



COUNCILLOR'S TOOL BOX

MAKING THE **BEST** USE OF LAND

Helping you make
decisions on higher
density developments

SOUTH EAST ENGLAND
REGIONAL ASSEMBLY



www.southeast-ra.gov.uk

FOREWORD

Dear Councillor

South East England is facing a period of significant growth over the coming 20 years. It is our responsibility to ensure this is achieved in a sustainable way. We need to make the best use of our towns and protect the countryside as far as possible. This provides a tremendous challenge for all those involved in the process of development – clients, developers, design professionals, planners and, of course, planning committee members.

If we are to make the most of the opportunities that our towns offer, we need to understand how new development can be made more compact and desirable, while also beautifying the environment and generating a high quality of life for its users.

Too often compact higher density development is misunderstood and simply associated with past failures. But well-designed compact development can be highly successful – generating supportive, neighbourly communities, quality architecture and a reduction in car use. A particular challenge therefore must be to understand and respond to people's concerns about higher densities. The Urban Renaissance Advisory Group of the South East England Regional Assembly was charged with this specific task.

This toolbox, designed to support councillors in the difficult decisions they face as members of planning committees, is the result of many months' research that included a regional survey and workshops with councillors by URBED and MORI to help us uncover and understand your concerns.

On the following pages you will read about our research findings, techniques for addressing the key issues and examples of good practice. All of this is to help you to make well-informed contributions to the development of local planning policy and to assist your decision each time you are faced with a planning application for new housing. It should also provide you with a sound informed response if your decisions are challenged.

This toolbox is designed to help you and, on behalf of the Regional Assembly, we hope you find it truly useful.

Caroline Lwin

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CONTENTS

What is the purpose of this ‘toolbox’ and how will it help me?

SECTION A: THE ISSUES

Higher Density Development: What are the issues?

- Urban renaissance and higher density development: What are the benefits?
- What is ‘higher density development’?
- What does planning guidance say about higher density development?
- What are people’s attitudes towards higher density development?

SECTION B: THE TOOLS

How can we deliver high quality at higher densities?

- How can we resolve transport problems?
- How do we secure the infrastructure to support new development?
- How do we gain community support?
- How can we ensure design quality?
- How can I improve my skills?

TOOLBOX GLOSSARY

COUNCILLOR’S CHECKLIST

SECTION C: GOOD PRACTICE CASE STUDIES



What is the purpose of this 'toolbox' and **HOW WILL IT HELP ME?**

THE PURPOSE OF THIS TOOLBOX IS TO:

- Inform councillors about the findings of recent research into attitudes towards higher density and mixed-use development
- Suggest how councillors (particularly those serving on planning committees) can address the very real concerns about higher density developments
- Direct councillors to useful policy documents, good practice guidance and other resources which provide further advice
- Provide examples from across the South East of good practice in higher density development, which have successfully addressed the issues identified as obstacles to higher density and mixed-use developments.

The toolbox is not a good practice guide. It is a first port of call for councillors grappling with a difficult planning application for a higher density development in terms of its effect on the local community or environment. The toolbox has been written in a way that should enable the reader to go directly to the relevant section or case study addressing his or her particular concern.



The toolbox comprises three main sections:

SECTION A

Higher density development: What are the issues?

This section summarises current planning policy on higher density development and sets out key findings from recent research into people's attitudes towards higher density development. This sets the scene for the rest of the 'toolbox'.

SECTION B

How can we deliver high quality at higher densities?

This section is made up of five separate topic notes addressing key issues raised by councillors from across the South East. These are:

1. Problems associated with traffic and parking
2. Concerns about design quality and fit with local character
3. The need to ensure matching investment in local infrastructure and services (e.g. schools and hospitals)
4. Resistance of existing residents to higher densities
5. A desire by councillors to improve their own skills and build their confidence.

Each topic note includes:

- A summary of issues raised by planning committee members during the Assembly's research
- A brief summary of relevant national planning policy
- A list of possible approaches to tackling the issues
- A checklist of matters for councillors to consider in undertaking their role as a planning committee member
- A list of sources of guidance and further information.

SECTION C

Good practice case studies

This section includes case studies of good practice from across the South East. Each case study demonstrates good practice in relation to one or more of the key concerns identified by planning committee members.

Ingress Park, Greenhithe, Kent



Section A: Higher Density Development

WHAT ARE THE ISSUES?

URBAN RENAISSANCE AND HIGHER DENSITY DEVELOPMENT: WHAT ARE THE BENEFITS?

Over recent years there has been widespread recognition - now reflected in national, regional and local planning policies - that development has been wasteful of limited greenfield land. Migration of people from urban centres to new suburban estates or village extensions, and businesses to out of town retail or business parks, has all too often been associated with car dependent, poorly designed developments.

Recent Government policy statements including the Urban White Paper, Planning Policy Guidance Notes (particularly those on housing and transport) and the Sustainable Communities Plan have all emphasised

the need to develop in ways that deliver high design quality, use previously developed land as much as possible, encourage the use of public transport, walking and cycling, and help bring our towns and cities back to life.

One result of this need to make best use of our land and encourage public transport is pressure to try to accommodate more development on a given area of land. In recent years, the South East has experienced very low average levels of residential development per acre or hectare. Development below 30 homes per hectare is unsustainable in terms of land use and will not support public transport or a good range of local services. Residential developments without associated facilities (such as schools, shops etc) further encourage the use of the car for short local trips.

For these and other reasons, higher density development – defined in Planning Policy Guidance 3 – Housing (PPG3) as being over 30 dwellings per hectare¹ - is an essential feature of a sustainable community, alongside good public transport, a mix of decent homes for all, good quality public services, a sense of place and a safe and healthy environment. If we allow past trends to continue, we will lose substantial areas of countryside.

Well-designed higher density, and sometimes mixed-use, developments allow people to create attractive and desirable environments as seen in many of the region's historic cities, such as Winchester, Oxford, Brighton, Hastings (old town) and numerous market towns and villages. Indeed, these are some of the most attractive places to live in the region.

RESOURCES

Towards Good Practice in Sustainable Urban Land Use, Bristol LA21 Land Use Group and the Architecture Centre, Bristol. Case studies of higher density development from across the country.



Morlands Brewery, Abingdon

FOOTNOTE

¹ One hectare is 10,000 square metres or 2.47 acres.

WHAT IS 'HIGHER DENSITY DEVELOPMENT'?

The phrase 'higher density' often brings to mind unpleasing pictures of high-rise flats and associated problems of overcrowding or 'town cramming'. In fact, many of the 1960s high rise blocks were built at relatively low densities because of poorly used open space. Density is only a measure – it does not mean quality in itself, and it should not be used to dictate the design. Higher density in itself should not be seen as an aim of development. The aim should be to generate a local population large enough to support local services such as transport, shops and schools.

What adds up to 'higher density' will vary, depending on where the proposed development is to be built. For example, many desirable parts of the region greatly exceed the 30-50 dwellings per hectare (dph) range recommended in PPG3 – which would be too low, for example, in many historic market towns.

Measuring density

Net and gross density

The measurement of density used varies at different stages of the planning process. Gross measurements, which make allowance for non-residential uses (such as roads, open spaces, schools, health centres, local shops etc), are most appropriate when identifying a development area, or when estimating an area of land required to accommodate large-scale development (e.g. urban extensions).

For measuring the density of housing (particularly infill or urban intensification) developments, the Government advises using 'net site density' (as defined in Box 1). Net site density is used when individual residential development sites have been identified and includes only those areas that will be used for housing and directly associated uses. It does not take account of the need for non-residential uses.

