however well designed, and risks endless controversy. As there appears to be no suitable alternative we suggest that the word quality relating to both building and place-making is more than adequate and far more likely to achieve consensus.

We believe that in order to achieve the government's intended annual increase in housebuilding, it will be essential to make use of prefabricated building methods which, in the case of large developments, would necessitate a high degree of standardisation. In order for the design of these developments to relate to the areas in which they are to be built, we suggest a series of government sponsored competitions for entries from the major prefabrication manufacturers, with the assistance of respected architects, taking account of national and local design codes. Where the developments are smaller, and appropriate for bespoke timber-frame prefabrication, the designs may be governed by local design codes.

No questions are asked about the subsequent proposals about which we make the following comments:

Proposals 15 and 16 - *we welcome the proposed measures (within the scope of the planning system) for improvement of the environment, and the national response to climate change.*

Proposal 17 - *the proposals concerned with historic buildings, designated countryside and conservation areas are all very welcome, including those intended to allow very careful modification of listed buildings to improve their sustainability and habitability, which will prolong their survival in changing circumstances. In the same way that the introduction of conservation areas extended individual historic building protection to historic areas, urgent consideration should be given to extending similar protection to specific historic towns and villages together with their definable landscape settings where they have not yet been spoiled by unsuitable peripheral growth.*

Proposal 18 - *greater involvement of the planning system in the improvement of the sustainability of future homes with the target of achieving zero rating is strongly welcomed. However, the high proportion of existing homes that are well below standard should also be encompassed if possible, perhaps by permitted development measures that would encourage a range of carefully listed alterations that would otherwise require planning approval.*

PILLAR THREE

PLANNING FOR INFRASTRUCTURE AND CONNECTED PLACES

Question 21

When new development happens in your area, what is your priority for what comes with it?

All the suggestions listed will be relevant depending on the context and needs of the area. It is important that adequate local authority discretion is given with suitable public consultation to make the choices needed for the area.

In Winchester's case, there remains a large unmet need for affordable housing, including social rented dwellings provided on site, so this is a local priority, as is transport infrastructure to address excessive levels of traffic in the centre of Winchester.

It is important that investment in transport supports the urgent need to move towards sustainable transport modes, with a radical shift away from the provision of space for parking and car movement with their requirement for a significant amount of land. If this is taken into account when planning new housing development, more of the land can be used for housing or other environmentally desirable purposes rather than the needs of the private car. The redesigning of existing urban roads to provide quiet streets and shared space should be included in the provision of new, more sustainable transport infrastructure.

Question 22a

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.

Based on the information provided, we are not able to respond to this with certainty, although simplification has its attractions.

We agree that account needs to be taken of lower value land when either lower rates or exemptions from the levy are likely to be required in some cases. But it is not clear from the White Paper how funds will be provided to finance the infrastructure needed for lower value land.

Question 22b

Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Not a single national rate. We prefer the rate to be set locally. While setting area-specific rates at a national level is a possibility, they may well not take into account relevant local factors. We are unclear how the government's levers over levels of land value are stronger

if set centrally, as asserted in the text. With central government support, local authorities should have similar bargaining power.

Question 22c

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, to support a greater investment in infrastructure, particularly affordable housing and other community benefits. If developers will only pay the levy on completion of the construction, we hope that any increase in land value from the date of purchase of the land would be captured for the community by a corresponding increase in the amount of the levy that is paid.

Question 22d

Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

Not sure.

There are significant risks that need to be taken into account, as follows:

1. If local authorities provide infrastructure in advance of development, which is then discontinued, it could expose them to a long period of financial costs.
2. Some local authorities have weak finances so they may be unwilling to accept the borrowing costs.
3. There may be risks associated with housing market instability resulting in a fall in land values and delays in the sale or lease of properties that may increase further the costs of local authorities.

This proposal needs to be advanced with caution.

Question 23

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

Yes.

We support this proposal, particularly if the change of use leads to an increase in the value of the property or results in added impacts and costs. Change of use from office to residential can increase property value up to 50%, so this could realise significant funds for infrastructure.

Question 24a

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.

As stated in our reply to an earlier question, the need for affordable housing is great in Winchester and it is always better for it be on site. There should be more local discretion in deciding the different proportions of the affordable housing mix, based on the evidence of local need.

Questions 24b, 24c, 24d

No comment.

Question 25

Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Not sure.

It is important that priority is always given to meeting affordable housing needs in the area and other infrastructure requirements identified through the local plan. If these are satisfied then there will be a case for financing other public benefits needed in the area.

We support the suggestion that there should be more public engagement in the discussion of how infrastructure levy funds are used. There is very little in Winchester at the moment.

Question 25a

If yes, should an affordable housing ring fence be developed?

No comment.