

Urban Planning Legislation in 2023 in the UNITED KINGDOM

For the VRU LG Committee - HOVERLA project

28th September 2023 - Dr Laura B Alvarez www.laurabalvarez.com



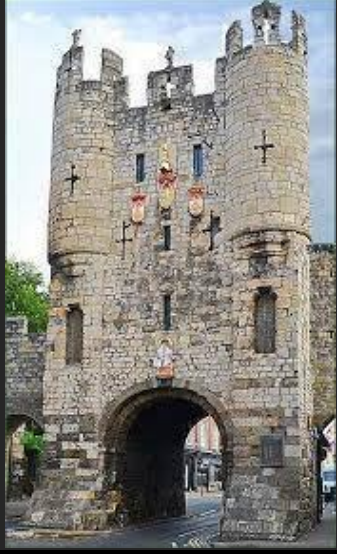
BUILT ENVIRONMENT

20% Gross Domestic Product

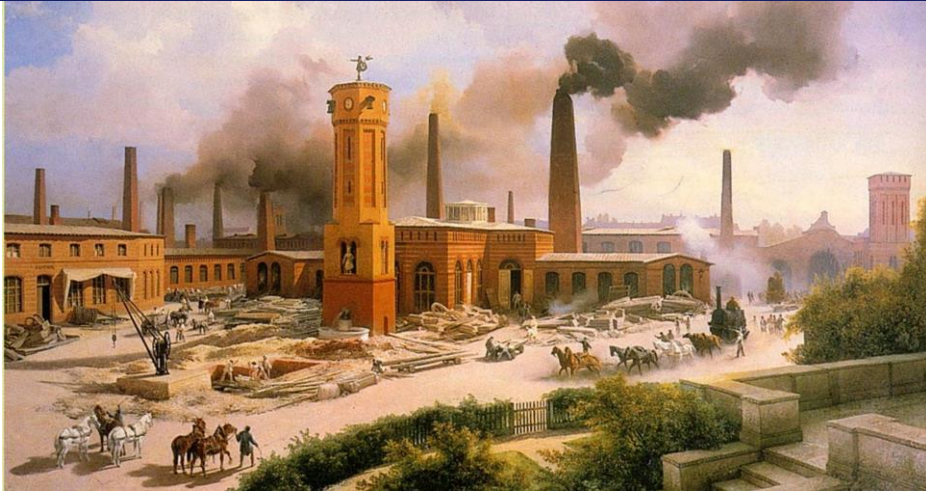
Protect the cultural and natural assets
Actively promote and facilitate growth



Historic summary: Legacy



Historic summary: Commerce & Growth



Historic summary

1890s Garden Cities → 1909 → Housing and
Town Planning Act

Sanitation, living standards, control and
enforcement

1919 → government subsidies to help finance
the construction of 500,000 houses
within three years

1925 → reservation of land for allotments

1932 → protection of rural amenities and the
preservation of buildings and
other assets



Allotments are small parcels of land (250m²) rented to grow fruits, vegetables and plants. Some people even use them to keep bees and smaller animals like rabbits and hens.



Historic summary: WWII



Historic summary: WWII



Historic summary: slums



Historic summary

1943 → The Ministry of Town and Country Planning

1947 → Town and Country Planning Act: post-war reconstruction and the demolition of slums

Local authorities → compulsorily acquire bomb-damaged areas for redevelopment

£300 million to compensate owners for the loss of development rights

- Democratised the use of land , controlling it and requiring planning permission to be granted prior to development beginning.
- The right to develop land was no longer a given of ownership.
- Local authorities were reorganised from 1,400 to 145
- LAs required a local plan which set out detailed policies and proposals for the use and development of land within their area.
- Permitted development rights were granted to sectors such as agriculture which exempted them from some planning controls.



System Review



Healthcare services are free for all at the point of delivery

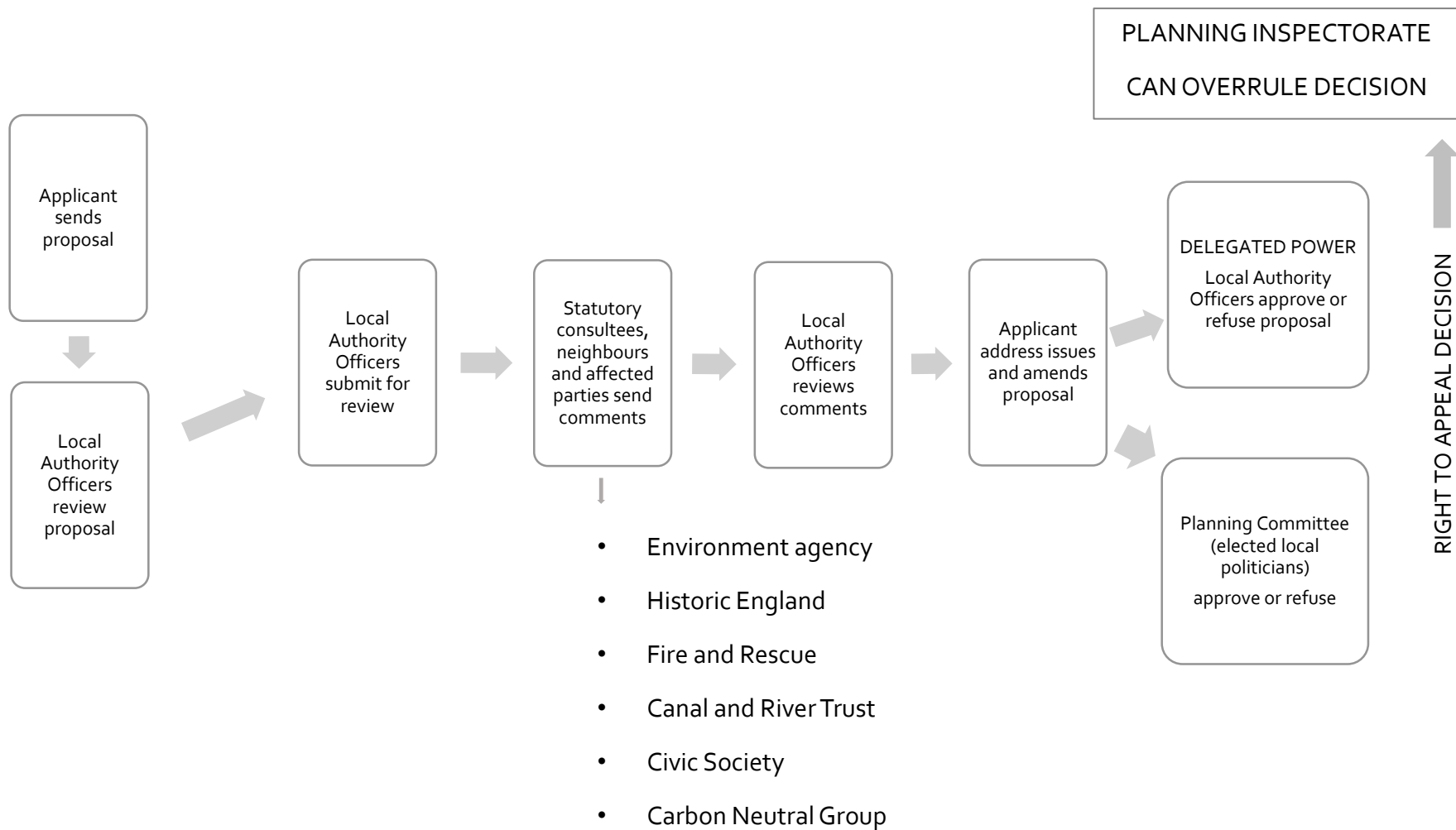


The 1944 Education Act required local authorities to organise education in three stages: primary, secondary and tertiary

- Enforce permitted development
- Approval of planning proposals
- Redevelopment of land
- Compulsory purchase orders to buy land and lease to new developers
- Powers to control outdoor advertising
- Powers to preserve woodland or buildings of architectural/historic interest



Planning Process



Historic summary

1968 → Town and Country Planning Act revised to bring more protection to listed buildings for the first time and was the key to the conservation revolution.

Section 102

enables a Notice to be issued ordering the discontinuing use, or alteration or removal of buildings or works if they consider it is in the interests of the proper planning of their area, including amenity.

Section 106

allows for the setting in place of planning agreements or planning obligations that developers must meet in order to secure planning permission to offset the costs (social, infrastructural, economic, etc.) of with the development going ahead.



