

[sent via email]

Dear Kate Barker

Here is my response to your kind invitation.

I have been in practice as a professional developer mainly in the south-east since 1969. This is more than half the total time that planning has been regulated.

Town Planning has now become so very complicated that winning a consent is not far short of impossible. The huge and ever growing list of consultees is increasingly clogging the system. People are learning to object so as to put themselves into a negotiating position, for example Sport England object to the sale of a sliver of sports ground despite support from the local users simply to extract a contribution for unspecified improvements to the local sports scene. The consequence is more delay and expense. The large number of opinions and objections results in all interesting features that characterise a building or development being removed after one or other of the consultees objects to them.

The costs of administration and of the huge delays caused by slow processing, deferrals on minor points and sheer incompetence are so high that originality is almost extinct. For example junior planning officers who are not trained as architects frequently challenge architects on details of a design so that in order to avoid delay and to gain approval at this basic level there is a strong temptation to go along with the suggestions however crass they may be. Hence a large proportion of house design is no longer undertaken by architects but by draftsmen working to the lowest common denominator.

Here are my suggestions to improve the situation.

1. Restore the presumption in favour of planning consent.
2. Simplify and clarify planning controls by relating them to a specific purpose ie regional authorities (which should be representative and ideally elected) should take their lead from central government to set policies and focus on providing major infrastructure including utility supplies, flood areas, transport essentials etc.
3. Local authorities should produce a small number of clear policies, reviewed frequently, that can be understood and utilised by all especially locally elected councillors.
4. Constraints such as TPOs, Conservation areas, Green belt designations, AONB etc should all be subject to periodic review against clear unambiguous criteria (who-ever heard of a tree losing its TPO status, a listed building becoming unlisted or a conservation area shrinking in size?). This could take place by a planning audit body on a five year cycle.

5. Use classes should be scrapped. They have outlived their usefulness now that land use planning has moved in favour of mixed use developments. It should be replaced by a system of rules setting out criteria for assessing neighbourliness. These could cover; noisy smelly dirty, height, external materials etc.
6. Reports to planning committees should be no longer than one page so that committee members have some incentive to read them. The majority of reports on routine applications are unnecessarily long and frequently remain unread by the decision makers.
7. Committees should suffer some penalty for going against the recommendation of the planning officer if the decision is eventually reversed by that committee (for example after an election) or at appeal.
8. When the applicant is invited to address a planning committee before a decision is made he should be entitled to speak after the objectors so that he can address the particular issue raised.
9. Where land surrounded by open country has been developed but that use has ceased (for example redundant airfields, sawmills, scrap yards or large Victorian hospitals) they should not automatically be considered for redevelopment but should revert to their previous agricultural use. This would avoid some poorly connected and out of context developments that go completely against the normal and natural thrust of the planning system which is to bring order and efficiency to an overcrowded island.
10. Parking standards should be challenged and amended to prevent serious and damaging under provision especially in residential schemes. A modern lifestyle simply does not enable most people to manage without access to a car. The serious under provision for parking in current schemes is simply producing more problems for the future.
11. The nation has a current housing stock of around 20,000,000 dwellings. The present rate of building new homes rarely exceeds 120,000 per annum. The replacement cycle for news papers is every day, for mobile phone every six months, a new car every three years, yet a house has to last 150 yrs before it can be replaced at the current rate even if one discounts the growth in demand and the functional and locational obsolescence that increasingly affects homes throughout the UK.

These are my main suggestions but I also offer some comments on your specific questions:

1. Most emphatically not. The system is so long winded and complicated that very few people, least of all the elected councillors of the planning committees, have any idea of what the rules are. There are far too many levels in the planning hierarchy with blurred boundaries of responsibility. Less would be far better.

2. Different plans, in particular the most recent LDF system only serves to complicate the interpretation and to slow down the whole system. It is now almost impossible for a non expert person to actually discover all of the policies that affect his property. This is compounded by the shortage of planning officers willing to discuss potential new projects as they are frequently fully committed in processing draft applications so that they reach the state when they can be decided within the statutory time period.
3. Sustainable development is not seen by most people as the core principle. It is not understood by a large number of planning officers and is certainly not apparent in the majority of planning rules. Some policies may promote social cohesion but others point in the opposite direction. For example supermarkets which require night time servicing by heavy goods vehicles are compelled to occupy town centre sites close to where people are trying to sleep.
4. As I understand it the French system for urban planning concentrates on the physical height and cladding of buildings in preference to their use. This appears to me to provide a consistent and attractive environment.
5. Town Planning by virtue of its complications, the length of time taken to reach a decision and the arbitrary nature of many of its decisions is a definite impedance to business investment. Section 106 negotiations, detailed and over fussy information requirements, overly complicated and unnecessary conditions which are subsequently not enforced uniformly all contribute to give the system a bad name. The impression given is that it is a system designed by experts only to be understood by other experts. It is a system that positively discriminates against the occasional user which is the description fitting most business people.
6. The vast majority of users of the system are concerned with a specific development that requires a planning consent. Most have little knowledge of the work behind the scenes and no real interest. How many car drivers ever look under the bonnet? Evidence of joined up government is hard to find. For example why was the Channel Tunnel's capacity to convey HGVs ended at Folkestone even though a new track has been laid all the way to Ebbs Fleet just by the M25? The result of this is a constant 24 hours each day procession of HGVs along the M2 and M20. A huge proportion of these journeys would be unnecessary if this simple upgrade had been put in place.
7. Major planning applications, for example about an additional runway in the south-east, should be made in response to a policy decided at national level by parliament. The planning inquiry can then concentrate on hearing detailed matters and be designed to ensure that the decided policy can be implemented in the most socially acceptable way.
8. The cost of making an application is not the main issue. The problems are: lack of clarity in the rules which are often contradictory, lack of