BOX 1: Definition of density used in PPG3

Net site density includes only those areas that will be developed for housing and directly associated uses, this includes:

- i. access roads within the site
- ii. private garden space
- iii. car parking areas
- iv. incidental open space and landscaping
- v. children's play areas

It excludes:

- i. major distributor roads
- ii. primary schools
- iii. open spaces serving a wider area
- iv. significant landscape buffer strips

Source: *The Use of Density in Urban Planning* (DETR, 1998)

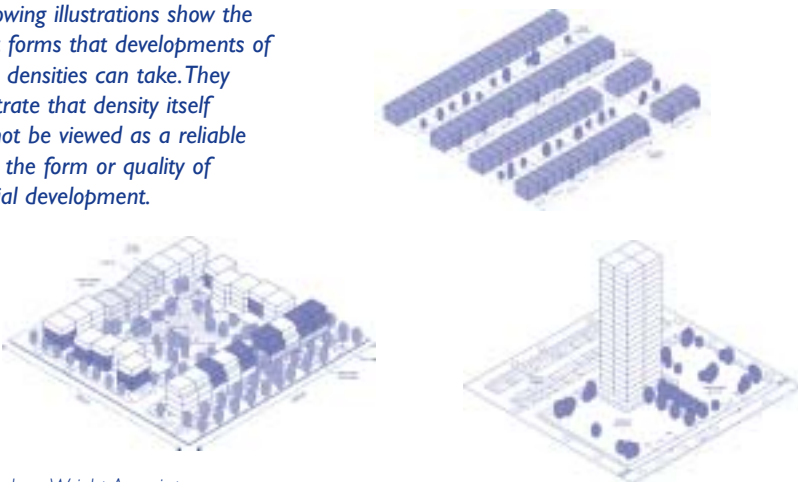
Density measures

Box 2 defines the different measurements used to express net density. The following pages explain the different approaches.

BOX 2: Measurements of density

- 1 Dwellings or units per hectare or per acre (the number of homes on a site).
- 2 Habitable rooms (meaning rooms that people actually live in) per hectare or per acre (for example a two bedroom house with one double and one single bedroom, living room, kitchen and bathroom counts as having 3 habitable rooms as small kitchens and bathrooms are not included in the measurement).
- 3 People or bed spaces per hectare or per acre (using the above example the two bedroom house sleeps up to 3 people).
- 4 Potential child numbers per hectare or per acre (the number of children that can fit on a site in accommodation of 2 bedrooms or over)
- 5 Plot ratios (the total area of the building – the floor area x the number of storeys / the area of the site)

The following illustrations show the different forms that developments of identical densities can take. They demonstrate that density itself should not be viewed as a reliable guide to the form or quality of residential development.



Source: Andrew Wright Associates

1. *Dwellings per hectare*

Dwellings per hectare is the most commonly used measure of density for estimating land requirements, allocating land for housing and monitoring densities of development. This measure enables the audience to imagine the concentration of homes on a site. It is not, however, a reliable indicator of the likely impact of new development on local services or the size of individual units.

2. *Habitable rooms per hectare*

Another commonly used measurement is habitable rooms per hectare, which helps one to understand what sort of housing scheme is proposed.



Lacuna, Kings Hill, West Malling, Kent

Contrasting designs – identical densities

Both developments have densities of 58 dwellings per hectare.



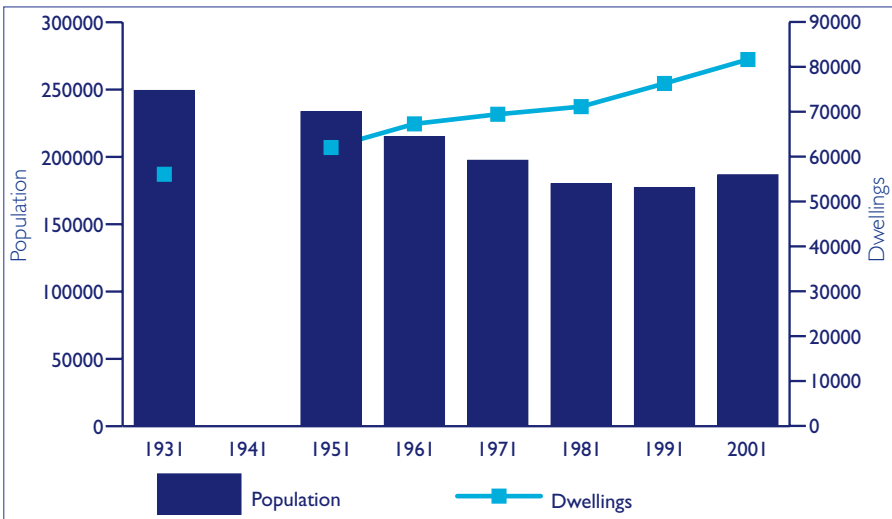
Eastney Barracks, Portsmouth

A significant shortcoming of the two measurements described above is their inability to predict accurately how many people will live in the flats or houses, or how busy the site will be. However, an understanding of occupancy is essential for estimating the effect of the development on the demand for local services (e.g. education, health, children’s play space etc), as this will be decided by the people who live there.

3. Measures of occupancy

Reductions in family and household size over recent years have meant that the effects of higher density development have changed. More homes are now required to house a given size of population. Portsmouth provides a clear example of this trend. The graph below shows how, as the number of homes in Portsmouth has increased in the post war period, the size of the population has fallen. Housing density (i.e. dwellings per hectare) has gone up but total population and population density has fallen.

GRAPH I: Population and dwellings in Portsmouth 1931 – 2001



Source: Portsmouth City Council (Note that there is no data available from 1941)

a) **People or bed spaces per hectare**

While not taking into account all aspects of occupancy, the number of people living on a site may be a more useful measure to assess the effects of the new development on a local area.

A recent study for the East Thames Housing Group emphasises the importance of occupancy when measuring density. It defines occupancy as:

- Who lives in the scheme,
- The space residents enjoy, and
- The time residents spend in their home.

The time residents spend in their home is important as this may result in greater use of common areas and may make the development feel more crowded. Who lives in a scheme can affect the time spent at home. For example, households with no employed members are likely to occupy their homes for greater periods during the day.

b) **Potential child numbers per hectare**

Assessing how many children are likely to live there can be useful in assessing the likely demand for facilities such as schools and children's play areas. A mix of different types of housing to suit a mix of occupiers (e.g. single people as well as couples or families) helps to ensure a balanced community.

4. **Plot ratios**

A disadvantage of all the above measures is that their focus is solely on residential density. The advantage of plot ratios (the relationship between a building's footprint – that is, the ground area it covers and its height) is that it can be used to compare residential developments with commercial developments. It is also an effective means of controlling the volume of development and a better guide to built form and the amount of development within a given area.

KEY MESSAGES

- Higher density is a relative term; what may appear higher density in one place will not be in another. **Understand the context of the development site – what is the current density of the surrounding area? Do the proposals reflect this?**
- It is often helpful to use a range of density measurements to judge the effects of new development. **Don't rely on one measure of density.**
- Standard planning measures of density may not be particularly helpful when attempting to estimate the effects of new developments (e.g. the impact on local services such as schools, hospitals, roads etc). **Who will occupy the proposed development? How accessible is it to local facilities, by foot or by public transport?**
- Developments of the same density can take very different built forms; therefore design is a key factor. **Have alternative designs been considered by the applicant?**

WHAT DOES PLANNING GUIDANCE SAY ABOUT HIGHER DENSITY DEVELOPMENT?

The Urban White Paper 'Our Towns and Cities: The Future' predicted a growth of 3.8 million households in the period 1996 – 2021, with single households representing 70% (2.8 million households) of the increase.

The Urban Task Force report, which fed into the Urban White Paper, noted the effect of this growth stating that:

- If we were to build 3.8 million new homes at an average density of 25 dwellings per hectare, they would cover an area larger than Greater London
- If we continue to build 45% of the new homes on greenfield land at an average density of 25 dwellings per hectare for greenfield development, they would cover an area bigger than Exmoor.

The task force recommended revisions to planning and funding guidance to promote higher density and mixed-use developments to make efficient use of land and buildings and reduce the demand for greenfield development.

These recommendations were taken forward by the Government in Planning Policy Guidance 3 – Housing. It states that restrictive ceilings on densities should be avoided, irrespective of location and house type. Both PPG3 and Regional Planning Guidance in the South East (RPG 9) state that local planning authorities should:

- Avoid developments that make inefficient use of land (those of fewer than 30 dwellings per hectare net)²
- Encourage housing development that makes more efficient use of land (between 30 and 50 dwellings per hectare)
- Encourage mixed-use developments.

FOOTNOTE

² The Government advises using the definition of net housing density contained in *The Use of Density in Urban Planning* paragraphs 8.19 – 8.27 (see What is higher density development?).