Historic summary

Sections 137-171

relate to the landowner's right to require purchase of interests, i.e. interests affected by planning decisions or orders, for example, the reduction in marketability and value of land as a result of a public sector decision.

Section 215

enables an LPA to serve a notice if they judge the condition of land or buildings to be harmful to the area. They might require the tidying up of waste or making safe.

Sections 226-246

relate to the acquisition and appropriation of land for public and planning purposes, as well as the extinguishment of certain rights.



Authority Levels - Responsibilities

NATIONAL - LEGISLATIVE

- Sets national legislation
- Sets goals and targets for LAs
- Provides support and guidance to LAs

INDEPENDENT BODIES

- Planning inspectorate
- Commissions (reviews to existing services)
- Building Regulations Advisory Committee
- Health & Safety Executive
- Fire & Rescue Authority
- Environment Agency
- Historic England

REGIONAL - PLANNING

Local Plans (LAs)

- Regional Transport
- Highways * (towns and villages)
- Minerals
- Water
- Agriculture
- Wildlife & Biodiversity
- Heritage
- Growth & Regeneration

This is gradually devolving to LAs

LAs obligation to cooperate

LOCAL - EXECUTIVE

Delivery & Enforcement

- Compulsory purchase
- Development & Regen
- Building Regulations
- Planning Compliance
- Conservation & History
- Culture & Leisure
- Waste
- Noise & Pollution
- Social care/housing
- Public Health
- Highways *(cities only)
- Etc....



Enclosure Act

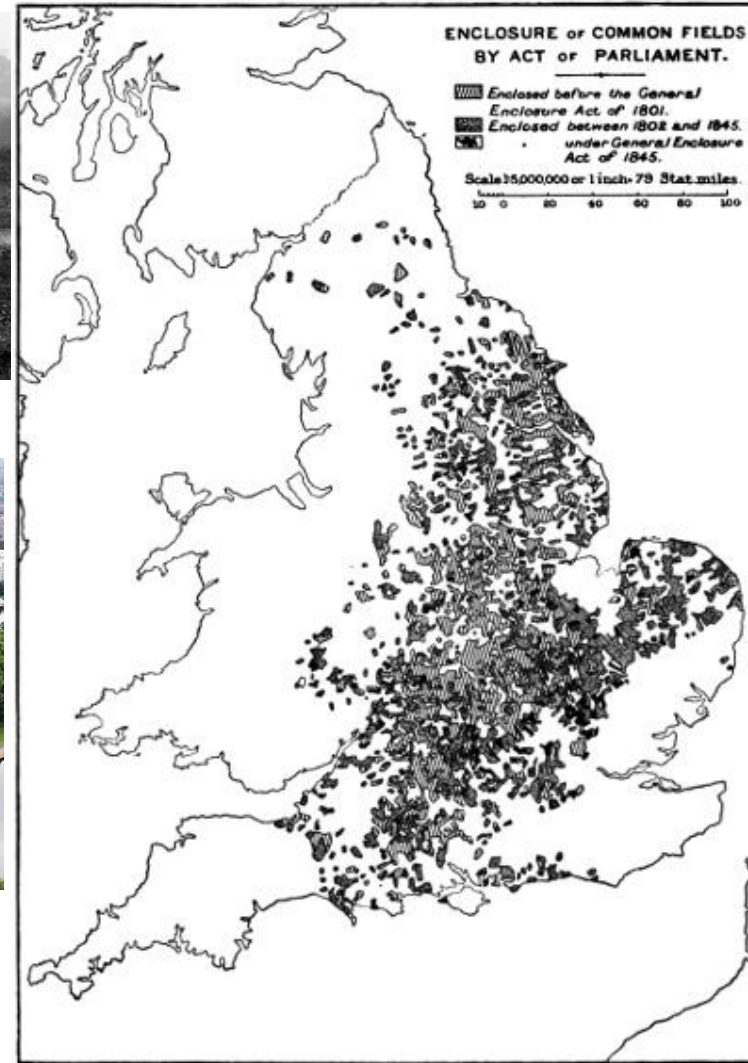
A series of United Kingdom Acts of Parliament which enclosed open fields and common land in the country, creating legal property rights to land that was previously considered common. Between 1604 and 1914, over 5,200 individual acts were put into place, enclosing 6.8 million acres.



Historic use: food production and recreation.



Victoria Embankment, Nottingham now.



Community Input

ENCLOSURE ACT LAND IDENTIFIED BY NEIGHBOURS

Developers had to revise their proposal to exclude the land, which was designated for public benefit and access in perpetuity.



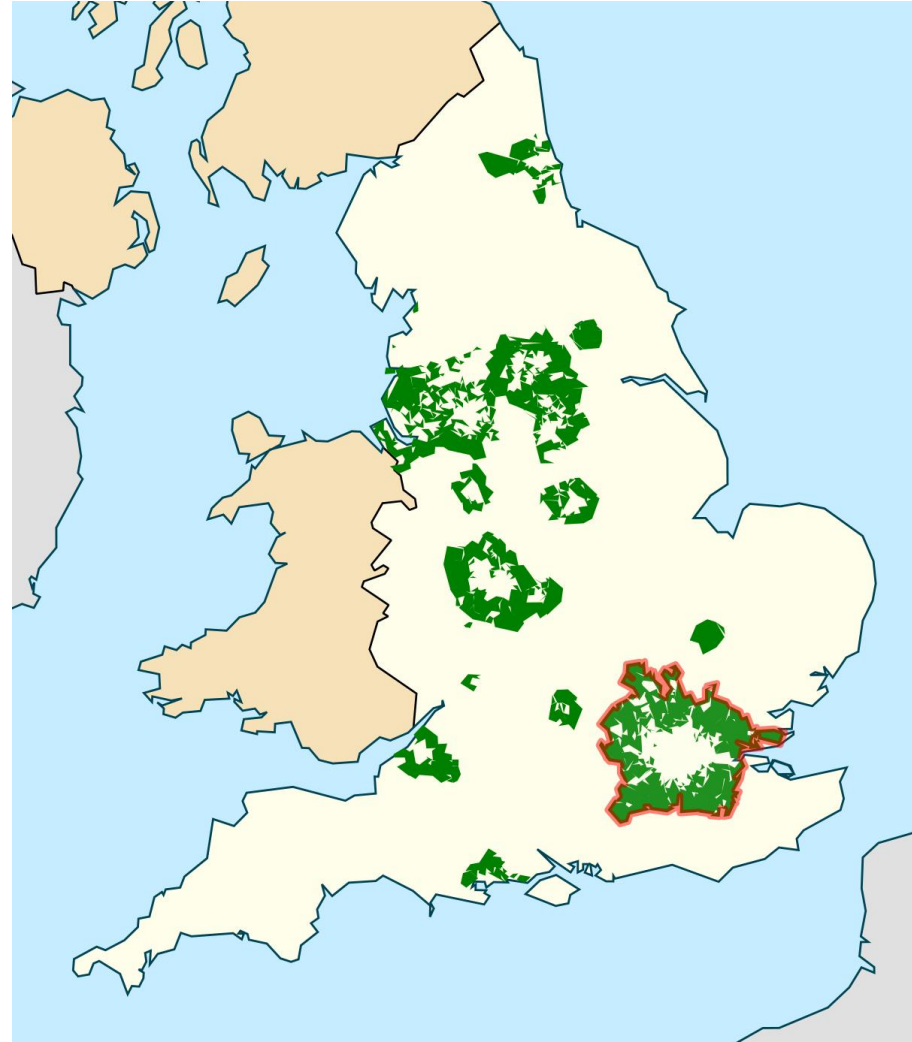
Green Belt & LGSs

Purposes of including land within the green belt:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns from merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Benefits of including land within the green belt:

- Providing opportunities for access to the open countryside for the urban population
- Providing opportunities for outdoor recreation near urban areas
- The retention of attractive landscapes and the enhancement of landscapes, near to where people live
- Improvement of damaged and derelict land around towns
- The securing of nature conservation interests
- The retention of land for local food growing, forestry and related uses.



Listed Buildings

CATEGORIES

Grade I buildings are of exceptional interest. Only 2.5% of listed buildings in England are Grade I

Grade II* buildings are particularly significant buildings above special interest. Grade II* buildings account for 5.8% of listed buildings in England

Grade II buildings are of special interest and worthy of preservation. More than 90% of all listed buildings in England are Grade II

Once a property is listed, the whole building – including its interior – is protected. This means you'll need certain permissions to update the property. Listed Building Consent may be required if you're hoping to carry out any demolition, make any alterations to the appearance.

