

Whether planning is zone and code based or discretionary, what really matters for design outcomes is a properly skilled and resourced planning system, says **Matthew Carmona**

# zoning and local design codes – a fast-track route to beauty?



At the heart of the aspirations in the *Planning for the Future White Paper*<sup>1</sup> are what the Prime Minister recently referred to as building back a greener and more beautiful Britain, while simultaneously sweeping away the 'red tape'. 'We are cutting red tape, but not standards,' according to the Secretary of State in his introduction to the White Paper. The core of this will be simplified Local Plans based on a new zoning system, accompanied by local design codes to ensure high-quality outcomes. Setting other issues aside – notably the troubling loss of even the basic strategic planning provisions that currently exist care of the 'duty to co-operate' – will the combination offer a fast-track route to better urban design or what the White Paper narrowly describes as beauty? It's not that simple, and here's why.

## The current 'system' is not working

It is evident that more often than not the current planning system delivers unsustainable and unattractive large-scale development. *A Housing*

*Design Audit for England*,<sup>2</sup> published in January, revealed, through a nationwide audit of 142 major housing schemes, that three-quarters of new housing development in England is mediocre or poor in terms of design – a fifth should never have been given planning permission as the design is so clearly contrary to advice given in the National Planning Policy Framework (NPPF). To make matters worse, less affluent areas are most affected (ten times more likely to suffer poor design), exacerbating disadvantage rather than helping to 'level up'.

Planning needs to take its share of the blame for this sad state of affairs, but the root cause is a *shared* and *systemic* failure of housebuilders, local authorities (highways authorities as well as planning), and successive governments. Collectively, and for decades, they have failed to prioritise the delivery of well designed coherent bits of city that maximise 'place value'.

To the extent that this is a failure of planning, it stems, not fundamentally from the type of system (when it works well, it works really well), but from the systematic decimation of skills, capacity and the confidence to proactively shape development for the better. We can play around with the tools available to planners, but if we don't address the context within which they operate then the situation will never improve. Fortunately, here the White Paper has



Pictures: Matthew Carmona

**When planning works well, it works really well**



**Retail-to-residential conversion without control delivers poor-quality accommodation and an uglier environment**

some welcome proposals to make, to which I will return later. First, however, it is necessary to deal with the major structural changes proposed by the White Paper and in other recent announcements from government.

### **We need vision – but not crude deregulation**

The White Paper comes in the wake of the coronavirus pandemic, which has changed – perhaps forever – the way we interact with our urban environment. It also follows hot on the heels of recent misguided regulatory changes that seek to further expand permitted development rights. While this is dressed up in the White Paper as an attempt to allow our flagging high streets to flex and adapt (as self-evidently they need to do), it is really an attempt to bolster housing numbers with more of the sorts of sub-standard units that we have seen through recent office-to-residential conversions. Crude deregulation of this sort will never deliver the housing we deserve, let alone beauty!

In the same vein, planning is not 'red tape'; it is a vital public service that protects us all and which, at its best, is proactive and propositional, shaping positive change and making real places. Rather than running planning down (as Ministers have a tendency to do), we need to empower local planning authorities to demand better outcomes, just as happens in many of our near neighbour countries in continental Europe, where high-quality design and dynamic development markets often go hand in hand – both enabled by excellent local planning.

The White Paper has something interesting to say here:

*'Local planning authorities remain at the heart of our ambitious reforms. We want to free up planners*

*to focus on what they were trained for – creating great communities through world-class civic engagement and proactive plan-making, rather than reactive development management.'*

Moving planning from a service dominated by the administration of development to a more visionary service is something that I have long called for, although this should be achieved primarily by investing in plan-making rather than by undermining development management. The White Paper extends admiring glances to the zoning systems in Japan, the Netherlands and Germany and proposes sweeping away policy-based Local Plans to be replaced with plans based on three simple zones.

But the zoning systems in Japan and continental Europe are very different and lead to profoundly different outcomes. Japan's system is a pure as-of-right system. It offers simple, speedy and effective control, but does so at the expense of design quality as there is little site-based interpretation or response to context. The result is a visual chaos that is fascinating in a *Blade Runner* sort of way but which few would regard as beautiful, at least not in the sense implied by the White Paper. Similar systems operating in the suburban-dominated cities of the United States produce the visual monotony of suburban sprawl that is relieved only when the zoning ordinances are overlaid with complex discretionary mechanisms and/or long and complex zoning ordinances capable of addressing different contextual circumstances.

The design-based zoning in Europe, by contrast, combines as-of-right entitlements with highly sophisticated mechanisms created to shape design outcomes on a site-by-site basis. This is not cheaper, quicker or necessarily more efficient than the British system as it requires careful up-front planning and design for each site – typically by the public sector – and (crucially) before developers are able to gain consent.

What this shows is that there is no short-cut: if we want development certainly and great design, we need to put the time in up-front in order to establish clearly what is acceptable and what is not – in other words, to establish the vision. The same, by the way, applies to our current system!

