

**NATIONAL PLANNING POLICY FRAMEWORK**

**RESPONSE TO THE NATIONAL PLANNING POLICY FRAMEWORK DRAFT TEXT AND THE NATIONAL MODEL DESIGN CODE**

**Submitted on behalf of the National Organisation of Residents Associations**

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**Preamble**

The National Organisation of Residents Associations, established in 2003, represents, through its member Associations, about 2,500,000 residents in England and Wales. It has already submitted responses to the Beautiful Building Better, Building Beautiful Consultation[[1]](#footnote-1), the Changes to The Current Planning System Consultation, the Planning for The Future Consultation and to the House of Commons Enquiry into the Future of the Planning System.

Prior to the inception of the National Planning Policy Framework in 2012, consultations held at various locations throughout the country proposed the model that residents and their communities, in conjunction with their Local Authorities, would be a major factor in determining the character of their areas, which included planning, transport, the environment, amongst other matters. In effect, planning policies would be driven from the “ground up”, rather than “top down”. Regretfully, this has not proved to be the case.

The introduction and implementation of Neighbourhood Plans has shown that the process is difficult and complicated and is perceived to be directed and weighted to a greater extent towards developers, builders and Local Authorities and their planning departments and does not take into account sufficiently the views and concerns of residents who live and work in their communities.

N.O.R.A. perceives that there is a loss of confidence in the planning process by Residents Associations and that their responses to planning applications have little weight in the final decision process.

Easy access to planning applications by residents is essential and should be maintained by Local Planning Authorities on their own websites as well as the Planning Portal.

N.O.R.A. feels that the time allotted for a response to this Consultation is too short, as the present Covid19 restrictions are hampering resident associations in their ability to communicate between their committees and members, with face-to-face meetings being prevented under the lockdown guidance for the Covid-19 pandemic.

**Neighbourhood Plans**

N.O.R.A. believes it essential that Local Authorities deliver updated versions at the earliest opportunity, or if none exists, the process should be initialised without any delay. These Neighbourhood Plans should include a locally produced Design Code. Local Authorities should also contribute their views to the National Model Design Code.

It is paramount, therefore, that local residents should have more say in the design of new developments and S106 of the existing law should be restructured and simplified. In this, Local Planning Authorities should be given greater powers to utilise developer contributions by shifting the incentive structure towards the approval of new builds, rather than refusing them.

Where State land is being disposed of, it must be put to good use in urban areas. as 15 percent of land is held by the public sector (there are areas which have up to 40 per cent).

The time to reach an agreement on new housing developments proposals should be reduced from years to 30 months or less.

N.O.R.A. is also concerned about the new constraints to be applied to Article 4 Directions (Para 53 in the document), as this new wording effectively removes the ability of Local Planning Authorities from being able to exercise local decision making to protect particularly sensitive or historic buildings or areas designated as Conservation Areas from their redevelopment into residential accommodation (See “Article 4 Directions” below).

**Design Codes**

The above appears to be more suitable for urban areas. Notwithstanding, there is the uncertainty about how these will apply to rural areas. N.O.R.A. accepts the content of the Guidance and the application and use of the Guidance. The approach to community engagement, is, of course, most crucial and should not be downgraded.

1. N.O.R.A. has previously [[2]](#footnote-2), at a meeting, raised concerns that planning applications for new builds and conversions to residential use from shops and offices, were being approved under permitted development rights, enabling developers to bypass local authority scrutiny. N.O.R.A. queried why minimum space standards set out by the M.H.C.L.G. were not obligatory. The response given was that adoption was at the discretion of the Local Authorities. N.O.R.A. welcomes the acknowledgment by the Housing Secretary that this abuse by developers will be addressed and that all new homes in England delivered through these rights will, in future, have to meet the Nationally Described Space Standard from 6th April 2021.

N.O.R.A. feels that the Design Codes should set out minimal requirements for heating, cooling and power through influencing density, layout and orientation, building fabric and onsite technologies.

Design Codes should support also the principles of Integrated Water Management and the delivery of blue/green infrastructure, including multifunctional sustainable drainage systems (SuDS). Surface water flooding is a growing threat to businesses, critical infrastructure and millions of residents across England. The Government’s current review of SuDS law and policy is a chance to simplify the range of approaches around the country and ensure that new homes are built with natural flood resilience in mind. This is an issue which must be addressed fully. Developers must be required to survey and submit a risk assessment of the land on which it is proposed to build in order to satisfy the Local Planning Authority as to its suitability

N.O.R.A. recognises that there must be sufficient time and resources allocated to Local Authorities to invest in the preparation of Design Codes, including in-house design skills. N.O.R.A. notes the Planning Officers Society’s *“Good Practice Guidance Note (Strategic Applications, Moving from a Development Team Service to a Design Team Service to deliver good design*” and which will prevent developers’ proposals resulting in anonymous and relatively indistinct estates.

N.O.R.A. also recognises that the implementation of Design Codes will not be put into effect immediately, and that an adequate period of time will be needed in order that Local Planning Authorities have the financial resources, training and staffing to enable their Planning Officers to achieve the objectives.