Grade II



Grade I



Grade II*



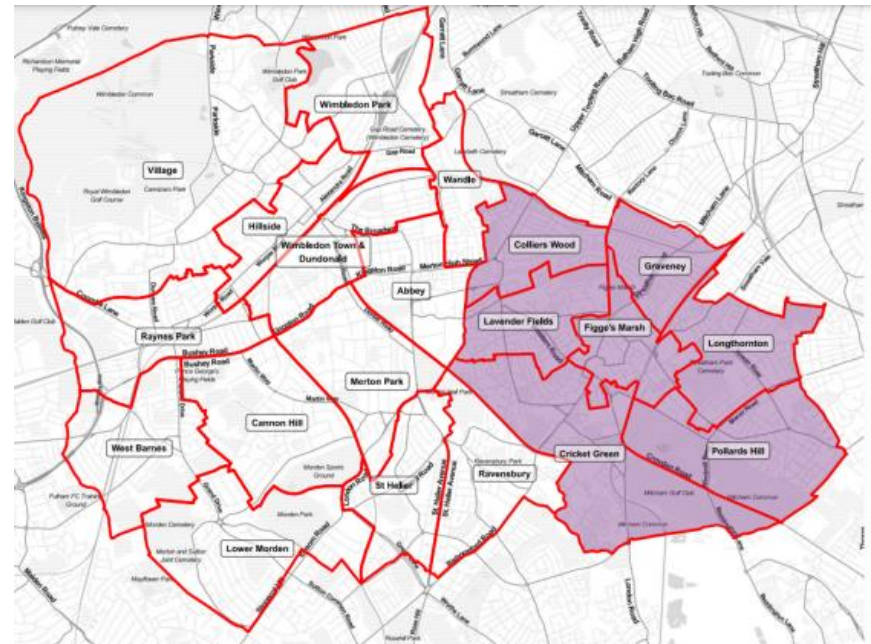
Protecting Non-listed Assets and Uses

Article 4

An article 4 direction is made by the local planning authority. It restricts the scope of permitted development rights either in relation to a particular area or site, or a particular type of development anywhere in the authority's area. Where an article 4 direction is in effect, a planning application may be required for development that would otherwise have been permitted development. Article 4 directions are used to control works that could threaten the character of an area of acknowledged importance, such as a conservation area.

Immediate article 4 direction for small houses in multiple occupation (HMO)

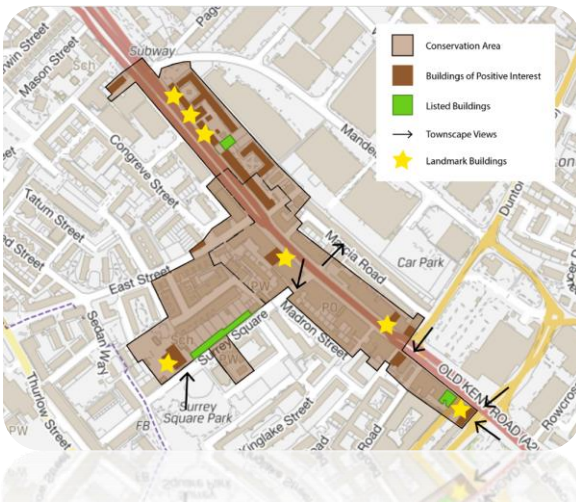
An immediate article 4 direction started on 17 November 2022 to remove permitted development rights for the conversion of homes (Use Class C3) to small houses in multiple occupation (Use Class C4) in Merton



Conservation Areas



Conservation areas exist to manage and protect the special architectural and historic interest of a place - in other words, the features that make it unique. Every local authority in England has at least one conservation area and there are around 10,000 in England.



Las are obliged to review the CAs regularly. Restriction to demolish and what to build apply (character, materials, heights, etc.)



AONB – area of outstanding natural beauty

Especial
legislation
and design
guidance
apply to
these areas.



Exceptional quality required.



Building Control – *Enforcement*

ENFORCEMENT ACTION

If non-compliant LAs power to undertake the work itself and recover the costs of doing so from the owner.

London apartment block that deviates from plans must be torn down, says council

'Blight on the landscape' in Greenwich lacks promised gardens, children's play areas and accessibility for wheelchair users



Community Powers

Neighbourhood Plans

Local Green Space designation (LGS) enables communities to protect local green areas of special importance to local communities.

Local List - Local Heritage Listing is used by local authorities, community groups and other interested stakeholders in the identification and management of significant local heritage assets using a local heritage list.

Local Green Space designation (LGS) enables communities to protect local green areas of special importance to local communities. LGS is designated by the planning authority (borough, district, metropolitan or other unitary authority) and once it is in place, it is subject to the same strong development restrictions as Green Belt, ruling out new development except in special circumstances.

WHAT IS A NEIGHBOURHOOD PLAN?
REDBOURN NEIGHBOURHOOD PLAN REFERENDUM

VOTE
on Thurs
4th May

A Neighbourhood Plan is a planning document written by the community. Its a power tool enabling local people to say where they want new homes, shops and offices to be built. It can protect green spaces, influence design and provide the infrastructure, community facilities and services needed.

A majority 'yes' vote at referendum means a Neighbourhood Plan is 'made' and it is used by the local authority to decide planning applications.
No plan could mean developers & the local authority decide.

The Neighbourhood Plan for Redbourn is going to referendum at the local elections on 4th May

REDBOURN PARISH COUNCIL

For more info & to read the documents in full visit: www.redbourn-pc.gov.uk



Planning Documents – *Examples*

NPPF

National Planning Policy

Framework

Planning Law

A LOCAL PLAN

Sets out the vision for future development in the borough.

Every area in England and Wales should have an *up-to-date*

Local Plan in place and review

it at least every five years.

SUPPLEMENTARY PLANNING DOCUMENTS (SPDs)

Are intended to expand upon policy or provide further detail to policies in development plan documents. They can demonstrate through illustrations, text and practical examples how policies can be taken forward.

DESIGN GUIDANCE

Are intended to set design parameters and best practice for applicants to follow. They can demonstrate through illustrations, text and practical examples how the LA will appraise the planning application.

www.gov.uk/government/collections/planning-practice-guidance



National Planning Policy Framework

For link [CLICK HERE](#)



National Policy Framework




Department for Levelling Up,
Housing & Communities



National Planning Policy Framework



Local Plan Example

For link [CLICK HERE](#)




