

building better places – a national call to action



In February the House of Lords Select Committee on National Policy for the Built Environment completed nine months of evidence-gathering and deliberations and released its report *Building Better Places*.¹ I was fortunate enough to be appointed Specialist Advisor to the Committee and so witnessed this fascinating work at first hand. While I began the process somewhat dubious about what might be achieved, I ended it profoundly impressed by the whole process. If taken seriously by the Government, the report offers great potential to significantly reshape our national built environment policy landscape – and in a manner that properly raises places and people to the top of the agenda.

A bit of background

Lords select committees cover a wide range of topics, and, unlike the House of Commons, committees are designed to be cross-cutting, rather than following departmental responsibilities. Each year they include a number of ad hoc committees set up to review, in a time-limited manner, key aspects of national policy. Proposed by two Labour peers, Baroness Whitaker and Baroness Andrews, and Chaired by the Conservative Baroness O’Cathain, this was the first time the built environment had formed the primary subject for enquiry. Membership consisted of 12 cross-party peers, largely from non-cognate backgrounds – factors, that if anything, make the recommendations all the more powerful.

My own role was to advise on: the selection of witnesses; interpreting the evidence; formulating the recommendations; and structuring and writing the final report. The Committee received 187 written submissions, took aural evidence from 53 witnesses, and conducted two fact-finding visits, as well as ploughing through a host of reports and other evidence. The whole process was guided and supported by an excellent secretariat from the House of Lords Committee Office.

As the built environment is a devolved responsibility, the Committee’s remit covered England only, although its scope was very wide and ranged across the entire built environment. This factor more than any other raised particular early concerns in my mind that the Committee was being over-ambitious. However, as the work proceeded the focus of attention gradually narrowed, beginning with the Committee setting a range of questions for an enquiry that settled on eight broad areas:

- policy integration and co-ordination;
- national planning policy;
- land and housing supply;
- sustainability, resilience and public health;
- skills and capacity in the sector;
- place-making, design and heritage;
- community engagement; and
- fiscal and financial measures affecting the built environment.

The final report then narrowed these areas further to four major categories of concerns, and these were presented around an overarching narrative that made the case for a place-centred focus for national policy.

In part this was simply a function of the evidence received. If no or little evidence was received on a topic, then it did not feature significantly in the report. For example, the Committee received surprisingly little evidence on the future of our high streets, or on the contribution of the private rental sector to meeting housing needs.

The whole process was inevitably also informed by current debate, most notably that rampaging around housing and planning and the Government’s drive to deregulate the sector, and by the ongoing challenges faced by public authorities and others in delivering built environment services in a context of austerity. It was also strongly informed by the larger debates around place that the Farrell Review had opened up so effectively 18 months before.

An overarching narrative

To my mind, more important than the specific recommendations is the overarching narrative that argues for a much stronger focus on the built environment nationally (and locally) and for positive leadership from national government. Putting my own spin on things, that is quite different from the way



Some results of our normal crisis-led approach to the built environment

we have typically done things in England, where our aspirations for the built environment have historically been low, poorly defined and short-termist. This lack of foresight is apparent as we lurch from one crisis to the next – crises that have, over the years, variously manifested themselves in sub-standard infrastructure, inner-urban decline, unsustainable sprawl, housing ghettoisation, the neglect of green and public spaces, declining high streets, the creation of obesogenic environments, flooding, and of course the current housing crisis.

Too often we seem to fiddle while Rome burns, and in particular we endlessly fiddle with our regulatory (particularly planning) processes in the absence of a clear vision about what sorts of places and communities we wish to see, and what proactive steps we need to take to get there. By contrast,

Building Better Places sets out a blueprint for moving to a place-centred approach to national policy for the built environment.

This begins with national government needing to be aware of its own limitations (it cannot control everything from the centre), and also of the limitations of the private sector and what it can and cannot achieve on its own. For example, during visits to Birmingham and Southwark the Committee saw at first hand what a powerful actor local government can be when, through outstanding local leadership, it brings its multiple responsibilities and resources to bear.

Witnesses that we heard from (from both the public and private sectors) almost always supported the idea of an aspirational, confident and empowered local government. But this will require a clear, stable, well co-ordinated and supportive national policy

framework which enables local initiative and leadership to flourish and facilitates the proactive shaping of local places for the better. Summarising greatly, the report makes four key arguments:

- First, we need to do better; to collectively aim higher in our ambitions for the built environment.
- Second, quality of place should be at the heart of our thinking, as well as a concern for the impact of place (and development) on local populations.
- Third, national government needs to step up to the mark and set the tone by being more ambitious in its aspirations for the built environment.
- Finally, national government needs to trust and empower local government to deliver alongside its public and private partners

To deliver on these points, the report makes 66 recommendations, from which I will attempt to distil some highlights.

