

## Response:

### Building Better, Building Beautiful – consultation response

22 October 2019

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The [Building Better, Building Beautiful Commission](#) recently sought feedback on [its Interim Report](#). The Federation responded, drawing on its May submission and subsequent engagement, including a workshop with the Commission, in June.

The Commissioners include [Mary Parsons](#), Group Director for Placemaking and Regeneration at Places for People.

In responding directly to the Commission's specific propositions, the following Federation response sought to reinforce the points made in [our May submission](#).

- On balance, we would prefer a focus on good design in the built environment, rather than 'beauty'. Design includes elements of what might be considered beautiful - but covers a wider range of criteria for successful places. Many of those criteria are capable of consistent and objective measurement. While beauty is a strong and appealing concept it is also malleable and personal, tied up in varied and changing attitudes. There is a risk its enshrinement could be counter-productive in practice.
- We support efforts to increase community input to planning well-designed places, including through moving meaningful engagement 'upstream'  
A [recent RTPI survey](#) found that almost 90% of respondents felt good design helped communities accept development. But the current – chronically under-resourced – system does not encourage sufficient thoughtful and inclusive forward planning.  
Housing associations have a good track record of well-designed development, including successful resident ballots for London regeneration schemes. We have highlighted numerous examples of members' good practice around the country, including award-winning schemes.  
Good practice must be incentivised. Important to this are stronger design standards and better planning resources – [improvements we will seek](#) via the Accelerated Planning Green Paper.
- Great places need great stewardship.  
In contrast to a 'sale-and-exit' model, successful places and mixed communities need stakeholders with a long-term interest in their wellbeing. Housing associations are one route to achieving this, with our own good practice recently highlighted in the [Great Places](#) report.

The Commission is expected to publish a final report in December. This will inform a national design code to be published for consultation, building on the recent [National Design Guide](#).

For more information, please contact [Duncan Neish](#).

## **The Federation's responses to the Commission's policy propositions**

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### **1. Policy proposition: ask for beauty**

Beauty and placemaking should be a collective ambition for how we move forward and a legitimate outcome of the planning system. Great weight should be placed on securing beauty and great place making in the urban and natural environment. This should be embedded prominently in the National Planning Policy Framework (NPPF), associated guidance and encouraged via ministerial statement. This should both seek to protect that which is acknowledged to be beautiful through heritage and other protection regimes and should influence what we build in future at every scale.

[The Federation's response]

We support efforts to secure beautiful development but – as outlined in our evidence to the Commission in May – remain cautious about the definition of “beauty” and its practical application in the planning system.

Planning too often becomes an adversarial process, sometimes ending up in the courts over the meaning of words and phrases. Removing as much ambiguity and room for argument as possible is helpful – as discussed, we think there is greater clarity and measurability around various aspects of good design. These, in aggregate, do not guarantee “beauty” but do contribute a considerable part of it, while being much less “in the (subjective) eye of the beholder”.

### **2. Policy proposition: beauty and the 'spirit of place' defined and demanded locally**

Local Plans should embed this national requirement for beauty and place making from the outset, before any decisions are made about allocating land or making policy decisions.

What beauty means and how it relates to locality should be discovered and defined empirically and locally by surveying local views on objective criteria as well as from deliberative engagement with the wider local population.

We support the embedding of design and other requirements more strongly in local plans, and the greater involvement of local communities in that process (particularly a more representative cross-section than are currently involved). It is at the stage of plan-making where beauty should be addressed, and the means of pursuing it laid out for application through development management. In this regard, we have welcomed the publication of the national design guide and its emphasis on local translation.

### **3. Policy proposition: re-discovering civic pride in architecture**

Public sector procurement of buildings should place major focus on beauty, place-making and civic pride. Public engagement, citizen involvement in scheme selection and data on local preferences should axiomatically inform this. Placemaking should be a corporate responsibility of the senior Leadership of Local Authorities, and not just the Planning Department. Chief planning officers should sit within the Senior Management team.