### **We already have local codes and pattern books – and poor design!**

The zones proposed in the White Paper encompass:

- extending 'permission in principle' status to the largest development sites – in effect once these 'Growth areas' are zoned for development they will have planning permission;

- granting automatic permission for 'pre-specified forms of development' in non-protected urban areas – the so called 'Renewal areas' where most people live; and
- a regime not dissimilar to the existing discretionary system in 'Protected areas'.

A National Model Design Code is being developed, which, it is envisaged, will be interpreted and applied locally in a series of local design codes and pattern books for, respectively, growth and renewal areas. Such codes have the potential to turn Japanese-type zoning into a continental European type – but be under no illusion: this is far from inevitable.

Arguably we already have local codes (of sorts) in place across the country, care of the locally adopted highways design standards that our highways authorities require to be applied to sites, many with their origins in 1970s' 'road first' approaches. In the absence of a creative design process intended to optimise the potential of a place, these tend to be applied in a purely technical manner, with little reference to context. They give rise to the sorts of highways- and parking-dominated developments that featured so heavily in the *Housing Design Audit*.

To these, developers add their standard house types from their own pattern books. They would argue that these are what the White Paper refers to as 'popular design', because they are extensively market tested and sell well and, as the White Paper calls for, are capable of crude application to different local policy requirements by changing the bricks, render and 'gob ons' (such as fake chimneys and porches). Yet they give rise to the sorts of homes that the *Housing Design Audit* identified as sub-optimum in terms of overall character and sense of place, and which local communities seem so adamantly opposed to, if the views of local councillors can be taken as a guide.

By themselves, local codes and pattern books are no guarantee of quality or a fast-track to beauty. Achieving that requires a move away from the standardised approaches of the past, towards one in which schemes are genuinely designed for sites in a manner that seeks to optimise place value through design outcomes that are sustainable, healthy, attractive, and socially equitable. That may or may not use ready-made typologies of homes, but necessitates a careful site-specific and up-front design process of the sort that all the examples used to illustrate the White Paper will have benefited from. Research has consistently shown that this up-front investment in design quality takes time – there is no way around that if we want high-quality outcomes – although this is paid back in a more streamlined regulatory processes further down the line.



**Crude and generic highways design standards are local codes – of sorts**

### **The new recipe – plan/zone plus site-specific design codes plus design review ...**

The newly envisaged 'local' design codes, with their basis in the National Model Design Code and a revised *Manual for Streets* (also trailed in the White Paper), will undoubtedly provide a much better basis for the delivery of good urban design than examples we commonly see today, but if they are deployed across the country without a mechanism to ensure that they are applied creatively and sensitively to the nuances of sites (large and small), then we are in danger of still delivering substandard outcomes.

By correlating outcomes with processes, the *Housing Design Audit* revealed that the most effective tools for delivering good design were, by some margin, *site-specific* design codes followed by design review. Schemes that benefited from such design codes were five times more likely to appear in the 'good' or 'very good' survey categories than in the 'poor' or 'very poor' ones. Schemes that benefited from the advice of a design review panel were four times more likely to do so.

The audit confirmed that achieving good design requires more than the application of a generic list of design parameters (in a local design guide, for example): it requires a proactive and site-specific creative process of design coding and accompanying peer review. In other words, a plan (or perhaps zone) plus site-based code plus a design review model. Such systems are common among the UK's near neighbours – and they work. They have the advantage that site-based codes are produced incrementally, as sites look likely to come forward for development, and do not need to be produced all at once during the zoning phase of plan-making.

Design codes do not have to be hugely complicated and expensive to produce, either. The White Paper picks up on the idea of local authorities themselves using pared-back co-ordinating codes to establish a



**High-quality housing is a feature of many of many continental European planning systems based on careful site-specific design coding**

clear and concise set of site-based design parameters early in the development process as a means to guide more detailed design work later on. It also commits to legislate to require site-specific codes as a condition of permission in principle in growth areas. This should be extended to all significant development sites with, at the very least, a co-ordinating code produced for all sites over, say, 30 units. Their status also needs to be clarified in the proposed revisions to the NPPF – once prepared they should be fully enforceable by local planning authorities and not just guidance that can be ignored by less scrupulous developers once they have their ‘automatic’ permission.

Produced early and in such a clear and assessable manner, co-ordinating codes would provide the ideal basis for the up-front and fundamental participation of communities in the planning process – something that the White Paper aspires to, although without giving much detail. Perhaps stemming from a hands-on charette, they could provide the basis for engagement around real development principles that can be understood by all without the technical detail and language that so often makes later consultation unsatisfactory.

