

## **Revisions to the National Planning Policy Framework and draft National Model Design Code.**

IHBC welcomes the opportunity to comment on this Consultation concerning draft Revisions to the National Planning Policy Framework and also on the draft National Model Design Code.

We support the general principle of design codes, which have the potential to improve the quality of new development and acknowledge the depth of detailed content in the two draft documents (which we feel would be better merged as one). However, IHBC has four fundamental concerns:

- There is a lack of reference to understanding historic character and townscape qualities in the draft design code and guidance notes.
- there is a widespread lack of design expertise in local authorities to produce and implement design codes
- successful developments that might result from design codes would almost certainly be debased by increased permitted development rights and restrictions on article 4 directions. The reverse is necessary - successful schemes need to be protected from inappropriate alterations, and
- imposition of national approaches will reduce the scope for local public participation and the potential for communities to be involved in shaping the development of the places where they live.

The following are the responses to the questions raised in the National Planning Policy Framework Draft text for consultation:

Q1. Do you agree with the changes proposed in Chapter 2? (Achieving sustainable development.)

IHBC fully supports the revised wording to paragraph 8(c) with an environmental objective, which gives stronger support for heritage protection.

In paragraph 11(a) the IHBC believes that changing the words “improve the environment” to “enhance the environment” would be preferable and would reflect statutory language.

Q2. Do you agree with the changes proposed in Chapter 3? (Plan-making)

The IHBC supports the changes proposed in introducing design quality into paragraph 20 in Chapter 3.

Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

IHBC objects strongly to the proposed amendment to the NPPF at paragraph 53 in relation to Article 4 Directions. Article 4 Directions in Conservation Areas should be introduced to preserve the character and appearance of the area and should relate to an appropriate area, not, as suggested, the smallest geographic area possible. Neither option relating to change of use to residential is acceptable as they stand but the first option would be

acceptable if the words, “for example, adverse impact on the character and appearance of a conservation area” were added.

Q4. Do you agree with the changes proposed in Chapter 5? (Delivering a wide choice of high quality homes)

IHBC agrees with the changes to Paragraph 80 (e) in deleting the words ‘and innovative’.

Q5. Do you agree with the changes proposed in Chapter 8?

Promoting healthy and safe communities

No specific observations to make in this response.

Q6. Do you agree with the changes proposed in Chapter 9?

Promoting sustainable transport

No specific observations to make in this response.

Q7. Do you agree with the changes proposed in Chapter 11?

Making effective use of land

New paragraph 124 has been amended to include an emphasis on the role that area-based character assessments, codes and masterplans can play in helping to ensure that land is used efficiently while also creating beautiful and sustainable places. This addition to paragraph 124 is welcome as it acknowledges the contribution to design quality that conservation area character appraisals can make.

Q8. Do you agree with the changes proposed in Chapter 12?

Achieving well designed places

New paragraphs 125 and 127 have been amended to include the term “beautiful”

The beauty, character and local distinctiveness that derives from historic buildings and areas invariably contributes to such quality. Beauty is a cornerstone of good design, which should be an essential component of good planning. IHBC agrees that achieving beautiful and well-designed development should be a high priority of the planning system

The term ‘beauty’ and the notion of creating ‘beautiful places’ is an admirable aspiration but can be a very imprecise term. It is a subjective concept which renders it hard to define in objective terms for general application. Great thought needs to be given to how the term and concept of beauty is to be defined. IHBC strongly suggest that without definition, arguments in public inquiries as to what ‘beauty’ means will slow down the process rather than speeding it up and will not assist the making of effective and high quality decisions. This, IHBC suggests that this will become an unintentional outcome from an aspiration that has been conceived from good intentions.

In paragraph 126 on the role of neighbourhood planning groups the words “**Conservation area character appraisals**” should be included after “design policy, guidance, ...”

Para 127: LPAs should prepare design guides consistent with principles in national design guide and National Model Design Code.