We believe functionality and value for money (assessed across a wide and long-term basis, as opposed to lowest immediate cost) are equal, if not higher priorities – but need not exclude beauty, which itself is a long-term investment.

### **4. Policy proposition: saying no to ugliness**

The new NPPF already supports refusing development on grounds of poor design although at present greater weight is afforded to the five-year housing land supply. Examples of poor and ugly schemes turned down by Local Authorities, the Planning Inspectorate and the Secretary of State for Communities should be celebrated and used as exemplars to encourage beautiful and popular place making. Local Planning Authorities should feel the support of Government behind such decisions as they are making them.

[No response]

#### **5. Policy proposition: placemakers not housebuilders**

We would like to explore how, public policy should support a growing role for the strategic land and infrastructure investor, master-builder, place maker or legacy business model as opposed to the building of single use housing estates on the 'next field' basis that currently prevails. Mixed-use developments are essential to creating places, delivering sustainability and a range of other beneficial outcomes. One option would be helping public sector bodies play a more active role in land assembly, when appropriate, by strengthening compulsory purchase orders and making it easier to buy land at existing use value plus a pre-set premium. This might be controversial and could require changes to the 1961 Land Compensation Act, to limit compensation for prospective planning permission. Another option would be actively to encourage land pooling.

We support measures to encourage a longer-term approach to placemaking and stewardship. Many housing associations naturally adopt this perspective – but it can currently disadvantage them in the land market when in competition with for-profit builders. We therefore also support a stronger role for the public sector in bringing forward land for thoughtfully planned development, including through more active land assembly powers and practice.

#### **6. Policy proposition: moving the democracy upstream from development control to plan-making**

The quality and breadth of public engagement with the plan making (as opposed to the development control) process is not good enough. This needs to be systemically improved so that the public are better engaged with strategic decisions on where development may happen and what it looks like. At present there is a competitive 'call for sites' process which leads to a competitive allocation of individual sites for development and often to protracted litigation. Local Authorities must feel empowered more confidently, publicly, visually, quantitatively and strategically to define the form, density and standards of development that are (or are not) possible in specific areas. Alongside clarity on betterment payments and affordable housing, this would ease more certainty into the system and an earlier agreement of quantum and consequent land values. Much opposition to development is on its location not just its form and local communities must be more effectively engaged within Local Plan development.

We support greater involvement of communities in positive plan-making and in helping shape specific developments, rather than leaving this process until a 'take it or leave it' application has been submitted. A simple, more inclusive local plan process, to which all local planning authorities must adhere, would be helpful. Lack of resources for such processes is currently acute, however, and must be addressed.

#### **7. Policy proposition: incentivising stewardship and long-term development**

There should be a review of what changes in legal and tax regimes would better support a long-term stewardship model of land and infrastructure investment in the development of new or remodelled settlements as opposed to a speculative, short term approach. New vehicles to achieve this whether fully public, public-private partnerships, fully private or community-driven should be explored according to the requirements of regional property markets and location.

We would support measures in this direction and would be keen to contribute to review and development.

#### **8. Policy proposition: empowering communities**

Communities are very well placed to understand what they want. Consideration needs to be given to how 'right to transfer' regulations and the upgrading of the right to buy assets of community value could further strengthen the growing community-led housing movement

While positive about supporting community-led housing, we have some concerns that this proposition assumes greater homogeneity among communities than is really the case (even if those sections of the community currently active in planning matters often are relatively homogenous – see, for example, the recent DEMOS report on 'People Powered Planning').

We are also aware that "communities" are not always keen on things like traffic or parking restrictions, which may be for the greater long-term good – or sometimes even their own (e.g. through encouraging more active lifestyles or supporting local services).