The Nottingham Local Plan


Greater Nottingham

**Broxtowe Borough
Gedling Borough
Nottingham City**

**Aligned Core Strategies
Part 1 Local Plan**




Adopted September 2014



Nottingham City


**land and
planning
policies**



**Development Plan
Document**

Local Plan Part 2

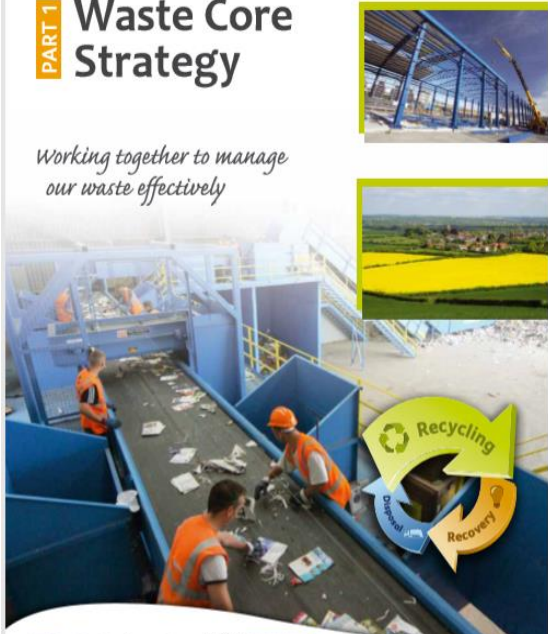
January 2020



**Nottinghamshire and Nottingham
Replacement Waste Local Plan**

**PART 1 Waste Core
Strategy**

*Working together to manage
our waste effectively*



**Nottinghamshire
County Council**

**Nottingham
City Council**

Adopted December 2013



The Local Plan - Nottingham

Nottingham City

land and planning policies



Development Plan Document

Local Plan Part 2

January 2020



Local Policies

Policy HO1: Housing Mix

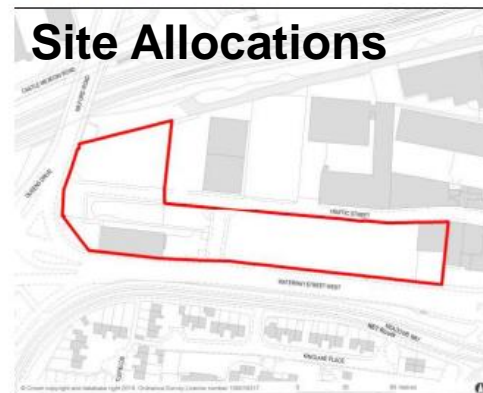
- Outside of the City Centre where sites are capable and suitable of accommodating family housing, and in line with Policy 8 of the Core Strategy, the City Council will encourage development of sites for family housing, including larger family housing (within use class C3), as opposed to other forms of residential accommodation.
- In assessing whether sites are capable and suitable of accommodating family housing, and whether the resulting development will be in character with the local area, the following criteria will be taken into account:
 - whether the site is allocated and the corresponding development principles indicate that an alternative use or mix of housing will be more appropriate;
 - whether the resulting development would fulfil other regeneration aspirations of the City Council;
 - whether local evidence of housing need and demand indicates that an alternative mix of housing is appropriate; or
 - whether alternative provision meets other aims of the City Council, such as provision for elderly persons (including bungalows) and a proportion of the site can still be developed as family housing.
- On sites within the City Centre, the mix of housing should address the need to diversify the existing housing stock by including flats of two or more bedrooms. Innovative family housing will be sought as part of the overall housing mix on the City Centre fringes.
- The Council will support the provision of Self Build and Custom Build serviced plots provided that such proposals satisfy all other relevant policies within the Local Plan.

Justification

- This policy seeks to implement Policy 8 (Housing, Size, Mix and Choice) of the Core Strategy (Nottingham City Centre) of the Core Strategy which place an emphasis on family housing, including larger family housing, to meet the strategic aims of the Housing Nottingham Plan 2020 and the aims of the Housing Nottingham Plan 2020.
- The Housing Nottingham Plan states that there is a continuing need for family housing in Nottingham as part of the wider mix and balance in

SR63 Canal Quarter - Waterway Street

Site Allocations



Site Area (ha): 1.07

Proposed use: Office/light industry/research & development (B1), residential (C3), student accommodation (Sui Generis), hotel (C-1), non-residential institution (D1), assembly & leisure (D2). Ancillary uses could include small scale retail (A1, A2, A3) to ground floor (delivered as integral part of mixed use scheme).

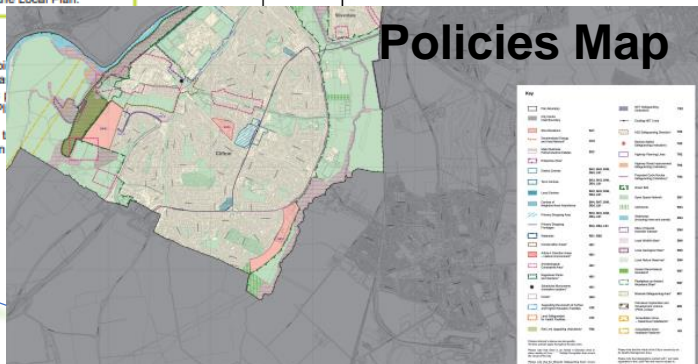
Ward: Meadows

Development principles: This site has the potential to deliver significant improvements to the physical environment and to help transform the area into a vibrant extension to the City Centre. Single storey warehouse style development is not considered appropriate in this location. Development should be of a high quality design that positively addresses prominent frontages, takes account of nearby housing south of Waterway Street and complements neighbouring business operations which add to the distinctiveness of the area (such as the brewery facility on Queens Bridge Road). Trainers Lane is a covered ordinary watercourse running along the northern boundary of this site. There should be no development on top of the culvert and opportunities should be explored to open up the watercourse to provide a green corridor with associated amenity and wildlife benefits. Clearing up the culvert may require an assessment. Proposals should provide positive linkages to the Meadows and enhance walking and cycling routes, having regard to the relationship with the tram route to the south of the site. Immediate potential for low carbon energy via connection to the Channel Heating System. Site is close to the Eastford Energy from Waste Facility and the London Road Heat Station and within an AQMA - dispersion modelling may be necessary depending on the scale of the proposal. Site is in an area of high flood risk and any planning application should be accompanied by a site specific flood risk assessment. Within Minerals Safeguarding Area but not considered a barrier to development. Proposals should have regard to Highway Route Improvement Safeguarding TRG 3 to the south of the site.

Address: Waterway Street West

Current Use: Cleared Site and Retail

Policies Map



Evidence, Data, Studies

- Housing Monitoring Database
- Strategic Housing Land Availability Assessment
- 5 Year Land Supply
- Student Housing Monitoring App
- Annual Purpose Built Student Housing Vacancy Survey
- City Centre and Local Centres Vacancy and Health Check Surveys
- Sustainability Appraisals
- Consultation Reports
- Waste Needs Assessments
- Plan-wide Viability Assessments
- Housing Need Assessments
- Employment Studies
- Retail Studies
- Flood Risk Assessments
- Green Belt Study
- Infrastructure Studies



The Planning
Inspectorate



Strategic Examples

For link [CLICK HERE](#)

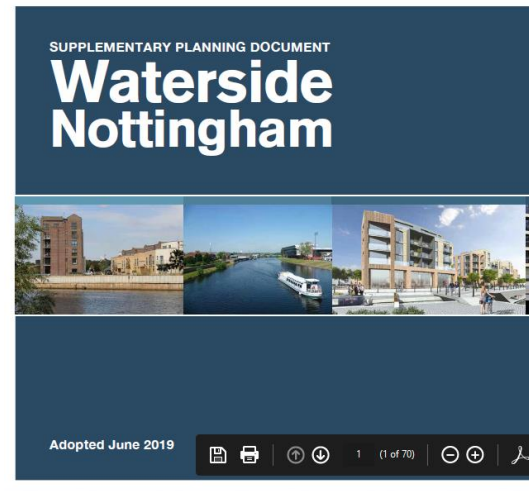
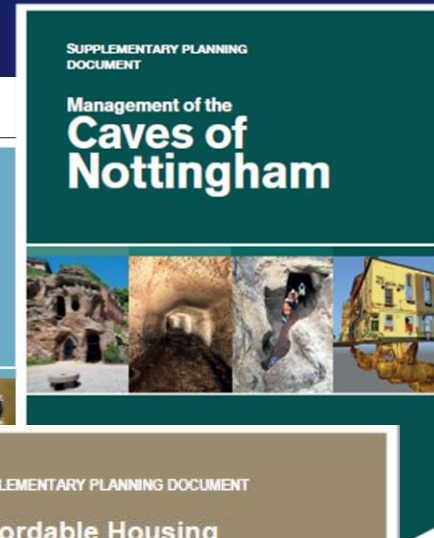


Local Planning Documents

Supplementary Planning Documents

- Affordable Housing
- Open Space
- Biodiversity
- Caves
- Education
- Student Affordable Housing
- Waterside

Authority Monitoring Report



Waterside SPD - Example

4. Vision

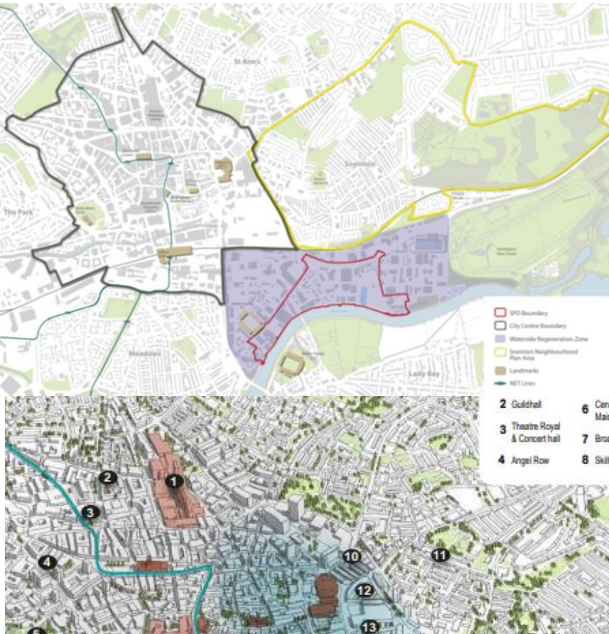
4.1 The section below sets out the vision, which underpins the guidance for the future development of Waterside.

