

Planning for the future

Victorian Society response to consultation

29 October 2020

The Victorian Society is grateful for the opportunity to [respond to this consultation](#). We are the national charity campaigning to protect our Victorian and Edwardian architecture in England and Wales. It is our vision to live in a world where Victorian and Edwardian architecture is cherished and protected. We have been fighting to protect Victorian and Edwardian buildings from demolition and needless harm since John Betjeman and Nikolaus Pevsner among others founded The Victorian Society in 1958.

Some of the proposed changes to the planning system as set out in the consultation have the potential to be improvements such as simplifying local plans and developing pattern books and design codes. The Victorian Society would like to be involved in their development. However, we have serious concerns about the lack of information in the consultation about the impact of proposals on heritage assets. The growth and renewal areas need to have a clear understanding of what heritage is in these areas before any permissions are granted. This will take both time and investment.

This 'once in a generation' reform of the planning system is a key opportunity to ensure that the system isn't just geared to meet the needs of developers by making housebuilding easier but it also better protects the historic environment. We welcome the Minister's comment that no reduction in protection for heritage is intended, but this is an opportunity to go further and make our heritage protection world leading. Better understanding and protection of heritage assets helps 'level up' and create the interesting and beautiful places which people want to live in.

There are a number of measures which can be taken to improve protection of the historic environment as part of the Bill to be introduced to take forward changes to the planning system. We have supplied these to the department separately but would be happy to share these with others. Our answers to the questions in the consultation relevant to us are below.

1. What three words do you associate most with the planning system in England?

Weakened, under-resourced, pro-development

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

We welcome plans to make information more easily available about planning issues. However, we are seriously concerned if the Government may end notification about planning proposals through traditional means such as notifications on lamp posts. This is highly effective, while social media etc can help reach new audiences this should be done in addition to traditional methods. You should not have to be plugged into social media or signed up to websites to find out about such issues. This is especially the case as people turn away from social media due to data use etc. Stopping traditional methods will impact on the protected characteristic of age.

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

No. We agree that local plans should be simplified but have grave concerns about the plans as proposed. Of the 3 alternative options identified, the third is the least likely to harm heritage i.e. 'An alternative approach would be to limit automatic permission in principle to land identified for substantial development in Local Plans (Growth areas); other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process.'

We are very concerned about the main proposal. The proposals seem to envisage the Growth and Renewal areas as being free of heritage assets and ready for redevelopment. Heritage is not just in protected areas it is everywhere. There is no mention of how listed buildings will be treated in these areas. We are especially concerned about non-designated heritage assets under these proposals. There is a historic under listing of Victorian and Edwardian buildings as well as more humble and industrial structures. This reflects the views of those who compiled the area-based lists in the 20th century. There has not been cohesive area-based listing reviews for a long time. Instead Historic England has considered listing applications when there is a 'threat' to a building such as a planning application. If permission in principle is granted for a whole area how will buildings under threat be listed? There would need to be substantial investment in Historic England's listing capacity to carry out detailed assessments of these areas to ensure that underrepresented Victorian and Edwardian heritage is not lost. There is also a danger that non-designated heritage on the local list will be lost. Such buildings can already be demolished under permitted development rights outside conservation areas. As the Government is currently investing significant amounts in funding to support local authorities to update their local lists it should ensure that these buildings cannot simply be knocked down with permitted development rights. The permitted development rights to demolish pubs have already been removed. Locally listed buildings are no less important to local communities' sense of identity than pubs – they should be better protected.

In protected areas, where the NPPF continues to apply, the NPPF should be revised so that the presumption in favour of development can be rebutted for non-designated heritage assets as was the case before the most recent revision. Again if government is investing in local lists -non designated assets – they should have proper protection in the planning system.

We are also concerned that none of the areas would have automatic protection for gardens. This is a weakening of the current position in terms of protection of heritage. Gardens often form the settings of historic buildings as well as providing a valuable habitat for urban wildlife their protection should be the norm and building on the exception even in growth and renewal areas.