In addition, the recent consultation paper on Planning Policy Statement 1: Creating Sustainable Communities suggests that planning policies should:

- **Promote mixed-use developments that link up different uses and create more vibrant places**
- **Promote more efficient use of land through higher density, mixed-use development and the use of suitable previously developed land and buildings.**

By encouraging the re-use of previously developed land and high quality mixed-use development, you can help to avoid greenfield development wherever possible.

WHAT ARE PEOPLE'S ATTITUDES TOWARDS HIGHER DENSITY DEVELOPMENT?

It is generally assumed that people will be opposed to increases in density. A quote from a recent report commissioned by the Regional Assembly provides an example of a common reason for such resistance:

*'The perceived failure of 1960's council flats has created a depth of opposition to high density living that will be hard to combat.'*³

This section draws on recent research highlighting how councillors, house builders and the public see higher density development.

Councillors

In August 2003, the Regional Assembly commissioned URBED and MORI to undertake a survey of local authority planning committee members to develop an understanding of their attitudes towards higher density development.

Councillors identified a range of problems with higher density development. However, some thought it could be beneficial if it were done properly in the right place and for the right residents. The survey identified the following benefits:

- **17% identified affordability as a benefit**
- **Social benefits were mentioned by 14%**
- **9% suggested potential infrastructure advantages.**

FOOTNOTE

³ *Attitudes towards Higher Density and Mixed Use Development in the South East*, research by URBED and MORI, 2004.



Morlands Brewery, Abingdon

In addition, councillors generally supported higher density development in urban areas.

Six major barriers were identified:

- **62% raised concerns about the impact on traffic and parking, with 26% citing traffic as the single largest barrier**
- **Concerns that local residents were not in favour were raised by 51%**
- **44% were concerned that higher density development is 'out of character' with the local area**
- **The impact on local services was mentioned by 39%**
- **20% mentioned the lack of public spaces and play areas**
- **Problem families were cited by 16%.**

House builders

Perceptions of house builders were explored in a workshop with members of the House Builders Federation (HBF South East). Key issues included:

- **A concern that councils often rejected PPG3-compliant schemes**
- **A view that the biggest obstacle to higher densities is local opposition and general hostility to development**
- **Inflexibility of parking standards, which should be linked to the quality of public transport**
- **House builders prefer standard lower density products to pioneering design, which has a limited market.**

Residents

Councillors and house builders cited public resistance as a major barrier; however, research into public attitudes has been fairly limited.

A study focusing on social housing residents found that very few people actually understand the term density. Residents assumed 'higher density' meant high-rise flats rather than houses and associated the term 'density' with difficulties such as congestion, parking problems and noisy neighbours. However, attitudes were not straightforward.

Residents accepted a need for development to protect the countryside but did not favour higher density housing for themselves. In particular, in their local area residents were concerned about the effect of extra people on facilities such as schools, open spaces, car parking, transport and health care.

Nevertheless, residents could and did accept increased density within their own neighbourhood although acceptability depended on location, design, type of resident, services and management, and resident involvement.

Evidence from the South East

The gap between personal and public goals has been supported by two recent research reports undertaken in the South East for the Joseph Rowntree Foundation (JRF) and the Regional Assembly. Both studies asked residents in the region which type of development they would like to see taken forward in the future to meet housing demand.

The study for JRF found that semi-detached housing was most acceptable and most desirable. A MORI poll for the Assembly (2004) exploring residents' attitudes towards living in the South East indicates that this type of housing was most favoured by those beginning/ending a career; not working full time; renting and from social classes C2DE. One reason for the popularity of detached and semi-detached housing was the desire to avoid high-rise flats because people feel that they are ugly and attract anti-social behaviour.

The JRF research found that 2 or 3 storey terraces were acceptable to just under half of respondents and actively desired by a third. The study found that people in urban areas found terraces more acceptable than those living in suburbs and rural areas. Similar findings emerged from the MORI poll, which found that this type of housing is particularly favoured by those in mid career; working full time, owner-occupiers and from social classes ABC1.



Holybrook Development, Reading

In the JRF study, interviewees were asked for their opinion on five different choices for increasing housing supply in the South East: new town development; urban extensions; densification; new settlements and village expansion. The most acceptable was new towns, followed by densification and urban extensions. However, acceptability differed according to different age groups, with the new town option most liked by the young.

Those who replied to MORI liked town extensions best, followed by increasing densities in the suburbs, although views differed depending on where the person replying lived. Those living in town centres favoured town extensions, those living in suburbs preferred new settlements and those living in rural areas favoured increasing densities in town centres. This indicates that while people may recognise the need for additional housing to meet demand, existing residents of all areas don't want new development in their own area.

KEY LESSONS

- There is a need for greater understanding of what is meant by higher density development and the alternative forms it can take. **Investigate other development choices before taking a decision.**
- Residents' concerns are real and need to be examined and addressed. **Ensure that the public is engaged in the planning process as early as possible.**
- Tell existing and new residents clearly about the benefits of higher density development. **Lead by example.**

RESOURCES

Housing Futures: informed public opinion, a study for JRF by Cambridge Architectural Research (2004)

Attitudes towards higher density and mixed-use development, URBED with MORI (2004).

Available to view or download from www.southeast-ra.gov.uk (our work)

The South East Plan Wave 1 – Evaluation of Residents' Attitudes Towards the Region (MORI, March 2004). First stage report of public opinion survey informing the South East Plan process.

Available to view or download from www.southeast-ra.gov.uk (south east plan)

Housing Density: What do residents think? East Thames Housing Group (2002).

Section B: How can we deliver high quality AT HIGHER DENSITIES?

HOW CAN WE RESOLVE TRANSPORT PROBLEMS?

1. Traffic implications

Key issues identified by councillors

Councillors have identified traffic implications of development proposals as a key concern. In particular, the lack of ready alternatives to the private car has been identified as a barrier to achieving sustainable development.

Delivering a better balance

Potential sites for development should be identified that either already can, or have the potential, to be reached easily by different means of transport. Transport authorities should ensure that their Local Transport Plans fit in with and support planned levels of development by the planning authorities in their Local Development Frameworks.

A Transport Assessment (TA) should accompany individual development proposals. It is for local planning authorities to decide in what circumstances a TA is required. Particular consideration should be given to proposals that:

- Improve the directness and safety of pedestrian routes
- Improve the provision made for cyclists, including the availability of direct cycle routes separated from other traffic
- Improve the attractiveness of public transport services compared with the private car, including bus priority measures and/or bus lanes purely for buses
- Improve the overall level of access by public transport, including extended or additional services.

The opportunity should be taken to secure, through the planning system, the revenue funding necessary to support the delivery of such services in their initial start-up phase.

RESOURCES

The Government is expected to issue guidance on Transport Assessments during 2004.

Transport 2000 offers a training module in sustainable transport for councillors. Information is available from www.transport2000.org.uk. The site also provides examples of good practice in transport planning.

TRANSPORT CHECKLIST

- Has a Transport Assessment been undertaken and if so, what measures are the developers proposing that will improve the level of access by non-car forms of transport?



Ingress Park, Greenhithe, Kent

2. Car parking

Key issues identified by councillors

Across the region, councillors have identified the provision of car parking as a key issue when considering the merits of proposals for higher density developments. Members' concerns are driven by a number of factors, including:

- **The policy framework does not seek to restrict car ownership, rather it seeks to influence car usage and residential parking requirements may not change if usage falls**
- **The potential for parked cars to spill over into surrounding areas to create overspill into adjacent areas as a direct consequence of the failure to provide an appropriate level of car parking**
- **Worries that restrictions on the level of car parking provision may deter developers from bringing forward beneficial proposals.**

Planning policy on car parking

National guidance on the level of parking provision appropriate for new residential developments is set out in PPG3. This requires local authorities to frame parking policies with good design in mind. It stresses that parking standards for new developments should not be expressed as minimum requirements.

PPG3 requires that parking standards should be developed to take account of the:

- **Accessibility of the site to a range of transport services**
- **Varying levels of car ownership amongst different members of the community**
- **Ability to design off-street car parking successfully into a scheme.**

Government guidance stresses that the level of (off-street) parking provision is a significant determinant of the amount of land required for new development. It also has a strong influence over the form and quality of residential development as well as the density at which sites can be developed.