Waterside will host a sustainable residential community of distinctive character and high quality urban design, embracing the opportunities provided by its unique location.

The area will celebrate the navigation heritage that led to the long lasting close relationship between Nottingham and the River Trent and generate rich and diverse water edge opportunities.

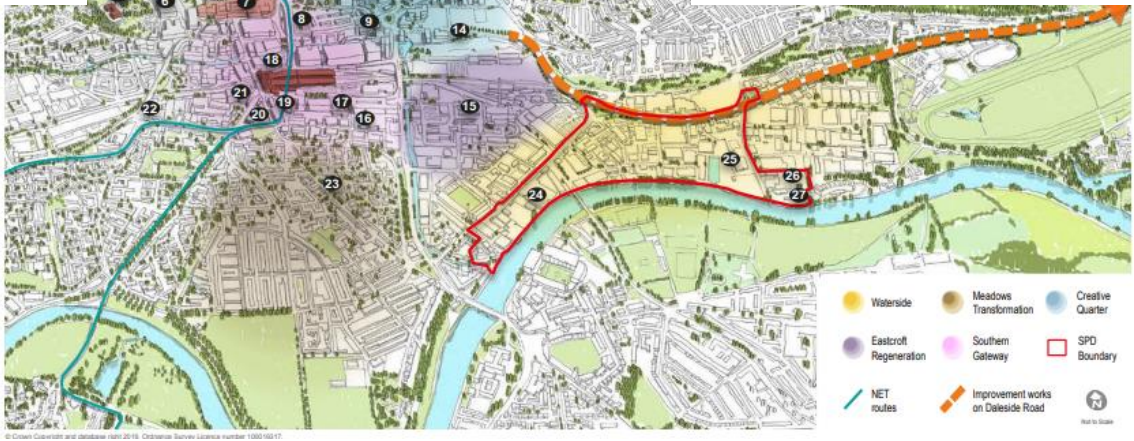
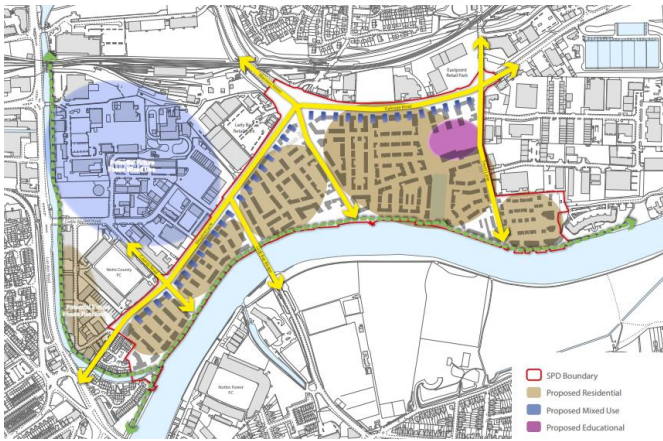
The prime central location of Waterside provides a unique opportunity to create an inspirational residential area where people will enjoy the best of a waterside contemporary urban lifestyle immersed in a healthy, safe, vibrant and attractive riverside setting.

A large proportion of high quality family housing, open space, convenient access and services will retain and attract families back to the city. The new neighbourhood will be strongly connected to Nottingham City Centre, nearby recreation areas and the adjoining communities of Sneinton and The Meadows. A primary school, small-scale local retail, leisure and employment uses will be closely linked through an innovative approach to public space. A well-resourced, meaningful and multifunctional infrastructure is of high priority.



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 2. PURPOSE AND STATUS OF THE DOCUMENT
 3. INTRODUCTION
 4. VISION
 5. KEY OUTCOMES
 6. SITE DESCRIPTION
 7. REGENERATION CONTEXT
 8. THE OPPORTUNITY
 9. NATIONAL AND LOCAL POLICY & PLANNING CONTEXT
 10. SITE ANALYSIS
 11. KEY CONSTRAINTS AND OPPORTUNITIES
 12. DEVELOPMENT CONCEPT
 13. DELIVERING INFRASTRUCTURE
 14. IMPLEMENTATION
- APPENDICES
1. Sustainability Appraisal
 2. Riverside Path Feasibility




Island Site SPD

SUPPLEMENTARY PLANNING DOCUMENT

Island Site Nottingham



April 2016








Island Site Supplementary Planning Document Adopted April 2016

Figure 2 Land Use



Copyright UREED (urbanism, environment and design) Ltd.

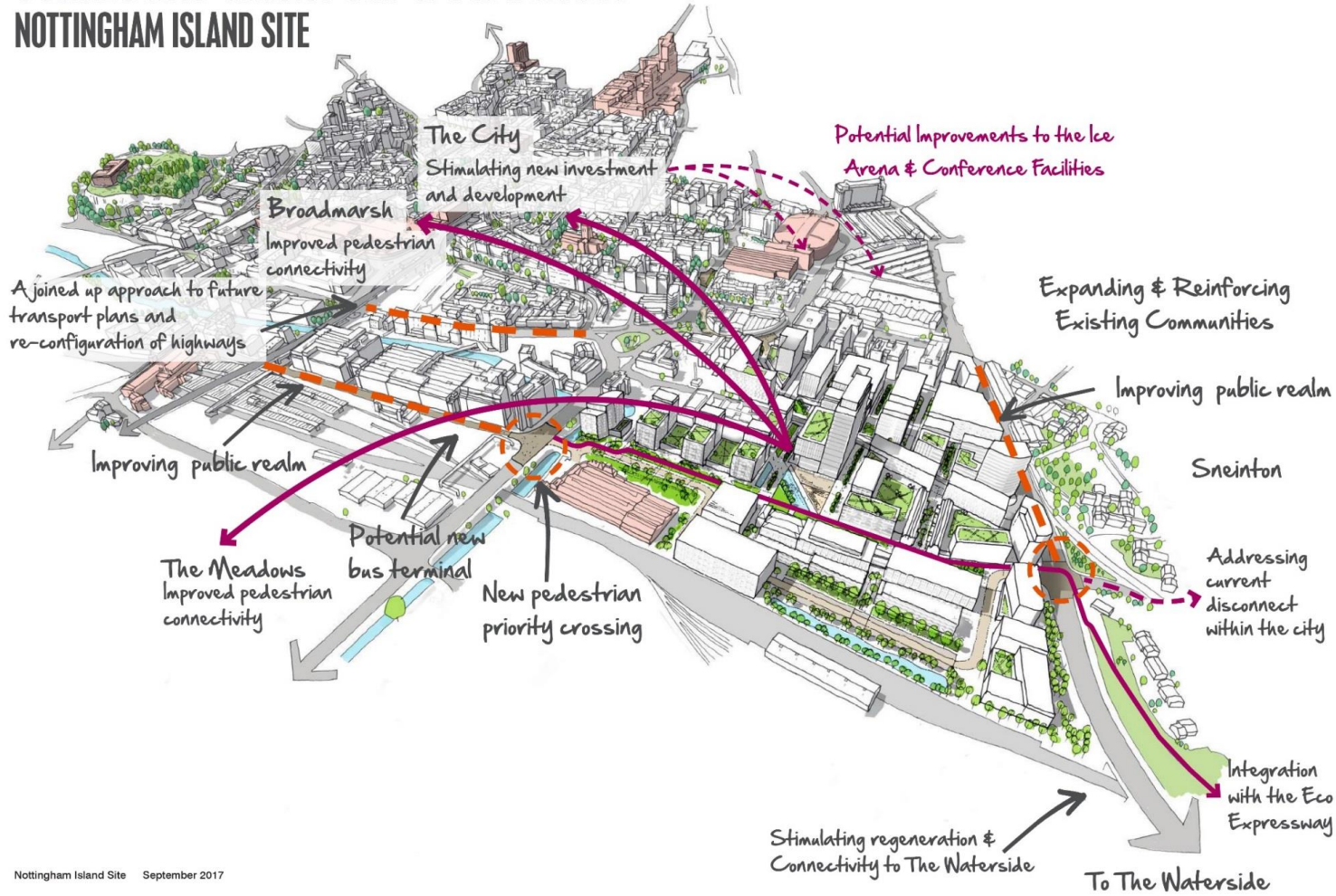
3D visualisation of the proposed masterplan

- | | | |
|---|---|---|
|  Office |  Residential |  Workshop/
Light Industrial/
Warehouse |
|  Potential multi-storey
car park |  Public open space | |