#### **9. Policy proposition: net gain not 'no net harm'**

The planning system operates on the principle of minimising harm. We would like to see how this could be restored to a value add proposition. The tool of 'environmental net gain' is acknowledged as a potential means of nature recovery alongside necessary new development. The Commission would like to investigate how this could be read across to the National Planning Policy Framework and guidance in association with the ambition to build better and more beautifully.

This is an interesting principle and merits further investigation, although how 'gain' is measured in the built environment may be more difficult and less objective and enduring than for the natural environment.

For example, increasing traffic capacity has been seen as a 'gain' in recent decades, and sometimes it is, but the circumstances where providing more traffic capacity is considered a net gain have changed significantly in more recent times.

#### **10. Policy proposition: fair tax for existing places**

As awareness of the benefits of a 'circular economy' approach to the environment and the economy increases, we should look at ways to incentivise re-use of existing buildings to prevent new build being the default 'easier' option. For example, we would like Government to consider the alignment of VAT treatment of repair and maintenance work for existing buildings with construction of new buildings.

We support efforts to make re-use, restoration and repair more economically viable – although with reservations that this should not be by making new-build more expensive.

#### **11. Policy proposition: hope for the high street**

Even in an internet dominated age, humans are fundamentally sociable creatures. There is clear future for high streets as beautiful, walkable, well-connected places for people to live, work and meet with a mix of convenience and smaller shops, leisure and cultural facilities. We need to focus on physical services, experiences and social interactions that the internet, even with advances in virtual reality, cannot provide. High streets need to be more pleasant with a greater mix of retail, service, offices (including micro-offices) and homes. Some may need to be shorter and more intense. Previous reviews have perhaps focused too much on retail demand and not enough on all the reasons people might want to congregate. We would like to investigate further how national or local policy can permit or encourage a greater diversity of appropriate uses on and surrounding high streets and how a reduction in business rates and the re-balancing of the ratings system might help to sustain smaller shops, ceasing to favour 'big box' drive-to units. We are also interested in how CIL investment in the public realm can benefit high streets. Finally, new local high streets should be planned for and required in new settlements so as to achieve a sustainable urban footprint, encourage modal shift and bring land value uplifts.

We support efforts to revive high streets, including by greater residential use. The challenges around land/building ownership and financial viability in many places are considerable, however, and should not be underestimated. More generally, successful places require careful 'curation' and clear guidance on what is to be encouraged and discouraged. This need not be an entirely public sector role – but in many places landlords, residents and businesses are not well equipped to assume this role. Thus adequate skills and resources need to be available to local authorities. This is too often not the case at present.

**12. Policy proposition: regenerating 'regeneration'**

Consideration of how public sector equity may be used to share risk, and future rewards, over a longer time horizon than five years if necessary would help ensure that quality and beauty is for everyone, even when the local market alone cannot initially deliver it.

We agree. The Federation-supported Great Places Commission recently called for a much longer-term and more holistic approach to place-based regeneration – in contrast to the ad hoc, disjointed and relatively underfunded approach seen in the past decade.

**13. Policy proposition: revisiting 'boxland'**

As long-term retail demand and shopping habits change, local policy should encourage authorities to work with investors on the redevelopment of low density single use commercial space, retail parks and large format supermarkets ('boxland') into mixed 'finely-grained' developments of homes, retail and commercial uses which can support and benefit from public transport.

We broadly support this, although 'big box' commercial developments still perform an important role in many places.

**14. Policy proposition: master-planning not planning by appeal**

There are already good practices in the approach to delivering and assessing good design which have delivered positive outcomes. These are usually the result of effective master-planning, but are also likely to include landscaping, communal and green infrastructure and popular design codes at the outline and detailed design phase which help define the settlement pattern, block, street and plots. More needs to be done to require or strongly encourage the wider use and acceptance of such

approaches to ensure both certainty of quality and flexibility for innovation. Clearer master plans and expectations at the local and (where appropriate) at the larger than local scales would set greater clarity for land values and guide future development.