Whilst this requirement could assist in improving design quality, IHBC is concerned about the obligations being put in place for Local Planning Authorities by paragraph 127 where there is a marked lack of design capacity at that level. Whilst the proposed outcome is a

desirable one it needs to be supported by appropriate provision for capacity building at local authority level and within the professions. The concept of local character or context is both relevant and very important as long as it can be used as a tool to repair, stitch back, enhance the good and remove the bad. In this regard clarity and definition is required to indicate what constitutes good quality context in order to reinforce it in conjunction with aspirations and policy for good design.

The National Model design code does not address the need for consistency of interpretation between local planning authorities whilst also making provision for local character. The document should address this issue.

IHBC agrees that well-conceived design codes can play an important part in raising design standards, in the same way as the better design guides have done in the past. However, such codes only provide a framework. Achieving good design requires good designers working with planners that understand design principles, in order to interpret and apply the codes. There is a major shortage of design skill in local authority planning departments. Almost all local authorities have lost their architectural departments and modern planning and architecture courses teach little about conservation or design, which are now regarded as matters for specialists. There will almost certainly be a serious shortage of people with appropriate design skills in local government, to deliver the proposed requirement.

Para 128: Community engagement process model : IHBC would welcome a good engagement, process model particularly if it were to be combined with a commitment to capacity building for this purpose.

Paragraph 128 should state that any design codes prepared by applicants should be subject to the same Supplementary Planning Document adoption process that LPAs have to follow and should be accepted by the LPA.

Paragraph 130 refers to tree lined streets as if they are always appropriate but in some areas they are neither appropriate nor desirable. Whilst there is a footnote about this, the policy should state that such tree lined character might not be appropriate in some historic areas. “..., such as areas with a tight urban grain” might usefully be added to the footnote.

Para 133: significant weight to development reflecting local design policies and government guidance on design:

See paragraph 127 response *ibid* concerning capacity and skills. The replacement paragraph 133 with the deletion and loss of the phrase from former paragraph 130 : ‘development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions’ is regrettable and should be reviewed. Also at paragraph 133 “**Conservation area character appraisals**” should be added to “design guides and codes”. Also Paragraph 133 (b) Should read “overall form, layout **and character**”, not “overall form and layout”

Q9. Do you agree with the changes proposed in Chapter 13?

Protecting the green belt land

IHBC has no specific observations to make in this response.

Q10. Do you agree with the changes proposed in Chapter 14?

Meeting the challenge of climate change, flooding and coastal change

IHBC suggest that apart from the wording changes in the draft NPPF it also includes plan making to promote sustainable pattern of development' and mitigate climate change. This proposal is presented in a vacuum without any method for either measuring or establishing goals. It would be better if it promoted sustainable 'pattern and form' of development with the purpose of encouraging better forms

Q11. Do you agree with the changes proposed in Chapter 15?

Conserving and enhancing the natural environment

Para 175 IHBC welcome the amendments to take into account the Glover recommendations concerning designated landscapes.

Para 176: IHBC welcome the amendments concerning applications for development within National Parks and Areas of Outstanding Natural Beauty

Para 179(d) IHBC welcome the amendment supporting development with primary objective of conserving or enhancing biodiversity and enhancing public access to nature.

Chapter 16: Conserving and enhancing the historic environment

Q12. Do you agree with the changes proposed in Chapter 16?

IHBC consider that the proposed paragraph 197 relating to historic statues, plaques or memorials is highly problematic and should be reconsidered. There is no definition of "historic statue, etc." and there are no controls over many of them (e.g. those that do not constitute a "building" and those not listed and not within a conservation area). In such cases, there will be no application for the LPA to consider. Even where such features constitute a building and prior approval is required under 'permitted development', heritage is not a legitimate planning consideration. Therefore the proposed policy is not capable of being properly implemented.