Island Site SPD

CONNECTING TRANSPORT & COMMUNITY NOTTINGHAM ISLAND SITE



Island Site SPD

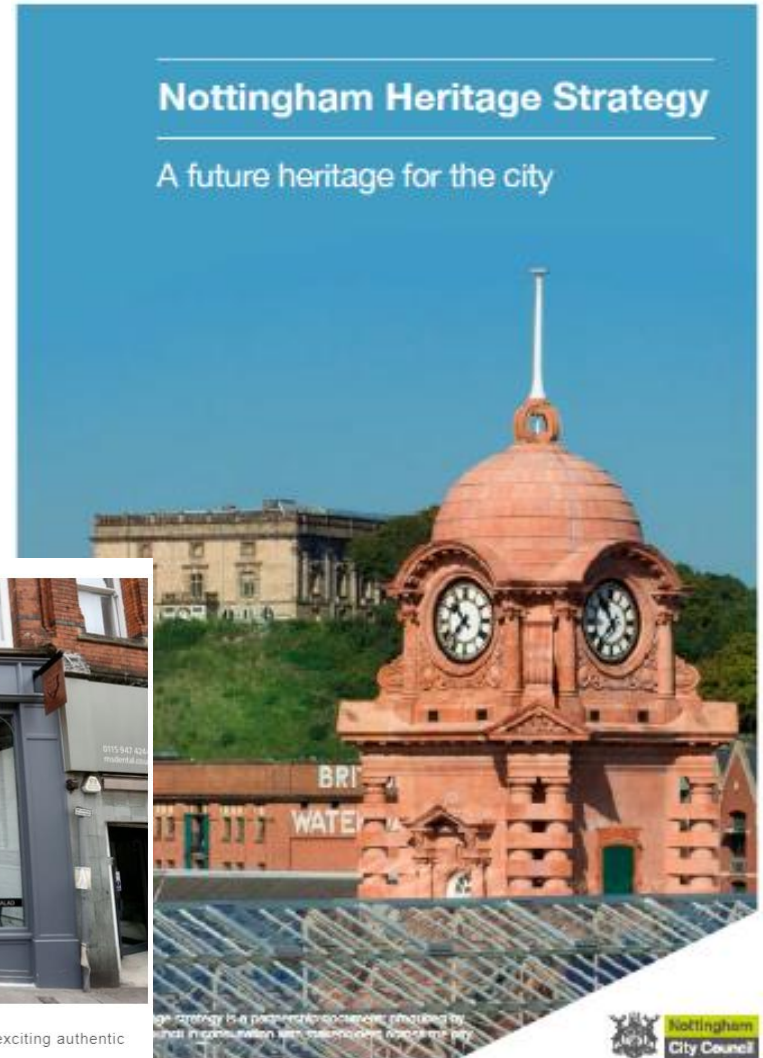


Nottingham Strategies

STRATEGIES FOR INVESTMENT AND GROWTH

Preparing strategies is probably the best way to succeed in the allocation of funds. Strategies have to be based on sound evidence, focused and deliverable.

The strategy's vision is to establish a vibrant, valued and widely-known heritage which delivers long term benefits to the people, economy and environment of the City of Nottingham.



Before the 20th century shopfront did not match the Victorian architecture of the parent building



After a new small independent business moved into this exciting authentic premises



Nottingham Strategies

MASTERPLANS

Preparing regeneration plans is probably the best way to attract investors.

Plans have to be ambitious, clear and realistic.

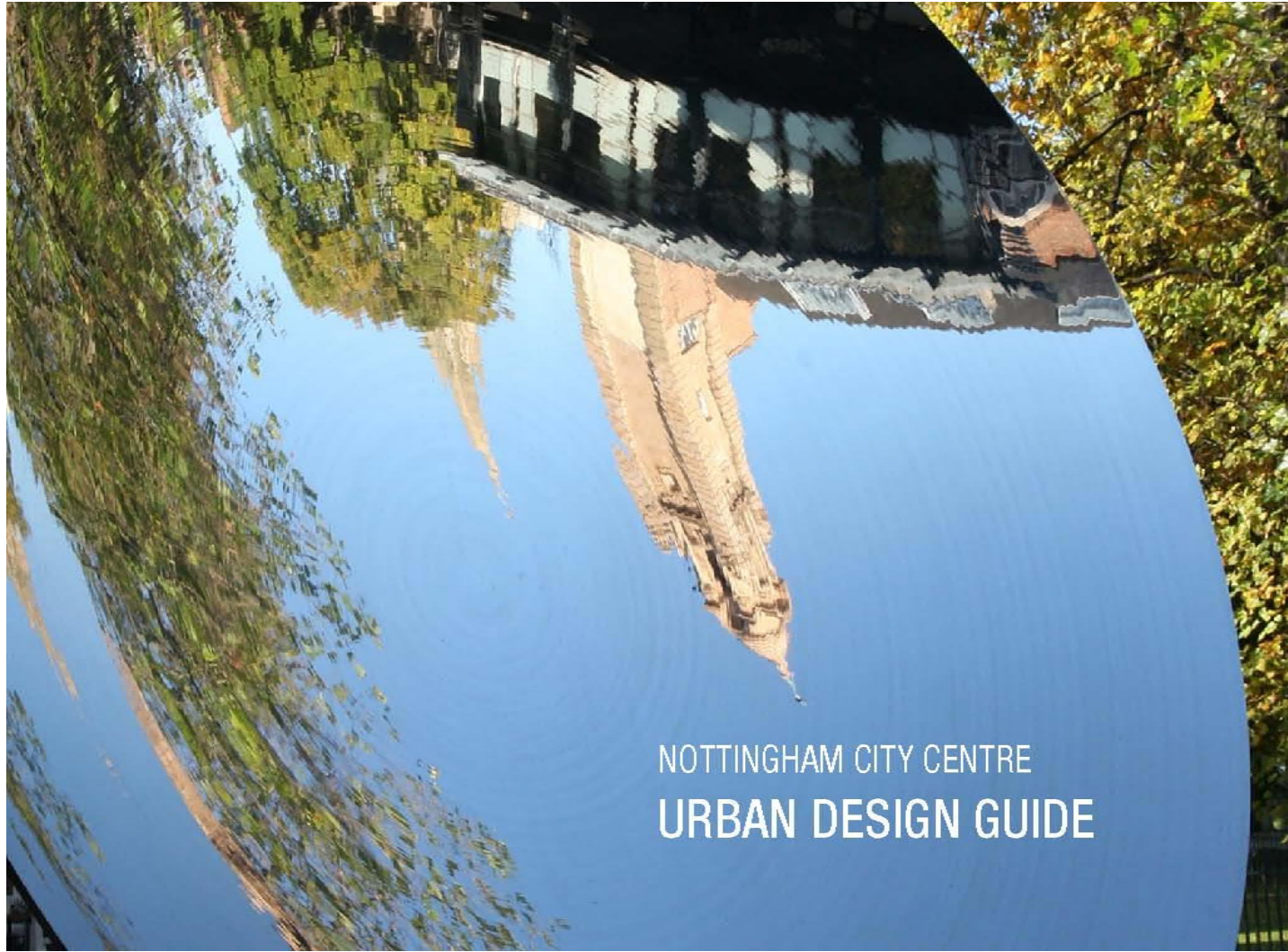


Design Guide Example

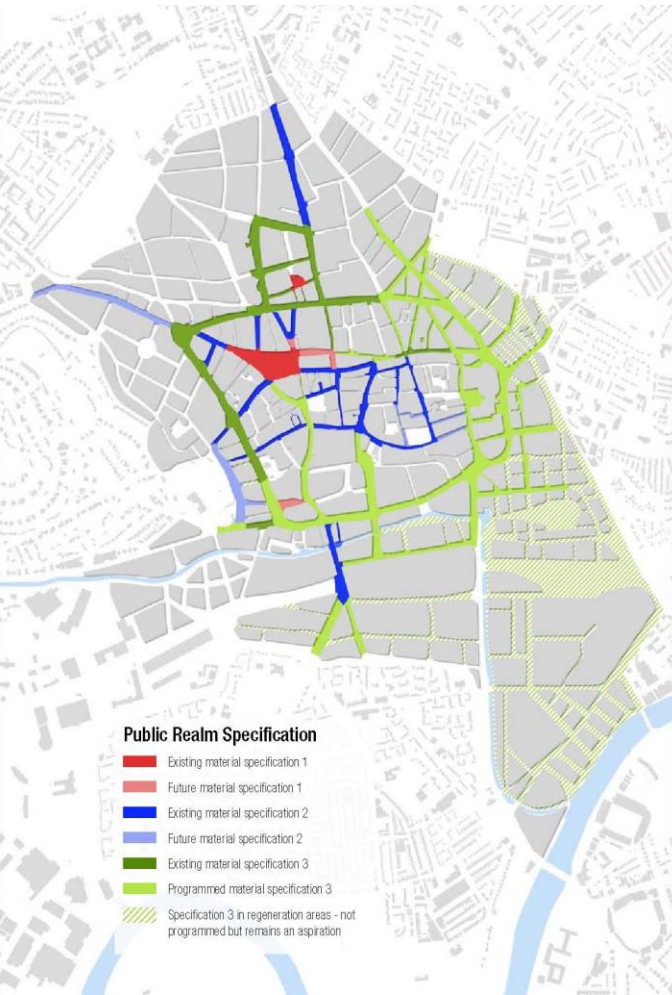
www.dqfnottingham.org.uk



Nottingham Urban Design Guide



Nottingham Urban Design Guide



Public Realm Strategy: Specifications



Part C

Streetscape Components



Carlton Street - lumpy CCTV equipment

Lamps that produce white light replicate daylight conditions and improve colour rendering of objects and faces making people feel safer and improving the quality of CCTV images. We will use white light lamps in streets when new lighting is installed.