The importance of flexibility

The concentration of development and emphasis on urban renewal set out in RPG9 provides the opportunity to apply national guidance flexibly, with both higher and lower levels of parking provision being practical in the light of local circumstances. The level of parking provision proposed for a particular development should reflect that car ownership varies with income, age, household type and location.

The level of parking associated with a development proposal should be built into the overall package of transport measures. The justification for this should be set out within the Transport Assessment submitted in support of the planning application.

Maximising the level of access by non-car modes of travel will provide the opportunity to minimise the level of car parking provision required.

Development proposals should recognise the potential for parking spaces to be used for more than one purpose during the course of the day. Home zones are a good example of this type of approach. A home zone is a street or group of streets designed primarily to meet the interests of pedestrians and cyclists rather than motorists, opening up the street for social use. The key to creating a home zone is to develop street design that makes drivers feel it is normal to drive slowly and carefully. Features often include traffic calming, shared surfaces, trees and planters, benches and play areas.

The location and form of car parking provided as part of a development proposal should ensure quality design. The potential to provide high quality parking in basement areas should be examined as a means of reducing the impact of car parking on the streetscape.

PARKING CHECKLIST

- Do you know what type of person will occupy the development – and what levels of car ownership this might imply? If not, ask the applicant.
- Does the design framework or development proposal give adequate consideration to the management of traffic and design of parking? For example, in areas where family housing is to be developed, ask your officers whether they have discussed the possibility of introducing a Home Zone.

RESOURCES

For further information on Home Zones see: www.homezonenews.org.uk

www.carclubs.org.uk offers considerable information on how to establish car clubs – which enable an individual to access a car (or a second car) without having to own one.

A Good Practice Guide 'Achieving Low Car Housing: the role of car share clubs' for planners and developers can also be downloaded from this site.



WINCHESTER CITY COUNCIL is flexible in its approach to parking, with different standards applying in rural, urban and suburban areas depending on accessibility. The Council, like many others, operates a Residents' Parking Scheme. Under this scheme residents living within certain areas of the city can purchase a permit allowing them to use a parking space. Residents can buy one space and a visitor's space. Winchester City Council has also decriminalised parking enforcement. Using this arrangement, the Council introduced a Traffic Order, which restricts new developments within a defined area of the city centre from obtaining on-street parking permits. In sustainable locations, developers have been dissuaded from providing on-site parking. The parking scheme restricts overspill, which might otherwise be a consequence. These two schemes, therefore, work in conjunction with one another to reduce traffic congestion and parking problems within the city.

However, the schemes do not work in isolation and their success depends on other supportive initiatives the Council has introduced, including:

- Winchester has a park and ride scheme, and the buses that service the scheme can be used by anyone around the town for a 20p flat rate
- The Council has provided more than 100 cycle stands around the town centre and is undertaking a programme of installing new stands this year
- The Council has recently launched a Car Share database. This scheme forms part of www.hantscarshare.com, which aims to recruit as many major Hampshire employers as possible.

By removing cars from the public domain, the integrated approach taken by the Council is helping to preserve the character and streetscape of the historic town core.



Example of a bicycle stand in a town centre

HOW DO WE SECURE THE INFRASTRUCTURE TO SUPPORT NEW DEVELOPMENT?

Key issues identified by councillors

The failure to provide infrastructure to meet the demands associated with new development is a primary concern of councillors across the region. This failure is thought to arise for a number of reasons including:

- Confusion over responsibilities and priorities
- Difficulties arising from the combined effects of small infill developments to which planning obligations may not apply
- Conflicting demands on the system of planning obligations (s106 agreements) which often places affordable housing above other demands
- A perceived inability to refuse applications on the basis of inadequate local infrastructure
- A lack of space for the physical expansion of existing services.

What are the benefits of higher density development for securing infrastructure?

- The anticipated bad effect on social infrastructure is a major source of objections to new developments. However, higher density development should make it easier to deliver associated infrastructure through planning gain, and make sure that many existing services survive
- Infrastructure encompasses not solely transport and utilities (gas, electricity, water) but also schools, hospitals and community facilities, including high quality open spaces
- Provision of social infrastructure with new development should minimise need to travel and help prevent some people from missing out.

Policy on planning obligations

Section 106 agreements between developers and local authorities can be used to enable proposals that might otherwise be refused and help ensure that local residents are no worse off following development. This is done by requiring developers to contribute towards softening the effects of development. However, the present system is not ideal and the Government has recently consulted on proposals for changes, which would give developers the option of paying a set charge instead of entering into a negotiated agreement.

This should make it easier to gain contributions from all developments, thereby helping overcome concerns that the present system fails to secure contributions from small-scale infill developments. The recommendation in the Kate Barker Review of Housing Supply (2004) that Government should impose a Planning Gain Supplement could, if accepted, also help address this concern.

The Government is now proceeding with its proposed reform of planning obligations policy. It intends to publish a draft Circular and draft Regulations during 2004. These will be published for public consultation. The Government also intends to publish a consultation draft good practice guide on planning obligations during 2004.

Securing infrastructure: key principles

Despite the current uncertainty surrounding the future approach to securing developer contributions towards infrastructure through planning obligations, there are some key principles which local authorities can adopt to ensure that the full range of infrastructure effects associated with new higher density development are taken into account in the planning process:

1. Establish a clear local policy towards developer contributions that allows developers to build infrastructure costs into the scheme well before a planning application is submitted. Remember that the developer's financial resources have limits but a high quality higher density development may increase the resources available.
2. Ensure full involvement of local infrastructure and service providers (e.g. water companies, electricity providers, education authority, health, police, transport etc) in the production of the Local Development Framework. This should enable these organisations to take account of the potential effects of proposed development on their services within their own business planning processes.
3. Produce Supplementary Planning Guidance (SPG) that sets out the broad requirements for developer contributions to provide for extra demands on local infrastructure and services associated with new developments. At the district level this should be drafted in accordance with any relevant guidance issued by the county in relation to services provided by them but should go further and set out clear guidance in relation to the full range of relevant infrastructure and services. This will require collaborative working with, among others, utility companies, health authorities, Highways Agency, passenger transport providers, Environment Agency, Fire Brigade, Police, English Nature and Sport England.
4. Treat affordable housing as a separate element of the social infrastructure provision, for which separate guidance applies. Encourage developers to provide on-site affordable housing where possible.

5. Encourage officers to produce development briefs for larger schemes. These should also be drawn up with the help of relevant infrastructure providers and should specify infrastructure requirements and how they will be expected to be delivered.
6. Ask developers for information on the likely occupancy of a proposed development scheme. A residential development aimed at families with young children will have a very different effect on local services than a scheme aimed at single person households or retired people. Asking for alternative measures of density (as set out in Section A) can be helpful here.
7. Encourage officers to consult all service providers on all relevant planning applications even if they are not statutory consultees (e.g. Primary Care Trusts).
8. Remember that the infrastructure impact of the development would occur (and need to be addressed) wherever the development was located.



INFRASTRUCTURE CHECKLIST

- Who will occupy the development and how might the occupiers change over time?
- What are the impacts on local infrastructure? Have you got the information you need from the developer?
- Are the relevant service providers consulted on large residential and mixed-use applications (e.g. Primary Care Trusts) and at what stage?
- Are utilities and other service providers (e.g. Police, Primary Care Trusts, education authorities) adequately involved in the preparation of development plans and frameworks?
- Don't forget the green space!

RESOURCES

Good Practice Guidance on Planning Obligations (ODPM, forthcoming).

HOW DO WE GAIN COMMUNITY SUPPORT?

Key issues identified by councillors

Local councillors identify resistance by existing residents to new higher density developments as a key issue. A large part of this resistance is because people see them as a bad idea. Community involvement can be an effective way to tackle these negative perceptions and gain community support for higher density developments. However, councillors identified a number of concerns with the process of community involvement:

- It can be biased towards negative responses
- It is not representative – it is often a noisy minority who get involved
- Significant groups such as young people are often missing from the process
- Lack of recent experience of **high quality** higher density development.

What are the benefits of community involvement?