As for acceptable designs, although the decision lies within the purview of the Local Planning Authority for proposed new developments, it is essential that the residents in a community should be able to contribute their views, either individually or through their Residents Associations and as agreed in a Neighbourhood Plan (assuming that the Local Planning Authority has one). Who is to be the final arbiter on acceptable designs, however and will there be adequate provision for residents to defend their Local Plans and to be able to present their arguments at Planning Appeals?

The Government is committed, it says, to the preservation and protection of Green Belts, instead of the constricted definition of areas of natural beauty. The total area of Green Belts has more than doubled over the past 50 years and most of them are in areas where the demand for new housing is the greatest.

About 14 per cent of all land in England is classified as Green Belt, which is far more than the area of all the cities, towns and villages together. Could not some of this land be put to better use for housing development? Until this issue is resolved satisfactorily, it is likely that “bottlenecks” may continue.

Notwithstanding, the permanence of Green Belts should be preserved with only very strong reasons for any change in status.

**Enforcement**

N.O.R.A. notes the statement in paragraph 59 that “*effective enforcement is important to maintain public confidence in the planning system*” that Enforcement action is discretionary, and that Local Planning Authorities should act proportionately in responding to suspected breaches of planning control.

Whilst the publishing of a Local Enforcement Plan would set out the “*monitoring of the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate should consider publishing a local enforcement plan to manage enforcement*”, it is apparent that financial constraints have led, in a significant number of cases, to a reduction in staffing and resources, and thus reducing the effectiveness of the procedure.

Local Authorities must, therefore, be given additional resources in order for them to provide an effective and efficient service, otherwise enforcement will be insufficient to prove effective and flouting of planning legislation will continue.

**Article 4 Directions**

N.O.R.A.’s submits that a change of use relating to residential properties is, acceptable, given that the object is to “promote, healthy, inclusive and safe places” but, should be restricted to situations where this is essential to avoid “wholly unacceptable adverse impacts” given that the National Planning Policy Framework’s intention is to promote ‘healthy, inclusive and safe places’ (see above), and therefore any development which does not would be ‘wholly unacceptable’. [[3]](#footnote-3) Any restriction which is termed as “being in the smallest geographical area possible” is almost certain to raise controversial and possibly litigious issues as to its interpretation and definition. In particular (paragraph 3):

● *Bullet two*, ‘where they relate to change of use to residential, be limited to situations where this is necessary in order to protect an interest of national significance’ – this is completely unacceptable. It would restrict Article 4 Directions (A4D) to an extremely limited set of circumstances (subject to problematic definition); it would be impossible to make a case for an A4D restricting HMO conversions; and in general, it would be unable to protect ‘healthy, inclusive and safe places’ (a guiding tenet of the NPPF). Bullet 2 must therefore be removed.

● *Bullet three*, ‘in all cases apply to the smallest geographical area possible’ is too restrictive (a well as being contentious in definition); it would better read ‘the smallest geographical area appropriate [to promote healthy, inclusive and safe places]’.

The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development [[4]](#footnote-4),

One of three central objectives in the National Planning Policy Framework is a social objective to support strong, vibrant and healthy communities [[5]](#footnote-5).

The National Planning Policy Framework [[6]](#footnote-6) states that, the following changes should be prevented at all costs:

* From retail, betting offices, payday loan shops, amusement arcades, casinos, offices, storage and/or distribution centres, agricultural buildings and small houses in Multiple Occupation.
* To dwelling houses, resulting in the creation of potential slum dwellings, with inadequate living space, lighting and the likelihood of overcrowding and unacceptable density.

The number of appallingly poor conversions has been exposed by the media during the Covid-19 pandemic highlighting where these obliged to shield find themselves imprisoned in totally inadequate dwellings.

As N.O.R.A. has stated above, the adoption of minimum space standards for new developments and conversions, is welcomed, whether granted either by planning permission or under permitted development.

However, it must be strongly emphasised that, where conversions are carried out, (for instance in, industrial estates), the developments must guarantee that the infrastructure includes adequate public transport and shopping facilities and ideally, some green space.

The needs of families with children, older people and students amongst others must be a material and central consideration.

End

1. *At a meeting held on the* *20th November 2018 at the Offices of the M.H.C.L.G. in at Marsham House, London, concerns were raised relating to the regarding the design of new builds, especially within Conservation Areas. It was perceived that Planning Officers were more concerned with fulfilling Government Housing Targets than considering whether designs are compatible with the character of local areas. N.O.R.A. advocated that the inclusion of residents’ views on what local architectural styles they would like to see built be part of the planning process. The question was posed as to whether the MHCLG would consider issuing further guidance to Local Planning Authorities as to this. N.O.R.A. was pleased that its suggestion had been noted and subsequently welcomed the establishment of the Building Better Building Beautiful Commission and the publishing of the Government’s response to the Living with Beauty report on 30 January 2021.* [↑](#footnote-ref-1)
2. At a meeting with the then Chef Planner, Steve Quartermain [↑](#footnote-ref-2)
3. *National Planning Policy Framework, paragraph 91* [↑](#footnote-ref-3)
4. *National Planning Policy Framework, paragraph 7* [↑](#footnote-ref-4)
5. *National Planning Policy Framework, paragraph 8* [↑](#footnote-ref-5)
6. *National Planning Policy Framework, paragraph 61* [↑](#footnote-ref-6)