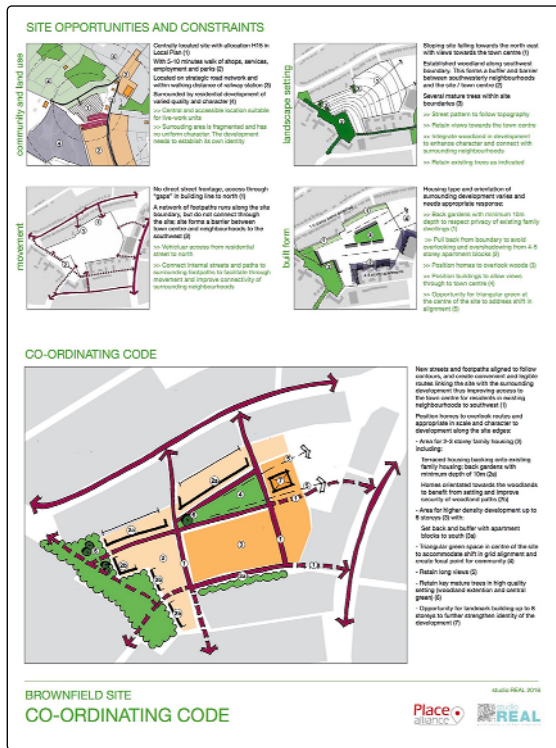
### **... plus culture change plus investment**

Combined with regular design review for key sites – not mentioned in the White Paper, but an essential element of guaranteeing quality – site-specific

design coding has the potential to transform design outcomes nationally; but it will require a skills and culture change, the magnitude of which should not be underestimated. As the report *Design Skills in Local Authorities in England*<sup>3</sup> showed, currently our local planning authorities have little capacity and a shortage of the skills required to do such work, or to ensure that developers deliver on their promises afterwards. This results in the sort of reactive development management-led approach that typifies planning in England today and which the White Paper criticises, but which is also the only (albeit not very effective) line of defence against ubiquitous poor-quality development. We should not undermine it until we have something better in place.

Breaking this cycle will not be quick nor easy. Rather than demoting our planners to become mere administrators of regulations – as they are in pure as-of-right zoning systems – we need a new national investment in the skills and capacity of our planning system (and in our highways authorities), and a belief in its potential to deliver. It will require a culture change, one in which design quality is routinely prioritised by local authorities and developers alike.

In this respect the commitment in the White Paper to develop a comprehensive resources and skills strategy is both welcome and fundamental, as is the proposition that each local authority should have a chief officer for design and place-making (a new



**A simple co-ordinating code, combining basic analysis, a simple design framework and only 'essential' coding on a single sheet**

position with a dedicated team, not just a re-labelling exercise, I would hope). Nothing of the ambition of the White Paper will be delivered until and unless we invest significantly in our vital planning services.

In May, the Place Alliance pamphlet *Delivering Urban Quality: Time to Get Serious*<sup>4</sup> called for such a culture change. It argued that this will require focus, design capacity, determined leadership, and proper resourcing, and called on the government to urgently set up a dedicated Design Quality Unit for England in order to confront the challenges head on and focus on changing the culture of design as part and parcel of any changes to the planning system. It is therefore very welcome to see the commitment in the White paper to:

*'explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places'.*

As argued in the Place Alliance pamphlet, such a body should work through a partnership and networked approach across the country to 'monitor',

'challenge', 'inspire' and ultimately help to 'deliver' real change. It would be a small but powerful national investment that could lead the culture change that we need to see, and notably the process of up-skilling within local authorities that a move to a zone plus site-specific design code model will require.

**To zone or not to zone?**

Whether we abandon our discretionary planning system and opt for zoning is not, in my view, ultimately the critical factor. Properly resourced and supported, our existing planning system can deliver excellent outcomes effectively and efficiently. Impoverished, it struggles to deliver on any count. The same will apply to a zoning-led system, or indeed to any system we might care to invent!

The recipe for great urban design can be summarised as: plan/zone plus *site-based* design code plus design review plus culture change plus investment. This is an approach to planning that is supported by the research evidence and in the celebrated practices of many of the UK's continental near neighbours and in the best practices here at home. It is not a fast-track route to beauty, but, if we get it right, it can deliver greater certainty and the real potential for more sustainable urban design with the greater support of local communities.

The question is: are we prepared to make the real and substantial investment that this will require, both in the transition to the new system envisaged in the White Paper, and over the long term? If we are going to change – and the evidence suggests we need to – then let's do it right or not at all.

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**Notes**

- 1 *Planning for the Future*. White Paper. Ministry of Housing, Communities and Local Government, Aug. 2020. [www.gov.uk/government/consultations/planning-for-the-future](http://www.gov.uk/government/consultations/planning-for-the-future)
- 2 *A Housing Design Audit for England*. Place Alliance, Jan. 2020. <http://placealliance.org.uk/research/national-housing-audit/>
- 3 *Design Skills in Local Authorities in England*. Urban Design Group/Place Alliance, Sept. 2017. <https://indd.adobe.com/view/f2dce345-a265-4c28-9ab3-223ac41110b6>
- 4 *Delivering Urban Quality: Time to Get Serious*. Place Alliance, Jan. 2020. [http://placealliance.org.uk/wp-content/uploads/2020/05/Place-Alliance-A-Design-Unit-for-England-Pamphlet\\_Final.pdf](http://placealliance.org.uk/wp-content/uploads/2020/05/Place-Alliance-A-Design-Unit-for-England-Pamphlet_Final.pdf)