



## THIS MONTH : IF YOU FAIL TO PLAN

This last week, my two partners attended a meeting with a client to negotiate fees for a project. Nothing unusual in that. What has become increasingly unusual during this year is the negotiation (depending on the specific project) over the fee required firstly to make a planning application and then for what we nowadays refer to as 'exceptional planning negotiations' required after submission of the application.

The planning system in this country is in the middle of a turbulent period. We have already been through some major storms but there is no sign of clear blue skies yet.



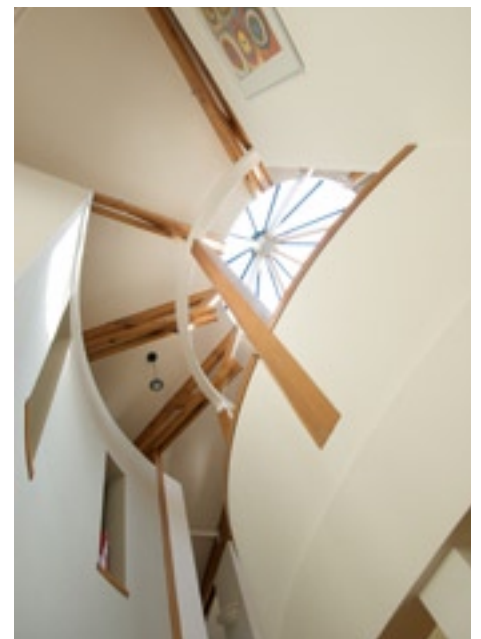
A significant change came at the end of the last century with the introduction of the plan-led development control system. This gave us Unitary Development Plans (UDP), where the idea was that 'what could go where' was clearly set out on a map and explained in a written document. Thus we had areas for housing and areas for industry etc clearly designated and you knew there was no point making a planning application which did not conform with the document. But nothing is ever that simple and there are always exceptions to any rule.

We have also seen the introduction more recently of the standard, nationally applicable planning application form, the notorious APP1. This was introduced with the laudable aim of standardising application requirements across the country, but oh boy, did that lead to problems!

The form standardised the supporting documentation required with various types of application and planning departments were advised that unless they could tick off the relevant documents as having been included, the application should be returned as invalid.

I can tell you that for one recent relatively uncontroversial industrial application (i.e. it conformed completely with the UDP) we had to

submit no fewer than nine specialist reports alongside the actual planning application. And that did not include the Design and Access Statement which is also required for most schemes now. This latter document is, in our view, jolly useful as it encourages us to set out clearly the logic behind an application scheme and to explain how the design meets the various statutory planning requirements. The only problem is that certain planning departments are only concerned to see that they can tick the box confirming that a Statement is included, and don't bother to read it. As ever, I digress.





Much of our work involves listed buildings or sites in the Green Belt or conservation areas, all of which compounds the complexities of a planning application. One small domestic extension scheme in a conservation area recently required, in addition to the Design and Access Statement, a bat survey, a flood risk assessment and a contamination study.

Flood risk assessments in particular are not cheap to commission. Given the focus on flood risk that we now have, why are such risk assessments not carried out either by the Environment Agency or local authorities? Do it once for a given district, rather than having fifty different versions for fifty individual planning applications.

The same goes for bat surveys. A district wide, impartial survey is likely to yield better data than a collection of surveys commissioned by applicants keen to show their sites are not home to the little dears.

Not surprisingly the planning system is creaking under the load. In our September newsletter we saw how the government was increasing Permitted

Development Rights (PDR) for domestic schemes, to reduce pressure on planning departments. Can you hear the dam creaking?



This month has seen the publication of a report which proposes extending PDR for businesses and public sector organisations. Further, it proposes reducing the amount of supporting documentation required for modest planning applications. Even further, it proposes removing the time constraints within which planning applications are required to be determined.

Incidentally, the report adds to my lexicon of fascinating names (I love interesting names; I remember the bold sign of a Sheffield business I used to pass when a student: Dewsnap Bowler. I never found out what they did.) So the Essex chief executive and the former boss of Barratts, who are the joint authors of the report, give us the exotically titled Killian Pretty review.

So where does that leave architects and clients seeking to agree fees for planning applications? Arguably with a reduced need for extraneous paperwork to support applications, but with the prospect of no limit to the time spent in arguing, sorry, negotiating details with officers post application. Plus ca change?

*Our illustrations this month are courtesy of Concept for Living magazine which has recently featured two One17 houses in consecutive issues.*

*One17 partner Kevin Drayton begins a column for the magazine from the January 2008 issue.*

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