We agree that clearer masterplanning on large sites, including use of design codes, would be positive. We can point to examples where our members are demonstrating the advantages of such approaches in practice.

### **15. Policy proposition: the right development in the right-place**

At the larger than local scale, we would like to investigate how county councils, unitaries and mayoralities might be further encouraged to work collaboratively, together with the Local Enterprise and Nature Partnerships (LEP and LNPs). The Duty to Cooperate could be extended to ensure that all public sector bodies in an area work collaboratively with communities to articulate a spatial and infrastructure vision reflective of local geographies, culture and economic priorities. This can be supported by emerging new technologies and might form the basis of more strategic approaches to land allocation, and when tied to infrastructure prioritisation will help us to build or create by re-modelling well-served, sustainable economically viable new communities.

The Duty to Cooperate across local authority boundaries has not generally proven effective in its current planning guise and so we would be wary of relying on its extension to support better strategic planning (which itself would be welcome). Stronger structures, incentives or direction may be required.

### **16. Policy proposition: create mixed use 'gentle density' with centres and edge**

Efficient land use is important in delivering on a broad range of policy objectives. Mixed use and gentle density settlement patterns around real centres which benefit from the advantages of density (such as more neighbourliness, more walkable lifestyle patterns) and from some of the advantages of lower density (more personal space, more greenery, cleaner air) are very often the best ways to deliver beautiful development and secure community consent, whilst also developing in more sustainable land use patterns and building local economies. This is typically associated with higher wellbeing, more neighbourliness, higher values, greater ability to support affordable housing and less reliance on cars. The planning system should strongly encourage mixed-use and 'gentle density.' The impact of roads, poor public transport and parking on place needs review.

Mixed uses and 'gentle density' may often be appropriate, and should be encouraged through the planning system where so. It may not always be the case in areas of existing low or high density, however – planning judgement is required. We agree that the impact of roads and transport on place merits further review.

### **17. Policy proposition: highways and byways**

Every sector of the industry has told us, and our wider research has firmly agreed, that overly car-dominated places tend to be less attractive or popular. We have seen some excellent work on how highway design can help reclaim streets for people; making them safer, considering parking provision and how provision of cycle infrastructure or public transport can support more humane and popular places. We would like to investigate what more should be done in this area to reduce car reliance. There have also been concerns raised on more strategic highways design and the impact of lighting, air quality etc. on local communities and the landscape and how this can be addressed from a

placemaking perspective in the planning and delivery of large-scale developments. We would like to investigate what more should be done in this area.

We agree.

### **18. Policy proposition: biodiversity rules**

We have a biodiversity crisis and urgently need to aid nature recovery; at the same time many people are deprived of access to nature. Turning this round would be a crucial element of achieving beauty and supporting wellbeing. More needs to be done to build in as central elements of all planning decisions access to nature and green spaces - both existing and new - for all new and remodelled developments. This must not be negotiated out on 'viability grounds.'

We agree.

### **19. Policy proposition: collaboration not just consultation**

There is greater scope to encourage the use of deliberative engagement and design processes to facilitate wider community engagement in design solutions at all levels of scale. Consideration needs to be given to how this might be better resourced whether through public / private partnership arrangements or neighbourhood planning; by adopting protocols for community and stakeholder engagement in the production of detailed visual design briefs for important sites; and through the use of 'enquiry by design' or similar techniques to assist the master planning of strategic and sensitive sites. There should be much greater weight placed in planning applications on the criteria set out within the Statement of Community Involvement to demonstrate how proposals have evolved as a result of local feedback. The Commission is concerned with the quality and breadth of public engagement with the plan making (as opposed to the development control) process. This needs to be systemically improved and is critical. We need to move the democracy forwards to an earlier point in the process.

We agree with the idea of moving public participation 'upstream' – to an earlier stage in the plan making process – in advance of submission of a planning application so that local people are more able to feel engaged, and to have meaningful influence on the development of sites – particularly larger sites – in their area. We are developing our own ideas in this regard and will be sharing them in due course.