The proposals explicitly include within the description of growth areas 'former industrial sites or urban regeneration sites'. These are highly likely to have Victorian and Edwardian unlisted buildings that rather than being demolished should be incorporated into any redevelopment. This creates a sense of local place and identity. It is often the conversion of old mills and warehouses that create the most desirable new homes.

The proposals put too much emphasis on redevelopment. This is contrary to our commitments under the Paris Agreement and our legally binding net zero target. The waste of embodied carbon by demolishing buildings and starting again is huge. This waste of carbon emissions far outweighs savings that can be made around the energy efficiency of listed buildings. Limiting the amount of demolition

of existing buildings will be central to meeting the net zero target but is not considered by the consultation.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement

Not sure. Ensuring that local plans do not simply restate the NPPF is welcome. However, it gives the example of protections for listed buildings and says ‘we are interested in views on the future of optional technical standards’. To be clear local plans should be able to provide additional protection for listed buildings if so desired. For example, a grade II listed building may have great local significance and importance to a local place so the local plan may want to enable higher protection than the NPPF.

There is not enough information on what is envisaged by optional technical standards in relation to listed buildings to be able to give an opinion.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

No. As set out above the focus on demolition of existing buildings and redevelopment and renewal of whole areas is not sustainable and will not lead to the UK meeting its legally binding net zero target. The environmental impact currently considered within the planning system does not properly take account of carbon and climate change issues. Carbon impact of proposals should be a fundamental test for approval if the UK is to comply with the Paris Agreement. This area needs fundamental rethinking.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. We welcome standardisation and simplification where possible. It is also vital that constraints are recognised. Some areas will have much more designated heritage assets than others meaning that they are less suitable for development. It will damage heritage and what makes these places special if historic town centres are forced to have large scale housing projects.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

No. Historic areas are normally the most attractive and desirable to live in. As a result, they command higher prices. They should not be made to accommodate more housing destroying their historic character. The fact that these areas command high prices reflects the low quality of new build housing. The Government should address this with the other measures it has proposed such as pattern books. By making new builds as spacious, attractive, and well-built as period properties, the price premium for historic buildings will diminish.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]

No. As set out above we are concerned that this will see heritage lost in these areas. There needs to be a detailed understanding of heritage in these areas before outline planning is granted. If there is no requirement for this to be done before the local plan identifies these areas, it must be done before permission in principle is granted. Again, there will be unrecognised heritage on these sites that should be protected and other heritage buildings which should be reused rather than demolished for environmental reasons. We are concerned about the faster routes for detailed consent failing to provide an opportunity for local communities and amenity societies such as the Victorian Society to have input. We strongly urge the Government to involve us in the further development of the 'most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved'.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]

No. You can not give pre-approval for certain building types without an assessment of their heritage value. i.e. former industrial buildings vary greatly from a 70s building of no architectural value (although it makes sense to reuse the embodied carbon where possible) to an elaborate high decorative polychromatic gothic unlisted Victorian building.

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

No. We welcome the simplification of planning applications and investment in technology for a more uniform national system. Surely there are cost savings to be had by using the same technology nationwide. However, we are very concerned at the suggestion that there will be 'greater standardisation of technical supporting information, for instance about local highway impacts, flood risk and heritage matters'. It is not possible to standardise the amount of heritage information needed in an application. The information needed for a high number of complex changes to a grade 1 listed mansion will be very different to a simple small extension to a small grade II listed building. The idea is to provide the information needed to make good decisions. Thus, this should not be artificially cut short for the sake of brevity when that means that all the necessary information is not supplied. We urge the Government to include amenity societies in the development of the proposed information templates.

We oppose the delegation of detailed planning decisions to planning officers as this creates a democratic deficit. Decisions affecting local communities would only be made by faceless bureaucrats with no recourse or appeal for the community. Also, there is a shortage of heritage skills within planning departments and these are often separate to planning officers. If this is the case, there should be massive investment in conservation staff for planning departments.