If properly planned and resourced, community involvement can overcome these potential pitfalls and be a positive force for clearer and less confrontational decision-making. Potential benefits include:

- Local knowledge and input can lead to groundbreaking solutions
- Residents' concerns can be identified and resolved, allaying fears and gaining greater support for decisions
- Unfounded fears and misconceptions can be avoided
- The Community may develop a sense of ownership over developments in which it has been involved
- Increased public trust and confidence in the decision-making process
- Helps identify where greater co-operation and co-ordination between organisations and agencies is needed.



CATERHAM BARRACKS

Community Involvement at Work

Two local councillors saw the redevelopment of Caterham Barracks as an opportunity for regeneration and spearheaded extensive consultation into how it should be developed. In February 1998, more than 1,000 residents attended a 'Community Planning Weekend'. This enabled the community to become involved in drawing up the scheme and to have their say in the type of facilities they wished to see included before the scheme was finalised. Working groups were then established to investigate the proposals.



The Caterham Barracks Community Trust has been set up to enable and manage community facilities and activities. One of its aims is to empower local people to debate, influence and ultimately manage the local environment. A number of events and initiatives demonstrate a commitment to the continued involvement of local residents, including:

- A Youth Conference - to find out the opinions of the young on what they wished to see developed. More than 80 youths and 35 adults attended the event and, as a result, a temporary skate park was opened
- The development of a children's playspace. An objective of the project was to fully involve local residents (parents and children) in the development proposal, including the design concept, selection of contractors and fundraising.



RESULTS

- The early and substantial commitment to involvement has enabled residents to become involved in the development and decision making process and let them shape the space to meet their needs and expectations
- The Planning Weekend improved community morale and reduced disenchantment with developers and the natural cynicism typical of large-scale development.

Policy on community involvement

Government has recently emphasised the benefits of community involvement. Under the Planning and Compulsory Purchase Act, local planning authorities will be required to prepare a statement of community involvement in which they will set out their policy on involving the community in preparing local development documents and consulting on planning applications.

Community involvement: key principles

1. *What is the purpose?*

It is vital to be clear what the process is trying to achieve before it starts. This will have implications for who is involved, when they are involved and the techniques that will be used.

There is a variety of terms used to define involvement. It is helpful to see involvement as a ladder, starting at the bottom rung with persuasion, rising through information provision, consultation, participation and delegated authority, and ending up at public control, with increasing influence over decisions the further up the ladder you go. The consultation draft of Planning Policy Statement 1 'Creating Sustainable Communities' states that effective community involvement should 'enable communities to put forward their own ideas and participate fully in development proposals and options, rather than simply comment once these are fixed'. This suggests a process of participation; however, it recognises that different levels will be

appropriate depending on the nature of planning permission and authority circumstances. Whichever type of involvement is used, it is essential to be clear and honest about what you are offering and the extent to which the public can influence decisions.

2. *Who should be involved?*

Effective involvement should not leave anyone out and be open so that anyone affected by the decision can be involved. This will involve identifying and actively seeking out all the people and organisations likely to be affected. Using existing groups such as amenity/community/business groups is a useful starting point. However, involvement in the planning system should extend beyond those familiar with the system to the hard-to-reach groups.

Once the audience has been identified, the choice of technique will be important in encouraging participation, particularly for the hard-to-reach groups.

3. *When should the public be involved?*

The timing of involvement will depend on the level of involvement being offered. However, public involvement in decision-making should begin at an early stage before decisions have been made.

Early engagement (e.g. at the plan making, development brief, masterplan and pre-application stages) will enable better decision-making and help avoid confrontation at the planning application stage. Involvement should be continuous with feedback provided so the community knows how it has influenced the decision or proposal.



Lacuna, Kings Hill, West Malling, Kent

PLANNING AID

PLANNING AID provides free, independent and professional advice and support to communities. In 2003, the Office of the Deputy Prime Minister (ODPM) awarded the service £3.8m to expand its services and offer more inventive ways to involve local communities more actively in the planning process. The Planning Aid service is one of the key means through which the community engagement objectives of the new planning reforms will be delivered. This should enable communities to use the planning system more effectively and confidently. Planning Aid seeks to develop long-term relationships with communities and run alongside, not compete with, local authority activities. Planning Aid works closely with many local authorities, and can help authorities develop a community engagement strategy. For further details see www.rtpi.org.uk

4. Which techniques should be used?

There is a variety of techniques that can be used to involve the public, including the following, many of which will be familiar to councillors:

- **Planning for Real**⁴ – A process of community consultation resulting in an Action Plan
- **Community Appraisals** – Community appraisals are a way of establishing what is important to local residents. Each appraisal is unique and forms an action plan for the future, addressing a range of matters including transport, housing, environment, village services and the economy
- **Placecheck** – A method developed by the Urban Design Alliance to assess the qualities of a place, showing what improvements are needed, and focusing people on working together to achieve them

- **Enquiry by Design**⁵ – A process to challenge local stakeholders, planners and professionals to respond to the challenges of a particular site through an intensive design process.

The choice of techniques to use will depend on:

- **The type of involvement offered**
- **Resources available i.e. time/ financial costs/ staff**
- **The audience.**

However, using a number of techniques will allow more people to take part in the process. Whatever technique is used, high quality visual presentations of alternative site layouts or scheme designs are essential to make active participation easier. Experience demonstrates that running the consultation event independently (i.e. not by the developers or council officers) will help to build up trust. The benefits of this approach should outweigh the financial costs in the long run.

FOOTNOTE

⁴ *Planning for Real* is a registered trademark of the Neighbourhood Initiatives Foundation

⁵ *Enquiry by Design* is a registered trademark of the Prince's Foundation

Table 1 highlights some of the techniques available, their purpose, advantages and considerations.

TABLE 1: Techniques of community involvement

PURPOSE	TECHNIQUE	ADVANTAGES	CONSIDERATIONS
Informing the public	Leaflets Letter drops Posters TV and radio Newspaper articles Exhibitions Websites Briefings	Reduces rumour Educates people so they can understand the problem and solutions Can reach large audiences	Make it interesting and relevant Use easy to understand language Consider who will be reached by each different medium Will translations be necessary?
Consulting the public	Questionnaires Focus groups Public meetings Discussion groups Workshops	Identifies public views Provides greater insight into public views	Ensure it is representative Must be short and easy to complete Consider who will attend Timing is important to ensure mix of people Decide how you will deal with comments made
Participation	'Enquiry by Design' 'Planning for Real'	Involves the public in the decision-making process Fosters creative ideas Promotes joint problem- solving (building relationships)	Be clear about how results will be used Need to ensure representative mix of participants

COMMUNITY INVOLVEMENT CHECKLIST

- Has the purpose of the involvement exercise and its audience been identified? Is the audience representative of the population?
- What techniques are appropriate for the audience? Have the needs of the hard-to-reach groups been considered?
- Has the council undertaken any community involvement on a development framework for the site? If so, when and how? How were the community's views taken on board? If not, why not?
- Has the community been consulted by the applicant about the proposed development? When and how? You can encourage officers to request that this is carried out.

RESOURCES

The Community Planning Handbook (2000)
Nick Wates, Earthscan Publications Limited

Community Planning website provides an overview of a wide range of techniques and useful tips on how and when to employ them. See www.communityplanning.net

International Association for Public Participation website includes a useful checklist of pros and cons of alternative techniques for public participation see <http://iap2.org/practitionertools/toolbox.pdf>

Planning with Communities: a good practice guide (2002), RTPi. Available to view at www.rtpi.org.uk/resources/publications

Planning Aid: for further information see www.rtpi.org.uk/planning-advice/pa-paid.html. The *Planning Aid Concordat* can be viewed at the Local Government Association website www.lga.org.uk

Neighbourhood Initiatives Foundation: for further information on *Planning for Real*® see www.nifonline.org.uk

www.placecheck.co.uk, a website dedicated to explaining what the *placecheck* method can help you achieve.

HOW CAN WE ENSURE DESIGN QUALITY?

Key issues identified by councillors

Significant concerns are expressed about the loss of local character arising from new higher density development, particularly small-scale (infill) schemes. Many councillors feel that many house builders do not pay enough attention to design quality and that, all too often, standard house types are proposed for very different areas. In addition, committee members are often reluctant to reject poor schemes on design grounds, or even ask developers for more information or alternative proposals.