Better places

The first substantive section of the report focuses on the quality of place (broadly defined). Structurally, the Committee concluded that there are two critical elements missing in how national policy is formulated. First, there is an urgent need for much greater co-ordination and integration across the multiple government departments that affect and respond to the built environment. Second, there is also a need for a national organisation with the capacity to undertake research, develop guidance and build the networks necessary to raise standards and drive better performance.

Addressing the first of these issues, the Committee recommended the appointment of a Chief Built Environment Adviser in order to co-ordinate relevant policy across central government departments; act as a champion for higher standards; promote good practice beyond government; and produce an annual report to Parliament providing high-level monitoring of quality and delivery within the built environment. On the second issue, and in response to the loss of key functions following the demise of CABE, the Committee concluded that the Government should establish and fund a small, strategic unit to conduct, commission and disseminate research and guidance on architecture and design within the built environment. This new unit should be led by the Chief Built Environment Adviser and should provide independent advice akin to that given by the Chief Scientific Advisor – in other words, within government but sufficiently detached in order to criticise national policy when necessary.

More generally, it is vital that government sets high standards for the built environment, and

provides the vision, aspiration and leadership to enable others to deliver against those standards. The Committee therefore recommended that a high-level policy for architecture and place quality for England should be produced and adopted and thereafter monitored and, at regular intervals, reviewed. Most European countries have such a policy, including the other constituent nations of the UK, and it could be an early priority for the Chief Built Environment Adviser

Government should also lead by example by setting the highest possible standards in its own major construction projects. In particular, the Government Construction Strategy should be reviewed to emphasise the Government's leadership role in these matters, with mechanisms for implementing high standards of public procurement in construction projects that seek to balance place and quality with value.

At the local level, interventions in the public realm are frequently unco-ordinated and suffer from a lack of accountable leadership. The Committee therefore recommended that local authorities should give one cabinet member (or senior officer) responsibility for co-ordinating all services which impact upon street quality and the public realm. Those decisions should be made in accordance with existing best practice guidance, with highways authorities fully adopting and adhering to the principles set out in *Manual for Streets*.

Finally in this category, the Committee heard that the current provision of design review is disjointed and inconsistent. In part, this is a result of the discretionary nature of design review, which means that an insufficient number of applications are going through the process to justify wider investment in a properly functioning market for such services. To address this, the Committee recommended that the Government should make design review mandatory for all major planning applications.

Sustainability and resilience

Moving to the second substantive theme, much discussion during the Select Committee hearings focused on the deregulatory agenda that the Government has been pursuing, as seen in changes to the planning system and building regulations. These changes, the report argues, have had the cumulative effect of progressively diluting the capacity of local authorities to scrutinise new developments and safeguard quality and sustainability.

On the issue of energy use, no support could be detected in the diverse evidence received on recent deregulation. Consequently, the Committee recommended that the Government should reverse



A council-built housing scheme in Birmingham visited by the Committee

its decisions to revoke the Zero Carbon Homes policy and the Code for Sustainable Homes, and instead should set out and implement a new and viable trajectory towards energy efficiency and carbon reduction in new homes. As part of this process it should also examine financial measures and mechanisms to allow for the more widespread retrofitting of existing buildings.

The Use Classes Order has also been progressively loosened up, despite being a very blunt instrument for the implementation of national priorities. The Committee believed that local authorities are best placed, for example, to understand whether or not an increase in office to residential conversions will be appropriate for their area. It concluded that the Government should facilitate this by removing some of the restrictions that currently prevent more widespread use of Article 4 directions by local authorities to restrict the new permitted development rights that have been established.

Similarly, the Committee argued that, within the new system of 'permission in principle' for brownfield land set out in the Housing and Planning Act, due regard should be given to all the key components of place-making that would normally be required for the granting of planning permission. Another imperative, the report concluded, relates to our ageing population. Lifetime Homes standards, the Committee said, can play a key part in addressing the demographic challenge facing the housing stock, and authorities should be required to set appropriately ambitious targets in policy. Local

authorities should also seek to develop and apply 'lifetime neighbourhood' principles within their local planning policies.

Finally in this section, the Committee received some very powerful evidence on the societal benefits of green infrastructure, and consequently argued that national government must do more to protect and promote green infrastructure in national policy and guidance, including setting out its benefits for sustainability, health and the economy. This, the report recommended, should begin with more local authorities setting out clear minimum standards for green infrastructure provision and management in Local Plans and properly considering this in planning decision-making.

Delivering more housing

Coming to the third substantive group of recommendations, one priority has recently become dominant in debates concerning built environment policy: increasing the overall supply of housing. The Committee welcomed the Government's focus on increasing and speeding up the supply of housing and on supporting home-ownership. Like many others, it also concluded that the private sector acting alone cannot deliver anywhere near the 250,000 new homes that the nation needs per annum.

To address the issue the report called on the Government to take steps to ensure that local authorities are better able to fulfil their potential as direct builders of new mixed-tenure housing. In particular, while there has been a minor revival of

council housebuilding in recent years, borrowing restrictions substantially limit the development capacity of this sector and should be reviewed, along with similar restrictions relating to housing associations.