We object to the proposal that some types of applications should be deemed to have been granted planning permission if there has not been a timely determination. A case can be delayed for any number of reasons – Covid -19 being the prime example. A bad application should not be inflicted on local communities just because the planning department is too understaffed to deal with it promptly. Better resourcing for planning departments is the best way to speed up determinations.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Yes. It provides scope for people to have more say over their areas- provided that the system is simplified and does not involve great cost. Local Authorities should support communities in creating these.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Government should involve the amenity societies in the design of these tools and the trials. The key way to give communities greater say over design in their neighbourhoods is to remove most permitted development rights at the front of buildings. Permitted development rights mean that places become increasingly ugly over time. The best designed beautiful places become ugly as permitted development allows mismatched porches, replacement doors, windows and roofs to different designs, painting of facades, multiple satellite dishes (which have been superseded by internet television) etc. Planning for beauty is pointless if it can be destroyed by permitted development.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Other. As stated above sustainability is not at the heart of these proposals as there is no consideration of the embodied energy that is involved in demolition and rebuilding and no coherent policy to encourage the retention and reuse of our existing buildings. This is the best way to be sustainable.

17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

No. It is not clear where these would apply and how they would relate to the historic environment. The consultation relates them to the design of new communities with no detail given of what this means. While in principle design guides could have very positive outcomes and we are not against their use more information is required. The requirement for ensuring local participation as currently designed is simply a tick box exercise. There should be some mechanism for communities to challenge design codes if they are not happy with them. This could occur when consultation is minimal, or plans are consulted on but none of the issues raised are incorporated into the final design. These are problems with consultation in the current system.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. There are two questions in this question making the answer difficult. We welcome the establishment of a new body to build better places and want to work closely to ensure that this achieves the best outcomes for the Victorian and Edwardian historic environment. This should be an arm's length body separate from Homes England. However, while we welcome such a chief officer their remit must include heritage. Heritage and the existing built environment are vital for place making. It is what provides local identity. There simply are few regional or even national differences in most modern forms of architecture. Heritage is vital for place making and design should be sympathetic to heritage where appropriate.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Yes. The Homes and Communities Agency, Homes England's predecessor body, has demolished multiple buildings of historic interest which could have been reused and adapted. For example, in 2015 an unlisted, but locally important, building designed by the internationally celebrated Bristol architect E.H. Godwin, was demolished by the Homes and Communities Agency despite the society's best efforts. Therefore, we would urge the Government to ensure that Homes England makes full use of unlisted heritage assets it acquires to create local interest and minimise environmental impact.

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

No. While we agree that beautiful designs should be favoured, it comes down to context. The use of a pre-approved beautiful design should not be used as material planning consideration to justify the demolition and loss of a locally listed Victorian or Edwardian building. Such a move would further weaken protection for heritage. We are opposed to the further expansion of permitted development which has done much to degrade the design quality and uglify the non-designated historic environment – unlisted Victorian terraces for example. Whole buildings in renewal areas should not be put up by permitted development. The design may be good, but it is about context – is that design appropriate for that location? What is it replacing? Would it demolish a stunningly beautiful unlisted unique historic building to replace with an off the peg pattern book design? These issues do not seem to be covered by the proposed considerations for prior approval. The heritage sector should have more input into the national design codes - especially for building up. This is likely to affect mostly 19th and 20th century buildings so we should be involved in helping to shape these.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. We would welcome the levy being able to put towards wider projects which would benefit heritage for example townscape heritage schemes to help level up places with wonderful historic buildings in need of investment. However, we are concerned at the proposal that the levy could be used to reduce council tax. There is a chronic shortage of funding in the built environment in England and Wales. The contrast with say France and Germany, where every small village has beautiful planting well maintained etc is stark and depressing.

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Discussion of moving away from displaying notices about planning issues etc is likely to have a disproportionate effect on older people who have the protected characteristic of age. It could also affect the protected characteristic of race if for example some groups do not use the proposed online resources as much as the white British population. There is no reason to abandon this effective system used by people of all ages and types. Other notification methods should be additional.

Joe O'Donnell

Director

The Victorian Society