What are the benefits of good design?

- Attractive, desirable places in which people will take pride.
- Reinforcement of local character and distinctiveness.
- More economical use of resources through incorporation of energy and water-efficient design features.
- Good design becomes more important where densities are increased – standard housing designs do not work on higher density developments.

- Where higher densities are accompanied by attention to design quality there is potential for commercial rewards for the developer.

Planning policy on design

An important requirement of PPG3 is for developers to provide quality designs as an essential ingredient in creating higher density housing. The guidance places a duty on local authorities along with developers to 'think imaginatively about designs and layouts'. There also needs to be 'regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality'. This is reinforced in draft Planning Policy Statement 1 (Annex C), which encourages local planning authorities to 'plan positively for good design by adopting clear policies and guidance that establish clear principles and criteria for future development'.

Securing good design: possible approaches

1. The Commission for Architecture and the Built Environment (CABE) have recently published 'The Councillor's Guide to Urban Design'. The guide highlights the range of planning tools available to assist decision-making on design-related matters. These include:

- **The Development Plan:** should include general and specific design policies
- **Supplementary Planning Guidance (SPG):** may relate to specific policies, topics, places or the local authority area as a whole
- **Urban Design Framework:** sets out how policies apply to a particular area where there is a need to guide change
- **Development Brief:** gives guidance on how a site should be developed
- **Masterplan:** explains how a site or series of sites will be developed
- **Design Codes:** set out precisely how design guidance should be applied in a particular area
- **Design Statements:** are submitted by a developer to the planning authority at pre-application stage and with a planning application setting out the design principles on which the proposals are based

- **Development Control and Enforcement:** should be used positively to guide applicants towards policy objectives and authorities need to become confident to enforce planning law where design was an important issue in deciding on the application.

Used effectively, these tools and others can ensure high quality design.

2. **Policy** – Ensure your authority has some **objective** criteria (guidelines) against which the proposals can be judged and which can be used in initial discussions with the developer and their professional advisors. These may be set out within the Development Plan, Supplementary Planning Guidance or a Development Brief (or Design Statement) for the site in question. County Design Guides, where they exist, will also be useful for advising local policy and decisions.



3. **Decision-making** – Obtain as much information about the proposed development as you think you need to make an informed decision. Committee members should insist on high quality presentation material (such as computer generated images, illustrations of the completed scheme in context and from different perspectives, models etc). Such drawings should show not only the direct façade (the view from directly opposite the building), but also the new view looking along the street.
4. **Use expert advice** – Assuming that the *objective* criteria have been applied but there are still concerns at the appearance of the buildings, you will be faced with making a *subjective* decision (based on your own opinions) as to whether the proposals should be approved, refused or deferred for further discussion with the architect. The following approaches may help you reach an informed decision:
 - **Form an advisory panel, comprising design professionals, to which applications that raise difficult or contentious design issues could be referred**
 - **If this is not possible or desirable, seek the advice of the South East Regional Design Panel or CABE design review committee. These two bodies give high quality independent design review advice, often to local authorities.**
5. **Get more information** – Why not ask an architect for a portfolio of the practice's work? What sort of standards has it set and do they meet yours? Ask the same of their client. This might not apply to a small development but certainly to the more significant proposals you have to assess. Visit some of their (and their developer's) earlier projects to see what they *actually* built and how it relates to the surrounding area.
6. **Develop your skills** – Some people feel very uncomfortable discussing design as it sometimes has a vocabulary all of its own. Two people may well be thinking the same thing but describing it in a different way. If possible, attend design study groups to develop your design skills and increase your confidence in making decisions on design-related issues.
7. **Proactive planning** – Where a scheme is likely to have a major impact locally, encourage potential applicants to come and discuss a proposal with you and your officers at an early stage. If the site is

important, why not set out your position before financial considerations and design ideas become fixed. A member may not be able to discuss the merits of a proposal but you can certainly inform yourself and support your officers.

8. **Monitor implementation** – The Approval of Details system is frequently where design quality is lost - by the approval of inferior or inappropriate materials, for example. 'Minor amendments' can also suddenly turn out to be damaging to a scheme. Encourage officers to continue to work with the developers of the scheme (where design was a key aspect of approval) to ensure work is carried out in line with the permission granted (see '*Protecting Design Quality in Planning*' published by CABE).
9. **Lead by example** – Appoint a senior politician and officer to the South East Design Champions Club if you haven't done so already.



DESIGN CHECKLIST

- Is your authority using the full range of planning tools available?
- Is there a design statement for the site in question? If not, why not?
- Has your council got the necessary in-house design expertise or have you employed external expertise?
- Is the plan presented to the Committee easy to understand and interpret? If not, ask the developer to provide improved material.
- Is there a sufficient amount of supporting information explaining the rationale for the design? (For example, what analysis has the applicant undertaken to ensure the proposed development takes account of local character?)
- Don't be afraid to refuse the scheme on design grounds.

RESOURCES

Achieving Quality of Design in Local Plans by the Royal Institute of British Architects.

The Councillor's Guide to Urban Design is available from the Commission for Architecture and the Built Environment, see www.cabe.org.uk

Protecting Design Quality in Planning, also available from CABE, see www.cabe.org.uk

By Design, better places to live. A Companion Guide to PPG3 (DTLR, CABE, 2001).

By Design, urban design in the planning system, towards better practice, (DETR CABE, 2000), see www.cabe.org.uk

Buildings in Context (English Heritage, CABE, 2003). Good practice examples of high quality new development in historic settings.

Urban Design Compendium, (English Partnerships and Housing Corporation)

Probity in Planning (update): the Role of Councillors and Officers. (Local Government Association, 2002). Provides guidance on codes of conduct in relation to the planning process, including pre-application discussions and site visits.

South East Design Champions Club: for further information contact the Development and Infrastructure Division at South East England Development Agency www.seeda.co.uk

South East Regional Design Panel: further information available from www.architecturecentre.org

Examples of award-winning housing designs can be viewed at www.buildingsforlife.org.uk

HOW CAN I IMPROVE MY SKILLS?

Key issues identified by councillors

Developing land at higher densities has many benefits but also some concerns that you need to be aware of, and know how to resolve. Enhancing your knowledge of the issues associated with higher density development is crucial if what appears on the ground is to be fit for its purpose, neighbourly and a cherished and successful part of the street scene in years to come. Training can provide this knowledge and understanding. Nevertheless councillors have expressed some concerns about training, including:

- A lack of training for members
- A feeling that members are not well enough informed of planning issues and processes
- An overemphasis of training received on planning processes, rather than skills.

What are the benefits of becoming more skilled?

- Increased confidence in your role as a planning committee member and in discussing planning matters with constituents and developers
- The ability to make high quality, well-informed and robust decisions when balancing and resolving the competing demands associated with higher density developments
- It can be fun to exchange ideas with like-minded people.

Policy on training

The Committee on Standards in Public Life (the Nolan Committee) recommended that all members of a planning committee should receive training before, or soon after, their appointment to a committee. However, this tends to focus on procedures and processes and is only now beginning to focus more on the quality of development proposals. As a councillor, you could insist that your council adopts a policy that all members require such training before they can sit on a planning committee.

Skill improvement: key principles

1. *How can I identify my training needs?*

The first step in training is identifying your knowledge gaps. Higher density development is complex and incorporates many different elements. This toolbox aims to provide some answers to these concerns. Therefore, you can use it to help identify matters that you would like to know more about, e.g. parking standards or design. Officers at your authority may also be able to help identify and prioritise key issues in relation to higher density development. It may be useful to discuss your ideas with your colleagues to identify common areas of need that may justify formal training.

2. *How can training be provided?*

There are many different methods of training and the suitability of these will depend on the subject matter, cost and time available.

a) *Self-directed training*

You can find a wealth of useful information to enhance your skills and understanding. There are a number of good quality websites and publications on the issues highlighted by councillors as concerns. Resources lists at the end of each topic section are useful starting points. You can also pay closer attention to the types of built environments you like when you travel around the UK

or overseas and consider how their characteristics might be applied to your own local authority area.

b) *In-house training*

If common training needs arise for a number of committee members, see if your authority can provide the necessary training as in-house training has many benefits. Officers are in a good position to judge the needs of the audience and know the issues predominant within the authority. It will also be cost effective, particularly if joint training with other authorities is provided.

c) *External training*

External training has the advantage of offering a fresh perspective with examples likely to be wide ranging. It can also provide joint training with officers, e.g. on design where terms are confusing and a common language is needed. There will be cost implications with this method of training so it is important to be clear on your objectives and expectations and to ensure the training takes account of local circumstances. A clear brief will aid this.