CCTV cameras

Our CCTV cameras and columns are imposing structures due to their size and position at points of highest visibility. The base of the column is particularly bulky. The traditional styling of an intrinsically modern piece of equipment is inappropriate. It is now possible to obtain CCTV cameras that are comparatively small and stylish. We will use smaller cameras such as the Delaware Metal Mickey, separate street cabinets to house the necessary electronics and slimmer CCTV columns instead of the 'cabinet base' style columns.



Old Market Square - Broxap Titan

Litter bins

Bins that are open topped are difficult to empty because they fill with water and litter blows out when full. Stainless steel bins with solid sides show dirt badly and are prone to fly posting. Stainless steel bin designs that retain the style and detailing of traditional bins are clumsy hybrids. Casings with 120 litre wheeled bins are very imposing in the street and are only needed close to takeaways. We will therefore use closed top stainless steel bins with a perforated casing, no "Litter" sign, in a 115 litre size with a standard galvanised liner (other than outside takeaways), mounted vertically and bolted to concrete plinths. The Broxap Titan is suitable.

Post mounted bins are prone to leakage onto the pavement below, often overflow or block due to their small size, look awkward and are a hazard for visually impaired people who cannot detect them with a cane. The post-mounted bins beside bus stops are an example of these problems. We will not mount bins on posts or columns and will remove them from bus stops.



Long Row - post mounted bin



DQF Nottingham – www.dqfnottingham.org.uk



vegetation and other landscape components. The texture of a streetscape can relate to the porosity of the building frontages, the amount, distribution and size of windows, openings and other perforations such as under-croft garages.

Design Criteria

3.3.1 The colours & textures of the proposal relate to the palette & textures of the site and its surroundings.

3.3.2 If contrasting colours are used to enhance the designs, these are in keeping with the site palette.

3.3.3 There is awareness and understanding of how proposed colours might impact on historic settings, listed buildings and local assets in the vicinity of the site.

3.3.4 If contrasting textures are used to enhance the designs, the effects at different times of the day and through the seasons have been illustrated, and the ageing of

CITY WIDE DESIGN GUIDES

The design parameters that will be used to appraise character and identity are clearly identified and explained



Top floor

Middle floor

Ground floor



Highways Requirements

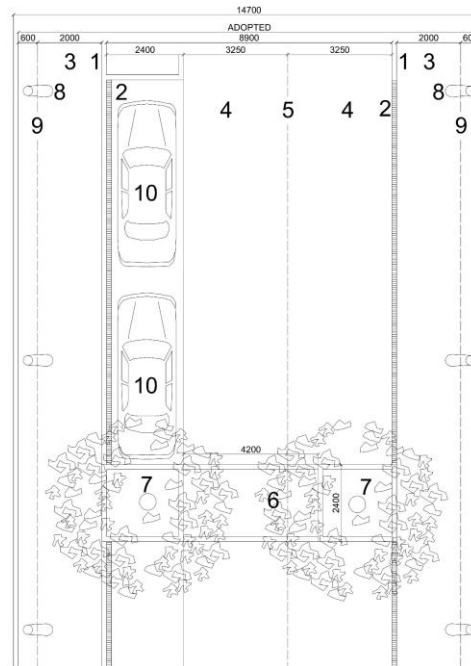
STREETS ADOPTION

The highways authority will take ownership of the new street in perpetuity to maintain it and grant public access to all



STREETS DIMENSIONS AND DETAILS

Developers can propose the street type they will build, but local authorities tend to have guidance to specify the dimensions and details (e.g. where to locate lighting, service cables, parking etc.)

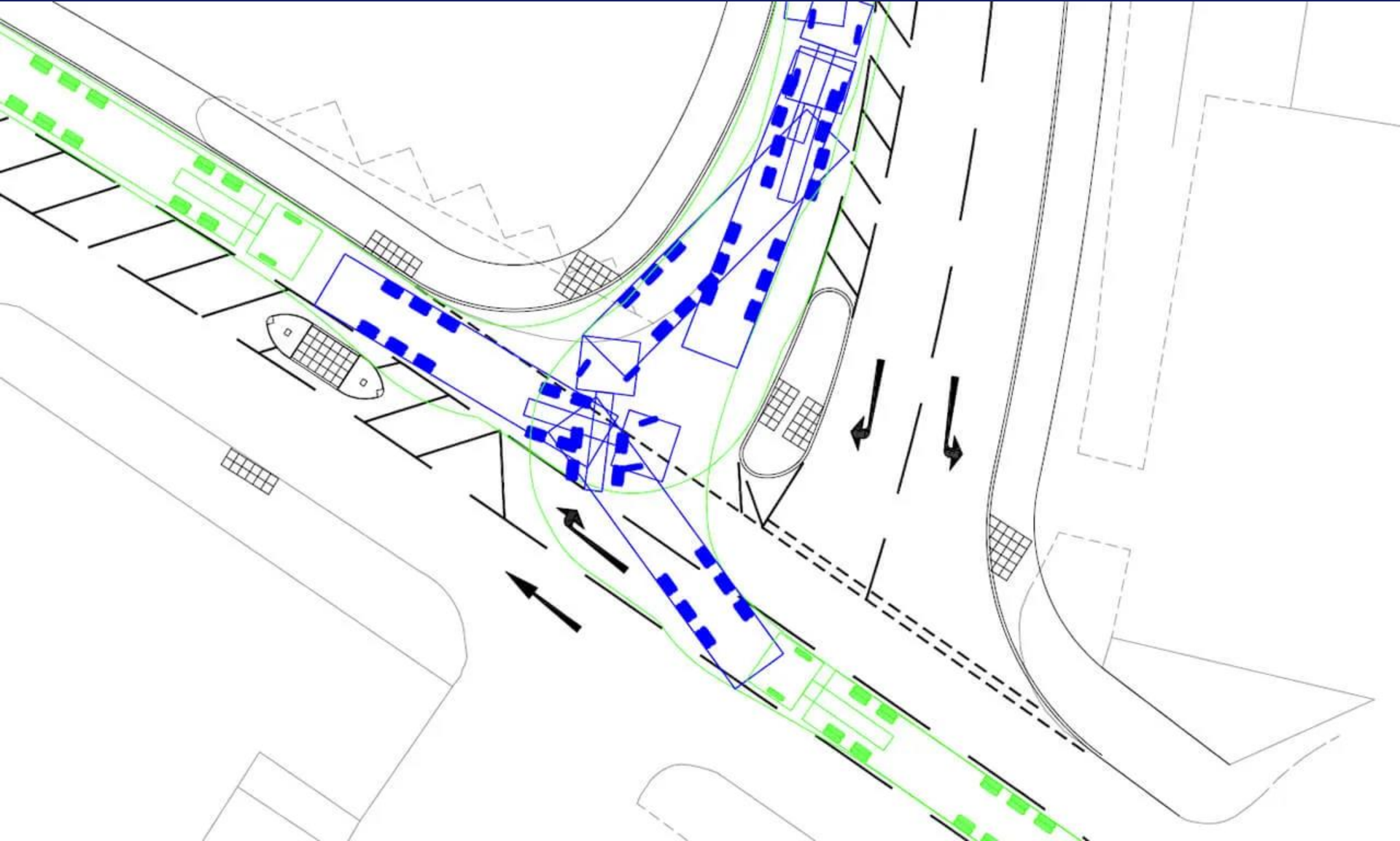


BOULEVARD

1. Kerb
2. Drain channel (as required)
3. Footway (clear width as annotated)
4. Carriageway
5. Dotted line denotes carriageway division (no demarcation required)
6. Speed control (level inset demarcation or change in surface colour - not painted)
7. Tree pit/planter (irrigated by drainage and with root protection - canopy $\geq 8m \text{ } \varnothing$)
8. Street lighting (as required - note location of lamps to avoid conflict with tree canopies)
9. Dotted line denotes beginning of stats zone (no demarcation required)
10. Parking space (maximum number of spaces: 2 between planters)