The guidance needs to give an indication of what is meant by historic in the context of statues, plaques or memorials being regarded as heritage assets and it would be important to clarify the extent of the protection and to indicate clearly whether or not this relates to the public environment or whether or not private plaques etc would be covered in this context. If a statue is to be regarded as historic in policy, the policy should define historicity. The definition should encompass the statue's age, the prominence of the sculptor or the importance of the statue as an example of design, and should recognise the values appropriate for commemoration can change. There should be a presumption in favour of contextualisation. It is disappointing that there is no express commitment to contextualisation of contentious material heritage.

The rather enigmatic paragraph on statues, etc. sits within the historic environment section of the NPPF, although it would seem to cover features that might not be heritage assets. IHBC believes that that most LPAs are already following the approach suggested, where they have jurisdiction. It is a missed opportunity to provide some constructive principles and some sharper definition to assist decisionmakers and indeed applicants. IHBC appreciates

the intention behind this amendment but suggests that it creates further uncertainty because terminology requires deeper explanation.

IHBC considers it essential to have a clear indication of what is meant by historic in light of the basis of the paragraph being that any plaque, memorial etc being regarded as a heritage asset. Such clarification should make clear whether the policy refers to privately owned statues, plaques or memorials or whether it is restricted to public pieces of art/commemoration.

Alongside the changes, announced in January, to require planning permission for the removal of historic statues, plaques or memorials, we ask that locally listed buildings, another category of otherwise unprotected buildings and structures, is recognised through the planning system requiring planning permission for their demolition. Locally listed buildings are selected by clear and proportionate criteria but "but can currently be demolished without an application for planning permission and under permitted development rights, prior approval for demolition cannot be refused on heritage grounds.

Through local listing communities have an opportunity to have their own heritage recognised and local lists developed with and by the community, play an essential role in building and reinforcing a sense of local character, community values, understanding and pride. The Government has recently allocated £1.5 million to support the development of these important local lists but producing the list is just the first step and many of the buildings included could currently be demolished without any permission. The removal of a building identified as of community value through a local list should be assessed and debated through the planning process and the community should have chance to consider its retention, or its removal. The demolition of such buildings and structures without consultation and an open proper process, risks "losing our inheritance of the past without proper care" and denies the opportunity for them to be "explained and contextualised".

We strongly urge that whilst extending the provision of planning control for removal of statues, plaques and memorials you also include the demolition of locally listed buildings.

Q13. Do you agree with the changes proposed in Chapter 17?

Facilitating the sustainable use of minerals

The proposed change at paragraph 210 (f) will assist the supply of traditional building stone and is welcomed

### **Consultation on the draft National Model Design Code and the Guidance notes for design codes**

Q15. We would be grateful for your views on the National Model Design Code, in terms of

- a) the content of the guidance
- b) the application and use of the guidance
- c) the approach to community engagement

IHBC Response: The proposed documents are thorough but contain a number of significant shortcomings. The index and referencing of both the National Model Design Code and the Guidance Notes is over-complex and confusing, making the documents difficult to navigate. Having two separate documents adds to the confusion. The Guidance Notes for Design Codes are comprehensive and useful. A single combined document will be easier to use and more useful. IHBC recommends that they are merged.

The Institute's primary concern is the insufficient regard given to the need to consider impact on listed buildings and their settings and the character and appearance of conservation areas throughout both documents. These considerations are statutory duties under sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990. Regard for the settings of registered parks and gardens, scheduled monuments and other heritage assets is a policy consideration under the NPPF. These considerations are noticeably absent from the documents, and in particular from the sections on built form and heights.

It is essential to make specific reference in these sections to the settings of listed buildings, conservation areas, RPGs, etc. The "tall building design principles" (page 23) are particularly inadequate in this respect and the suggestion that there could be no limit on building height in city centres (page 13) poses a serious threat to the settings of heritage assets and is a particular concern to IHBC.