3. *Who can provide training?*

Current providers of training in planning for councillors include:

- **Councillors Planning Summer School**
www.planningsummerschool.org/
- **ROOM at RTPI** www.rtpi.org.uk
- **Commission for Architecture and the Built Environment**
www.cabe.org.uk
- **Town and County Planning Association** www.tcpa.org.uk
- **Oxford Brookes University**
www.brookes.ac.uk
- **Kent Architecture Centre**
www.architecturecentre.org.uk
- **IDEA** www.idea.gov.uk
- **Local Government Association**
www.lga.gov.uk

4. *What other training initiatives are available?*

One initiative you could take would be to establish a review process for previously approved applications. This usually comprises study tours, with members taken to a range of developments. This is an excellent method of assessing the quality of decisions and identifying learning points.

Another initiative involves senior officers regularly updating members with best practice and significant issues. Many choose to do this through an informal newsletter, a collection of relevant articles or web-based initiatives.



WYCOMBE DISTRICT COUNCIL

WYCOMBE DISTRICT COUNCIL'S Planning Services Best Value Review identified 'securing high quality development' as a key area for improvement. In response to the review, a regular quality review process was established. A full-day coach trip was organised for councillors, officers and external partners as part of this process. The trip involved visits to a number of recently completed housing sites in Wycombe and London. The objective was to evaluate the quality of the schemes and to identify learning points and good practice.

A summary of councillors' views on individual schemes visited and key lessons for policy and practice in Wycombe can be viewed at: www.wycombe.gov.uk

SKILLS CHECKLIST

- Identify your training requirements and discuss training options with your officers.
- Utilise the wide range of published and web-based material available to you.
- Organise study tours to compare approaches and results within your own authority and elsewhere.



RESOURCES

Planning Training for Councillors: Initial Results and Recommendations (IDEA, LGA, RTPi, 2004).

A survey of training provision and recommendations, including good practice case studies from county, unitary and district authorities.

CABE's *Skills Unit* runs a leadership programme for local councillors and design champions and a training seminar in urban design. Further information is available from

www.cabe.org.uk/skills

Financing Urban Regeneration: a training event for officers and councillors. Developed by ContinYou for the British Property Federation, IDEA and LGA. A one-day simulation exercise in which participants take on the roles of planners, developers and the community. For further information, contact Ian Bottrill, Development Manager at ContinYou

E: ian.bottrill@continyou.org.uk

Building in Context Toolkit. English Heritage, in association with CABE and the Kent Architecture Centre, has developed a toolkit and associated series of seminars on issues related to the integration of new developments into historic environments. For further information, contact Claire Wright at Kent Architecture Centre, www.architecturecentre.org

Training in Planning for Councillors (DETR). Guidance to local authorities on deciding what topics to cover in councillors' training and in what ways training can be provided.

www.odpm.gov.uk

The Councillors' Guide to Planning. Further information at www.rtpi.org.uk

Planning Portal website includes a comprehensive introduction to the planning system and links to useful websites. www.planningportal.gov.uk

TOOLBOX GLOSSARY

Many users of this toolbox will already be familiar with the terms below. Nevertheless, we hope that these definitions will help councillors to explain them more easily to their local communities.

Best value

Central Government's standards for making sure that public schemes bring measurable or accepted benefits and do not waste money.

Contextual survey/analysis

In short, looking at a proposed development to see how it fits into its existing neighbourhood. It involves an analysis of the features of a site or area (including land uses, built or natural environment and social and physical characteristics) which serves as the basis for an urban design framework, development brief, design guidance or other policy or guidance.

Densification

Building a higher number of units on a given area compared with what used to be there, or what is usual for that neighbourhood.

Developer contributions

See Section 106 agreements.

Infill

Development or redevelopment of undeveloped or partially developed sites, e.g. development of new residential properties on land previously used as a large garden for a single, large residential property.

Infrastructure

Generally, all the hardware services that support a new development or the neighbourhood as a whole (e.g. roads, drains, water mains, telephone and electricity cables), although it can include other community services. See Social Infrastructure also.

PPG3 – Planning Policy Guidance Note 3: Housing

One of a series of PPG notes, which set out the Government's policies on different aspects of planning. They should be taken into account by regional planning bodies and local planning authorities in preparing regional planning

guidance and development plans. They may also be material to decisions on individual planning applications and appeals. PPG3 introduces a new approach to planning for housing, which – for most authorities – will mean that their development plan will require early review and alteration on the housing side.

Section 106 agreement

These are made under the Town and Country Planning Act 1990, as amended by section 12 of the Planning and Compensation Act 1991. Also known as planning obligations or planning gain, these are typically agreements between local authorities and developers negotiated during the process of granting planning permission. They allow a proposed development to go ahead and to meet the needs of the local community by getting the developer to contribute to the costs of providing infrastructure and services.

Social infrastructure

Services for people, such as hospitals, schools and public transport.

Stakeholders

People who have an active interest – a stake – in a particular proposal or development and who would be affected by the decisions taken about it.

Statutory consultee

An individual or a body that must, under law, be consulted before final decisions are taken.

Sustainable development

Ensuring a better quality of life for everyone, now and for future generations to come. It means a more inclusive society which achieves and shares the benefits of increased economic prosperity in which the environment is protected and improved and is less wasteful in its use of natural resources.

Urban extension

A new development on the edge of an existing settlement.

Urban intensification

(Re)development of urban land to a higher density.

COUNCILLOR'S CHECKLIST

Below is a list of issues to consider in planning for higher density developments.

Transport and parking

- Has a Transport Assessment been undertaken and if so, what measures are the developers proposing that will improve the level of access by non-car forms of transport?
- Do you know what type of person will occupy the development – and what levels of car ownership this might imply? If not, ask the applicant.
- Does the design framework or development proposal give adequate consideration to the management of traffic and design of parking? For example, in areas where family housing is to be developed, ask your officers whether they have discussed the possibility of introducing a Home Zone.

Infrastructure

- Who will occupy the development and how might the occupiers change over time?
- What are the impacts on local infrastructure? Have you got the information you need from the developer?
- Are the relevant service providers consulted on large residential and mixed-use applications (e.g. Primary Care Trusts) and at what stage?
- Are utilities and other service providers (e.g. police, Primary Care Trusts, education authorities) adequately involved in the preparation of development plans and frameworks?
- Don't forget the green space!

Community involvement

- Has the purpose of the involvement exercise and its audience been identified? Is the audience representative of the population?
- What techniques are appropriate for the audience? Have the needs of the hard-to-reach groups been considered?
- Has the council undertaken any community involvement on a development framework for the site? If so, when and how? How were the community's views taken on board? If not, why not?
- Has the community been consulted by the applicant about the proposed development? When and how? You can encourage officers to request that this is carried out.

Design

- Is your authority using the full range of planning tools available?
- Is there a design statement for the site in question? If not, why not?
- Has your council got the necessary in-house design expertise or have you employed external expertise?
- Is the plan presented to the Committee easy to understand and interpret? If not, ask the developer to provide improved material.
- Is there a sufficient amount of supporting information explaining the rationale for the design? (For example, what analysis has the applicant undertaken to ensure the proposed development takes account of local character?)
- Don't be afraid to refuse the scheme on design grounds.

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CASE STUDY

Charles House, Winchester

SITE DETAILS

LOCATION

Charles House, Sussex Street,
Winchester

LOCAL AUTHORITY

Winchester City Council

ARCHITECT

Hugh Thomas Associates

KEY CHARACTERISTICS

Net site area	0.05ha
13 dwellings:	
1 bedroom flats	4
2 bedroom flats	5
3 bedroom flats	4
Parking spaces per unit	0

DENSITY

Dwellings per hectare	260
Habitable rooms per hectare	520
Bed spaces per hectare	1040
(on the basis that they are all double bedrooms)	

ACCESS TO SERVICES

Primary school	0.4km
Secondary school	0.4km
Railway station	0.5km
Bus stop	0.05km
Shops	0.2km
Doctor	0.3km

The development is set within the historic core of the city centre and surrounded by well-defined buildings and faces the great hall section of the medieval castle.



