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Comments by the Aldeburgh Society on the Government's white paper on Planning for the future

The Aldeburgh Society believes that any comments on the Government's white paper on the future of planning must be prefaced by reference to the recent statutory instruments which brought in changes to "permitted development" rights in the Town and Country Planning General Development Order and changes to part of the Town and Country Planning Use Classes Order.

Three statutory instruments were brought before the house on the day before it went into summer recess and came into force by the negative resolution procedure on the day or the day after the house re-sat after that recess. This is a procedure where the house could vote to reject or amend within 40 days of them coming into effect. However, with the government having such a substantial majority it would have been unlikely that this would have carried.

For new laws to be brought into force with little or no debate in Parliament cannot be a good thing and it could be that a judicial review could be called for on the grounds of improper or illegal consideration.

Luckily for Aldeburgh the additional "permitted development" rights embodied in the amendments to the GDO do not apply, as both Conservation Areas or Areas of Outstanding Natural Beauty are specifically excluded, and Aldeburgh as a town is wholly within the AONB and the majority of the older part of the built up area is designated as a Conservation Area.

However, elsewhere the effect will be widespread and very apparent with up to two additional storeys able to be built on all sorts of dwellings and blocks of flats and a rebuilding right for redundant and free-standing buildings of any sort to form a number of self-contained dwellings.

The changes to the Use Classes Order, however, do apply to Aldeburgh and bring in a new and all-embracing use class which includes most, if not all of Town Centre uses within one class meaning that the change of use from one type of shop or business to another will be "permitted development" not requiring planning permission. However, thankfully, uses known to have a potential environmental impact (such as hot food takeaways, gyms, drinking establishments, cinemas, dancehalls etc.) will be lumped together into Sui Generis (no specific or particular use class) meaning changes to them or between them will still require planning permission.

It is felt by the Society that the flexibility given by these changes is welcome due to the doubts cast by the pandemic on not only the way businesses are run but also on their very viability and capability of remaining part of the town's fabric and attraction.

The Planning White Paper.

The white paper which has not been put before Parliament in the normal way appears to be more statement of intent than a new bill.

It puts a question mark over local plans and calls for “stripped back” planning where all planning policy will be set nationally with local plans restricted to development allocation and specific codes and standards to be applied to projects in the development zones.

Local Plans will contain 3 types of allocated area:-

- 1). Growth. (In effect automatic outline planning permission).
- 2). Renewal. (Smaller scale, presumption in favour of development).
- 3). Protection. (More stringent controls).

The white paper acknowledges the importance of planning (development control) but does not seem to deal with two of today’s important issues of climate change and the delivery of genuine affordable homes.

It removes the need for planning permission in relation to the demolition and rebuilding of certain types of buildings and in doing so, takes away the consideration of local opinion and voices.

It appears to be the ambition to completely rewrite the English planning system and make it simpler but the emphasis on accessibility through technology which purports to make it more accessible for everyone, actually appears to reduce democratic accountability and takes away powers from local authorities to allow many more decisions to be made more centrally.

Emphasis on design is welcome, and each Local Authority having a proper chief officer for design (and presumably Conservation), is also welcome.

The designation in local plans of 3 zones, each with a different planning system.

Protected Zones :- appear important and straightforward.

Renewal Zones :- appear to be controlled by either the new “permitted development” rights or nationally laid down design codes, and this is NOT a satisfactory basis of local control.

Growth Zones :- with the equivalent of outline planning permission (or presumed permission in principle) being automatic, subject only to compliance with national and locally prepared design guides and pattern books. This removes public involvement in the detailed stage of consideration.

The method of scheduling and identifying zones is by no means clear, and by whom.

The white paper is not clear as to how far local design guides and advice will be able to depart from national policy and how far climate and zero carbon targets will be included.

The major overall impact is to make the system less democratic and with fewer opportunities for communities to participate.

Plan making will change in that public participation will be encouraged at that stage and will be likely to be removed from the planning application stage when proposals are within the ambit of the Local Planning Authorities.

Rights to be heard, embodied in current planning legislation look to be removed and there are no new rights for community participation and appears to be a significant reduction in the public rights and opportunities to participate.

It does not “democratise” planning and digitalisation and algorithms result in the process becoming harder to understand or break in to.

The future status of Neighbourhood Plans is not made clear and the suggested timetable of 30 months for the preparation of new local plans seems both unrealistic and likely to put the needs of speed before the needs of democratic consideration.

There is a failure to understand or address the root causes of the housing crisis.

It appears to prioritise developers' interests over the building of good quality affordable housing where it is needed.

It seems to hand developers the right to build almost wherever they want, and developers are driven by different motives from the social need for more and better housing which concerns local authorities. Land with planning permission IS available for housing under the present system but is being sat on by owners and developers for various purposes, often concerned only with land values. Hundreds of thousands of permissions are not being implemented.

Four things would change the current situation for the better: -

—Time limits on planning permissions or by overarching law, not only regarding the start of development, but also, its completion.

—The insistence by local authorities, backed by law, on the provision of housing of the types which are known to be required in the interests of the community, not just at the whim of the developer governed by completely different motives.

—The rescinding of the “right to buy” provisions on local authority and housing association housing, in order that housing built for social need and at affordable rents remains in the public sector.

—The splitting of the residential class in the Town and Country Planning Use Classes Order to make houses used for letting, second homes or holiday letting, in a different Use Class from houses in full-time single-family occupation. Permission would therefore be needed to change from one to the other and proper rating provision could be made.

The concentration on nationally dictated design criteria marginalises the architectural profession.

In summary, the Society feels that any new or amended planning system should not increase centralisation of control in anything other than broad principles. The Society further believes that the GDO amendments go too far, and pose too great a risk to the environment, although it does applaud the encouragement of the use of brownfield land for housing where possible.

It feels that the alterations to the Use Classes Order will help the situation in the short term, with the problems caused by the pandemic, but perhaps these allowances should not be in perpetuity but return to the status quo once the pandemic is over and the criteria of good planning can once again take precedence over the criteria dictated by a public health crisis.

Best wishes

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Chair

The Aldeburgh Society

Cc Peter Hill, Chair the Aldeburgh Society Planning Committee