Related to this, the report argued that there should also be a renewed focus on how built environment policy can support mixed communities, including through the provision of long-term affordable rented housing. In this regard it was notable that the Committee unanimously concluded that the Government should reconsider its proposal to include 'Starter Homes' within the definition of affordable housing or risk undermining the delivery of genuinely affordable housing for the long term. It was also recommended that local authorities should retain the discretion to prioritise long-term affordable housing over Starter Homes in the planning system where appropriate.

Much evidence was received that smaller housebuilding companies needed to play a bigger part in addressing the housing shortage. In particular, persuasive evidence relating to the difficulties that SME (small and medium-sized enterprise) builders face in raising funding from the banks allowed the Committee to conclude that the Government should urgently examine the barriers to access facing SME builders and how they might be overcome. The Government should also, the report suggested, review the National Planning Policy Framework (NPPF) and National Planning Practice Guidance with a view to encouraging local authorities to identify and facilitate development on smaller sites.

Finally under this heading, a huge concern was continually raised over the operation of the viability assessment requirements for the grant of planning permission, as specified in the NPPF. In particular, the Committee heard from a wide range of sources that the special emphasis given to viability assessments in the NPPF, and their poorly defined and somewhat opaque nature, were compromising the ability of local authorities to deliver affordable housing and undermining confidence in the planning system. The Committee recommended that a nationally consistent methodology for viability assessment should be published, including standardised guidance on the calculation of land values. It also made a recommendation for full disclosure of viability assessments.

Local leadership and skills

The last substantive group of recommendations reflect a sense that national government (of all political persuasions) has historically seen local

government more as part of the problem rather than as part of a solution to built environment concerns. The response has tended to be criticism and attempts to control from the centre rather than to enable and empower localities to find local solutions to problems. This, it was concluded, needs to change.

In particular, across England local planning authorities have been diminished by funding cuts, leading to a loss in capacity and skills. The Committee was clear, however, that if local authorities are to play a key role in establishing an ambitious 'vision' for their areas, then planning needs to regain the status and prestige it deserves. This, the Committee argued, will only happen if planners are able to more proactively define a 'vision' for their local areas, and consequently recommended that local authorities should more often work outside the statutory planning system to avoid becoming hamstrung by its constraints. Instead, a range of more proactive and non-statutory urban design frameworks, masterplans or strategies could be utilised to create clear visions for places that better engage local politicians, populations and the private sector in the planning process.

Coming to the statutory planning process, the removal of Regional Spatial Strategies was a continued lament in the evidence received, as were the deficiencies of the 'duty to co-operate'. For the Committee, there seemed little immediate prospect of a return to regional planning, and consequently they pragmatically concluded that local authorities should explore working together on joint spatial frameworks on the model of the Greater Manchester Combined Authority, with the Government giving further encouragement for this through the City Deal process. Where this is not possible, the Government should provide much stronger incentives to ensure that local authorities co-operate effectively on cross-boundary planning matters, with smaller planning authorities encouraged to share resources and built environment expertise with their neighbours.

Moving down a scale, on Local Plans the Committee concluded that the fundamental approach of a plan-led system should remain unaltered, but national and local government should explore opportunities to make Local Plan-making more dynamic and responsive to changing circumstances. For example, to avoid the need for a lengthy resource-intensive full plan review whenever specific underlying circumstances change, local authorities should be able to opt for a partial review – or even for the incremental adoption – of their plans.



Putting people and places first

At the very local scale, the introduction of neighbourhood planning was widely welcomed in the evidence received by the Committee, with the provisos that the Government should further streamline and simplify the process, and more actively support neighbourhood planning in areas where take-up has been low. The Committee concluded that the Government should give consideration to making good community engagement a material consideration in major planning decisions, and should also review the benefits of introducing a 'community right of appeal' in certain specified circumstances, such as when a planning decision conflicts with an emerging Neighbourhood Plan or concerns sites that have not been allocated in a Local Plan.

What next – a new vision

So those are the recommendations, or about half of them. Next, the Government is required to make a formal response, and there will be a debate in Parliament. Ultimately, while much of what the Committee recommended seems very topical and of direct relevance to debates swirling around about the Housing and Planning Act and other Government initiatives, in fact underpinning the report is a new vision for how we might move to better shape the built environment in England in a manner that puts people and places first.

This is a long-term agenda, and one that we need to keep on reminding the Government is important. Few are likely to agree with everything the Select Committee has to say, but, having personally read the many thousands of pages of evidence received and sat through the hours of testimony that it heard, I can confirm that the overwhelming thrust of its recommendations is very widely supported, both across the sector and across political divides. Let's get behind it and encourage the Government and others to do so!

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Note

- 1 *Building Better Places*. Report of Session 2015-16. Select Committee on National Policy for the Built Environment. House of Lords. TSO, Feb. 2016. www.publications.parliament.uk/pa/ld201516/ldselectCldbuilt/100/100.pdf