### **20. Policy proposition: engagement in a digital age**

There are huge opportunities emerging to use digital technology to improve decision-making, information coordination, impact and option testing and to engage with a wider section of the community earlier in the plan-making and development process. The attractiveness and otherwise of the proposals should be an explicit topic for engagement. We wish to consider how such technologies have been successfully deployed at different scales in the UK and abroad and highlight priorities for investment to ensure that planning shifts from being an analogue process to operate more effectively in a digital age.

We support efforts to use digital technology more effectively in the planning system but would caution against developing a plethora of incompatible systems which require excessive investment by system users, either as a one-off cost for single applications, or due to the aggregated cost of having to service multiple system requirements across different areas.

**21. Policy proposition: design review but not from 'on high'**

When carried out well, design review has proved to be a powerful tool for better development. However, as design review spreads, maintaining the quality and inclusivity of judgement becomes harder. There are also instances of their becoming detached from local preferences and, in common with most current discussions on architecture and the built environment, whether a project is 'beautiful' or not is often only tangentially addressed. The Commission believes that design review has a role to play but further consideration is needed on how best to enable innovation, benefit from best practice, reflect local preferences and regional challenges whilst also ensuring this can be resourced and managed. We would like to explore with the Design Council their future role in helping ensure consistently high standards nationally.

We are strongly supportive of greater use of design reviews and have also engaged with the Design Council on this.

**22. Policy proposition: predictability to reduce planning risk**

We wish to explore in more detail the role of design policy, standards and guidance to see how we might achieve certainty in matters of place making, density, design and other factors such as timely infrastructure delivery. This might be achieved by form-based codes and by non-negotiable infrastructure including green infrastructure (as with CIL). By setting a more clearly (and visually) defined level playing field this should permit a much greater range of SMEs, self-build, custom build, Community Land Trust and other market entrants and innovators to act as developers within a more predictable planning framework. It would also remove a degree of speculation on negotiating down planning requirements to increase

We support greater use of design codes, standards and guidance, including as ways to reduce speculation and the malleability of planning and quality standards.

**23. Policy proposition: ensuring enforcement**

Where good master plans or designs are approved it is those schemes that should be built – not a diluted version down the line. There should be a greater probability of enforcement and stricter sanctions. Consideration should be given to what is actually approved at outline consent to ensure quality is delivered – such as the Design & Access Statement.

We agree. Enforcement activity has been reduced due to a lack of resources for planning authorities; this should be addressed.

**24. Policy proposition: proper procurement**

More work is required on this topic but we would wish to see design outcomes weighted as heavily as other outcomes. Procurement methods and costs should at all times be considered to be proportionate where the process of procurement throws the viability of an exercise into question, then alternative simpler routes should be available. We need to make sure that the promises made by prospective developers at bid stage flow through into the contracts and can be enforced through step-in rights or the use of building licences and leases. We will work with Homes England and others to provide best practice guidance and templates to support other procuring authorities. The Commission would like at the next stage of our work to explore specifically Design and Build and other forms of construction contracts and their impact on out-turn build quality. We will seek further evidence to inform this and

enable recommendations on how to ensure design quality is not compromised through the build process; engaging both designers and contractors as well as commissioning clients in this process.

We support investigation into ways of making procurement more supportive of good design quality, with some reservations that such practices should not financially disadvantage developers of affordable homes against private developers. Procurement can be an arduous process and reforms should seek to make the process simpler while also seeking better quality outcomes.

## **25. Policy proposition: understanding beauty**

Concerns at the level of skills and design knowledge within Local Councils (officers and members), many developers and some professional advisers have been raised many times. There is a need to invest in and improve the understanding and confidence of some planners, officials, highways engineers, developers and local councillors in areas such as place-making, the history of architecture and design, popular preferences and the empirical associations between urban form and design with wellbeing and health. 'Single issue' specialists will invariably design by constraints and not see the bigger opportunities for beauty

We support greater investment in design skills for planning professionals and councillors. Support and training for councillors involved in planning often seems particularly limited - but should be commensurate with the level of responsibility of being on a planning committee.