The Code relies on identification of existing character areas and by implication promotes reinforcement of existing character. There is reference to characterisation studies, which identify areas of similar character. Interesting and characterful areas, which are often statutorily designated as conservation areas, are likely to be based on a variety and richness of uses, building types and spaces rather than similarity. Consequently, IHBC strongly object to the approach in 2B that everywhere can be classified as one of ten types. This would promote standardisation/more of the same and would limit enhancement of e.g. dreary suburbs or unsightly industrial areas. Critically, it would be a threat to the preservation and enhancement of the character and appearance of conservation areas. More often than not, interesting and characterful areas are based on variety and richness of uses, building types and spaces, not standardisation.

Para 10 under 'Objectives': Third bullet - it is not just facades that matter – "scale, mass and modelling" are equally important. The fifth bullet – should include "character".

Figure 2 (page 7) should include issues such as "key views, nodes, landmarks, and the distinction between public and private realm".

What is proposed in "2C Master planning" is very simplistic – it is little more than standard layout planning - and would provide no guarantee of high quality, appropriate or beautiful development.

With regard to section 3A, there is a dearth of recognition of/respect for the historic environment. The suggestion that a double row of trees is appropriate in an 11 metre wide street (page 24) is not practical. Such an arrangement would be highly likely to result in

long- term amenity problems. Schools cannot be integrated into residential suburbs or urban areas as indicated on page 26, due to modern-day requirements for secure enclosure. A privacy distance of 15 metres window to window (page 27) would provide no meaningful privacy at all.

The National model design code states that understanding the context history and character of an area must influence the siting and design of new development as set out in the Guidance Notes for Design Codes concerning Context. This should be informed by character studies (context studies) and by reference to the cultural heritage within the site including using existing structures where possible. The guidance note in relation to character studies at C1 pages 4 to 6 inclusive writes about character studies in the following terms: “Character includes all of the elements that go to make a place, how it looks and feels, its geography and landscape, its noises and smells, activity, people and businesses. “ The section on Cultural Heritage (page 6) should make specific reference to ‘historic townscape’, which is noticeably absent from Historic England’s Understanding Place guidance. There is a further reference to this Historic England guidance on page 43. In our view this guidance does not provide a particularly helpful basis for design coding.

IHBC believe that the Guidance Note section on context makes insufficient reference to understanding historic character and, in particular, historic townscape and does not attribute enough weight to respecting the existing historic built environment. There is no reference in the guidance note to building typologies, the materials from which buildings are constructed or the materials which are used on street surfaces ; there is no mention in this section of either building heights, materials, form or massing or to the level of containment or the expanses of the spaces in the public realm; there is no suggestion of reviewing the current street pattern and reviewing it as it evolved chronologically to support the description of the context and the morphological change over time( although this is referred to elsewhere in the code); there is no mention of whether the streets are narrow or broad, straight or winding, contained, enclosed or otherwise; there is no mention of physical features such as street lighting, cobbles or jostle stones etc, the architectural character (whether composed or diverse) and the urban character are not mentioned; the current and former usage of buildings, the age and condition of buildings; the palette of materials especially local materials; the building heights and important features including window shapes, doorways and other features; the qualities of the street environment in terms of vehicular or pedestrian usage is not mentioned; There is no reference to listed buildings which should be noted, monuments of note; archaeological features or other features including natural features such as trees; There is no mention of important vistas within and from the area/ street proportions. All of these factors are critical components of townscape that give a sense of the qualities and importance of a particular place or area. It is essential that a design code interprets and understands the sense of identity within the place to which it relates.

All of the foregoing material is very important . It is also important to get a feeling about local opinions about the area as early as possible. This can occur by going through information exchange, increasing knowledge and imparting that knowledge so that it can be used positively in the engagement process.

In relation to the information in the Guidance on engagement IHBC think that it is important to give consideration to the format of meetings ,whether formal or informal, and to ensure that the engagement is a two-way engagement so that people can feel that they have been listened to and their concerns taken into account in decision-making. The potential here of facilitating engagement and good communication in an environment that is welcoming and non-confrontational is immense. This could be emphasised more in the guidance. The essential flexibility of the process of engagement could be emphasised more and the need to bring in the local community and other stakeholders at a stage that precedes decision-making and for each stage in the process could be set out in stronger terms.