suitably qualified and interested staff, the arbitrary refusal of applications that cannot be processed fully within the eight weeks allowed and most importantly the entirely subjective and often politically motivated decisions of planning committees.

9. High occupancy costs are primarily due to the shortage of development land. Because the south-east in particular is very crowded the cost of land is always likely to be higher than in less densely populated areas. Whereas we should be aiming to make far better use of what we have occupation costs are unlikely to decrease.

The costs of winning planning consents does not by itself increase the cost of occupation but it forces down the price developers can afford to pay for land. This in turn keeps potential redevelopment sites out of the market. The resultant shortage of good modern property fit for purpose is the reason costs are so high.

10. Planning policies that require an application to prove a need contain an unwritten presumption against the development of that particular use and leave the interpretation to the planning authority. Whatever the original intention this policy severely restricts competition. Several times we have discussed and sought to prove need to be told that there is already a supply of this commodity and so no more is required. Supermarkets are an obvious example. Since people in the UK rarely die for lack of food one could argue that there is really little need for any more food stores. This ignores the economies of scale that an operator of a large store can bring, the enormous variety and choice that can be made available and the low prices that competitors offer in a market place with more than one supplier. To take this further there is now a political movement to ban multiple grocers from opening convenience stores on the basis that they are attractive to shoppers who previously were obliged to put up with a second rate service which nevertheless propped up inefficient and expensive independent traders!

11. With respect this is complete balderdash. The widespread evidence I have seen of innovation centres is of a complete waste of public money. The RDAs have launched into this field in a big way without knowing what they are doing. Visit capitalspace.co.uk or the web page of one of our competitors to see how one can overcome a multitude of planning and economic hurdles to provide really useful homes for small businesses.

12. No. Planners are essentially development preventers. The personnel involved have a mindset quite different from than needed for development promotion. The best way to promote sustainable economic development would be for the regulations to be made more understandable and ideally less in total bulk. If this were to happen our natural human endeavour to better oneself would push forward economic development.

13. No. Most small businesses are run by one or possibly two entrepreneurs who have their hands full with coping with their specialist business. The

planning system in all its guises is peripheral to their main purpose. They are only occasionally likely to need to refer to the town planning process hence they are generally unfamiliar with it. The long term nature of town planning is completely outside the timeframe that every small business needs to focus on. Whereas planning reviews, examinations in public, draft publications etc work to a timetable of years the vast majority of small businesses work to a monthly routine. In order for it to be understood the planning system needs to re-assess simple and clear objectives that should be subject to frequent review.

14. In the south-east the general presumption on the part of politicians is that any new development must be demonstrably necessary before it will be considered and where there are reasons to refuse it they will be adopted. This is a natural human conservative reaction against change but now there are almost always policies that will enable this to be effected. Secondly there is a growing presumption, promoted by central government, that all development should bestow wealth on various sectors of the community and so increasingly we are seeing officers quizzed about the gains to be obtained from any particular consent, be it open spaces, affordable housing, education contributions, highway improvements or whatever. Common understanding, including among elected councillors who have been told differently, is that planning consents are in the gift of the local authority and are only to be sold (granted) when the price is right.

Fewer, simpler and more clearly understood rules would assist considerably.

15. Perhaps the role of the planning system needs to be redefined. It began as a development control system to regulate new developments to prevent social tensions that could be caused by ill thought out projects. Since those early days its role has changed to the point where it may now be expected to be pro-active. By their very nature the people that actually run the planning system are not the movers and shakers of society and so are unlikely to be active in promoting anything positive, they are nature's brake men. Only central government is in a position to initiate major policy changes and it should not be afraid of so doing. As with docklands, now Canary Wharf, it should make a policy decision and stick to it. After years of dereliction this has now become an outstanding success. The credit for this must lie with central government for setting up the enterprise zone and facilitating the infrastructure particularly the transport links. Others that are urgent include: Crossrail, an additional runway to serve the south-east and a new container port

In conclusion may I thank you for your invitation and wish you every success in your review. Even if you manage to make just a small improvement the time will have been well spent.

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