Highways Requirements



Upfront Information

Refuse dimensions for tracking

OLYMPUS - 8x4MS Wide - Smooth Body RCV

Elite 6 - 8x4MS Wide Track

Euro 6 SPECIFICATIONS



CITY WIDE
DESIGN
GUIDES

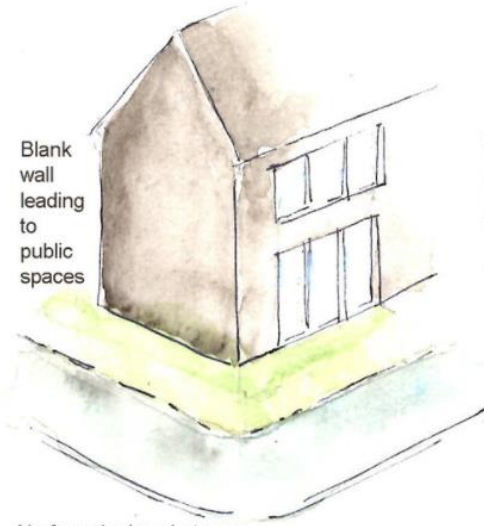
The technical details the council uses to review schemes is available to download for applicants

Vehicle model	OL-27W 8x4MS
Compaction body type - effective volume(s)	Olympus 27W (26.5 m ³)
Elite chassis type	8x4MS (Mid Steer) Wide Track
GVW (Gross Vehicle Weight)	32000
Front axle plated weight	8000
Rear axle/bogie plated weight	24000
Recycling box type	-
Recycling box type (capacity m ³)	-



Design Codes

NO



Blank wall leading to public spaces

No formal edges between private and public property

YES



Windows leading to public spaces

Solid wall between private and public property

Design criterion based on advice and research from the Police Forces, aiming to reduce crime and antisocial behaviours.

CITY WIDE DESIGN GUIDES

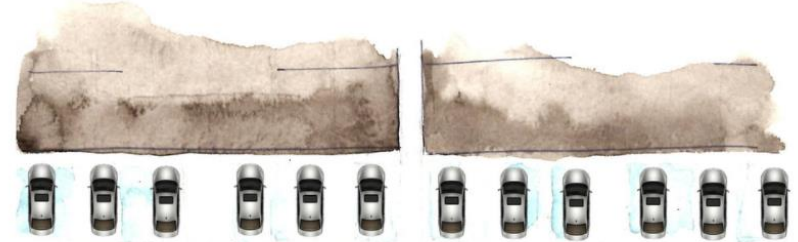
Standards applicants must adhere to in order to gain planning permission are illustrated

YES



Greenery and housing position help minimise the impact of cars
Bin storage units located at the front also accommodate planting

NO



Car dominated environment



UNITED KINGDOM PLANNING SYSTEM in a nutshell

For the [Planning Portal](#) CLICK HERE



Collective effort

Protect the cultural and natural assets + Actively promote and facilitate growth

AUTHORITIES

Set up protection mechanisms for heritage and nature

Regularly evaluate and plan land use and growth

Plan, facilitate and enable transport and movement provision

Actively promote regenerations and development

Deliver services to communities

Consult with the public regarding legislation

DEVELOPERS & INVESTORS

Review and comment on local policy

Seek opportunities within the growth strategies

Conduct economic/commercial viability analysis

Appoint specialist advice to work within legal frameworks

Appoint qualified design teams to understand local legislation, guidance and coding

DESIGNERS & ACADEMIA

Review and comment on local policy

Raise issues and concerns to government for review

Design and advice in relation to the latest government guidance

Research for innovation

Seek opportunities for innovation and bring these forward to developers and government

COMMUNITIES AND ORGANISATIONS

Review and comment on local policy

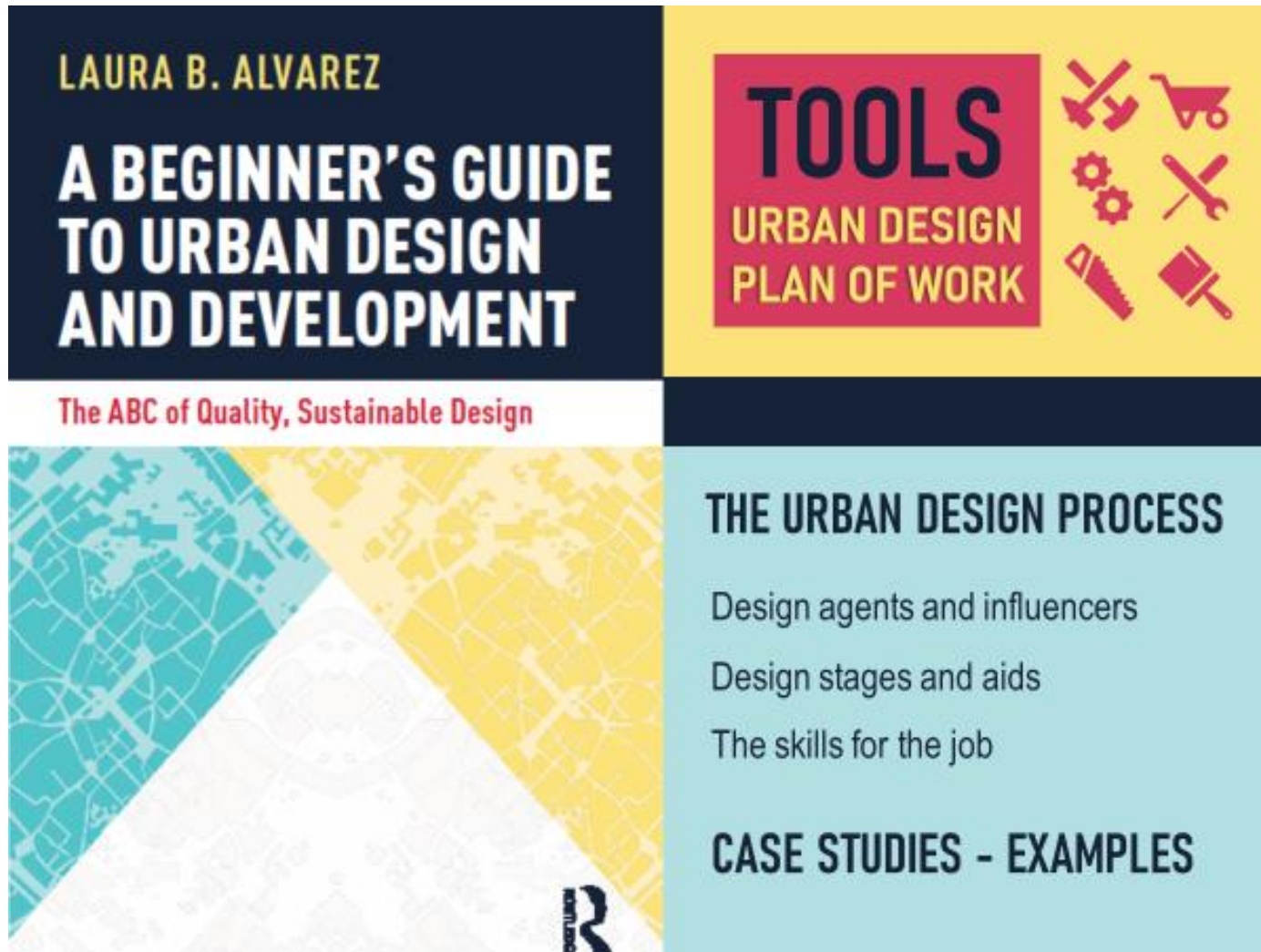
Act as custodians of the public realm and services

Comment on or participate in legislation development and schemes design.

Can take legislation into their own hands through various legal mechanisms



Gaps – When things go wrong...



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THANK YOU

Q & A