## **26. Policy proposition: a common understanding of place**

The university curricula for architects, planners, surveyors, highways engineers and builders should all include some elements of place making, the history of architecture and urban design and the empirical links between design and wellbeing – ideally as a joint and shared series of modules at the start of their built environment courses whether at higher or further education level. As a foundation, the principles of good place making should be addressed within the geography element of the national curriculum.

[No response]

## **27. Policy proposition: planning excellence**

There is an urgent need for more high quality planning, landscape and urban design skills within local authorities. Planning needs to be seen as an exciting and creative career opportunity for bright and ambitious graduates. As with teaching and other key public services, a new planning fast stream needs to be created for talented young planners to provide them with the confidence to articulate a popular, sustainable and beautiful vision, the experience they need to deal with the complexities of the property and planning environment; and the practical exposure to a range of experiences to provide confidence and an accelerated pathway to senior positions. This will help to maintain talent in the public sector.

Research and experience repeatedly highlight the problems local authorities have in acquiring, developing and retaining the right level and range of planning expertise, not simply in design (although this is a particular need according to recent research by the Planning Advisory Service). We strongly support efforts to remedy this situation, which is currently leading to slower, more expensive and poorer quality outcomes.

## **28. Policy proposition: making space for planning**

Many local planning departments have insufficient capacity to focus on design quality or deliver sufficient certainty or efficiency to development. By encouraging up-front deliberative engagement, the setting of clearer form-based codes in many circumstances, by limiting the length of planning applications and by investing in digitising data-entry and process automation, it should be possible to free up resources and liberate public sector planners to perform their role more effectively. This won't be easy but it is crucial. Further consideration needs to be given to how planning is resourced and charged for to enable better quality, certainty and efficiency.

We strongly agree that planning resources are an issue of high concern and are keen to see more resources made available.

**29. Policy proposition: measure what really matters**

Highways, housing and planning teams in councils should have measures for beauty (measured inter alia via popular support), wellbeing and public health and nature recovery in their key parameters.

We believe this proposition might need some further reflection to avoid the dangers of inappropriate targets and unhelpful incentives.

**30. Policy proposition: don't subsidise ugliness**

The delivery of beautiful and resilient places should be made a condition of targeting of Government subsidy and grant regimes such that measurable outcome and targets are reset to incentivise delivery on the public side. The increased role of Homes England in terms of land and infrastructure as well as housing investment offers immediate opportunities. Consideration should be given to how value for money (VfM) methods should be clarified to count in environmental and social net gain arising from projects and beauty such that all disposals of Government land and procurement should count in overall value and not just financial. Any development on public land should similarly aim for beauty and sustainable development as an outcome alongside demonstrating best value. Procurement regimes should be adjusted to support this. Beauty should be locally and empirically understood, defined and discovered from the wider population, survey analysis of the local context and, where possible, encoded for greater certainty at the site selection, outline and detailed design scale.

We support efforts to develop ways of using public investment to secure the best – long term and widest – value. The 'trick' will be to integrate good design quality into the measure of 'best value' such that it is not treated as a soft, optional extra of lesser importance than short-term, quantifiable measures such as land price or construction cost.

The stewardship issues discussed in Q7 are particularly relevant here.

It will also be important to avoid disadvantaging or diminishing the quantum of affordable housing by adding additional costs or conditions to its development that are not faced by for-profit developers.

**31. Which proposition in Part III of the Interim Report will have the greatest impact in terms of improving design quality and obtaining community consent for new development? Please select one from the drop-down menu.**

[No response]

**32. Please provide any other views you may have on the Interim Report or the work of the Commission generally**

[No response]