CASE STUDY

Charles House, Winchester

A PROACTIVE APPROACH TO THE PLANNING PROCESS

The council used a proactive approach of pre-application discussions to ensure the scheme met their needs and policies. The council needed to increase densities to meet housing need and to retain the streetscape of the area.

Originally the development included an internal sub-basement car park. However, the highway engineers, planners and conservation officers were unhappy with the parking provision so they negotiated the removal of the car parking and the provision of a small internal courtyard for some of the flats. This resulted in an increase in the number of flats and ensured that the character of the street was maintained.

ENSURING QUALITY DESIGN

In line with the council's process, the architect was required to undertake a contextual survey and analysis of the site. The development was also placed through the review process with the architects' panel, conservation officer and City of Winchester Trust all commenting on the scheme.

The architects' panel and conservation officer both raised concerns over the height of the development and its top-heavy structure. The plans were amended to alter the design of the extension with the scale being reduced. The result is a scheme that is in character with its location in the historic core of the city centre and that does not dominate the streetscape.

ACHIEVING CAR-FREE DEVELOPMENT

Officers used the pre-application discussions to remove on-site parking from the development. This was considered beneficial to the character of the area. Zero parking provision was felt to be suitable because of the central location of the site and its easy access to the railway station, bus services, pedestrian and cycle routes. Residents will not be able to purchase on-street parking permits because of a recently imposed traffic order. The proposal includes secure cycle parking within the building to encourage alternative means of transport.

'...a scheme that is in character with its location in the historic core of the city centre and that does not dominate the streetscape.'

CASE STUDY

North Laine, Brighton

SITE DETAILS

LOCATION

North Laine, Brighton

LOCAL AUTHORITY

Brighton and Hove City Council

DEVELOPER

City Loft Development Ltd
Conran and Partners

KEY CHARACTERISTICS

Net site area 0.29ha

80 dwellings: 1 bedroom flats 39

2 bedroom flats 40

3 bedroom flats 1

Parking spaces per unit 0

Affordable housing 25%

DENSITY

Dwellings per hectare 275

Habitable rooms per hectare 696

ACCESS TO SERVICES

Primary school 0.4km

Secondary school 3km

Railway station 0.4km

Bus stop 0.2km

Shops adjoining

Doctor 0.2km

This is a speculative private sector development, involving the re-use of a former newspaper printing works and associated offices in the heart of the city, in a neighbourhood with a strong community spirit.



CASE STUDY

North Laine, Brighton

PARKING SOLUTION

The area is a tight-knit urban area of narrow Victorian terraced streets, with little off-street parking and few opportunities to incorporate parking in new developments. The neighbourhood has no capacity for additional traffic and falls within a controlled parking zone, where a residents' parking permit-holder scheme operates. The neighbourhood is very accessible on foot, with a number of streets given pedestrian priority.

To implement principles of sustainability a car-free development was negotiated. To address local concerns that such a scheme might lead to greater pressures on the existing street parking, the developer entered into a legal agreement prohibiting occupiers from receiving on-street resident parking permits.


The decriminalisation of parking and the council's action, to take control of parking enforcement and to enforce the controlled parking zones rigorously, played a large part in convincing local people that local parking difficulties would not be made worse.

INFRASTRUCTURE SUPPORT

In lieu of on-site car parking, and in accordance with local supplementary planning guidance, the developer was required to finance off-site street improvements; in this case improvements to the local cycle network and traffic calming measures nearby.

QUALITY OF DESIGN

In addition to regular pre-application discussions with the council's planning and conservation/design officers, the design process was assisted by a recent conservation area study incorporating key visual characteristics of the area, early commitment to the restoration of the factory buildings and to contemporary design in the new buildings. The council's architects' panel and conservation areas advisory group both contributed to the approved design solution.



'...the developer was required to finance off-site street improvements...to the local cycle network and traffic calming measures nearby.'

CASE STUDY

Oakridge Central Regeneration Project, Basingstoke

SITE DETAILS

LOCATION

Basingstoke

LOCAL AUTHORITY

Basingstoke and
Deane Borough Council

DEVELOPER

Oakfern Housing Association
Sentinel Housing Group

ARCHITECT

Walter Llewellyn and Sons
HTA Architects Ltd

KEY CHARACTERISTICS

Net site area	0.87ha
58 dwellings	2 bedroom flats 14
(Phase 1)*	2 bedroom houses 6
	3 bedroom houses 35
	4 bedroom houses 3
Parking spaces per unit	1.3/1.5
Affordable housing	36%
Public amenity space	36,400sqm
Private amenity space	5,300sqm
Child play provision	700sqm

*These figures relate to Phase One of the project.
Total development will comprise 249 dwellings.

DENSITY

Dwellings per hectare	49
Bed spaces per hectare	102

ACCESS TO SERVICES

Primary school	0.3km
Secondary school	0.4km
Bus stop	0.1km
Shops	0.2km
Railway station	1.5km

The site is urban in nature and is bordered to the south and north by infant schools and to the east and west by residential development.

INVOLVING THE COMMUNITY EARLY AND PROACTIVELY

During the 1990s, there was a growing number of problems with the quality of life in Oakridge. When Oakfern Housing Association took over the responsibilities for housing in Oakridge, it set out to find a solution that involved the community.

In the autumn of 1997, the Oakridge Central Regeneration Group was formed. This began a partnering approach that included the following organisations: *Basingstoke and Deane Borough Council, Social Services, the Police, the Loddon Trust, the North Hampshire Health Authority, the Methodist Church, the Oakridge Young People's Project, HCC Education, HTA Architects and Oakfern.*



CASE STUDY

Oakridge Central, Basingstoke

Public consultation began in 1998 with the first of a series of workshops and open days. These involved local residents, council officers, Sentinel and HTA. The aim at this stage was to identify the existing problems faced by residents living in Oakridge and the type of housing residents would like to see.

Following the identification of problems, major improvements were planned for the whole of Oakridge and four options were presented to residents. Regeneration of the estate would involve demolishing the existing 148 maisonettes, and building new residential units, shops, a community centre and a church.

In July 2000, HTA produced a comprehensive masterplan and applied for outline permission for the residential stage of the development. A residents' panel was set up at the start of the project. This ensured community involvement at every stage of the development. A series of open days, exhibitions, design meetings, surveys and walkabouts were undertaken to gain residents' feedback.

The residential phase of the scheme has now been completed but community involvement continues, with a newsletter

produced to update existing and new residents on progress on the remaining phases of the project.

CREATING A SUSTAINABLE COMMUNITY

An advantage of the existing estate was its easy access to services and facilities. An objective of the project was to create a sustainable community and this is reflected in the masterplan for the entire project (Phases 1-3). The larger population created by the increase in density has made local facilities, like shops and public transport, more likely to succeed. The project includes a new high street, a community centre, green spaces and a church. These will provide focal points around the site. Flats will be developed over the shops and traffic routed through the new high street to create a vibrant, busy centre. The new village green will be the heart of community facilities and social activities.

'A residents' panel was set up at the start of the project. This ensured community involvement at every stage of the development...'

CASE STUDY

Winchester City Council

Proactive Planning

PRE-APPLICATION DISCUSSIONS

Winchester takes a proactive approach to planning that uses pre-application discussions. The planning division holds more than 2,000 pre-application surgeries a year. These include design and highways input and are designed to act as a one-stop shop for applicants. The discussions provide the department with the opportunity to negotiate with the applicant and to get the best scheme possible. However, pre-application discussions are often thought to take up a lot of time and resources. As part of its study of Best Value, Winchester looked into the effectiveness of its pre-application discussions to determine whether they were adding value. The Council held a seminar with its stakeholders including the City of Winchester Trust, interest groups, Parish Councils, developers/agents and the public. They presented a number of schemes and highlighted how they had changed as a result of the negotiations. Participants were then asked to assess whether the time put into the process resulted in added value.

The results confirmed that the approach has considerable advantages; most notably:

- Targets for processing applications have improved considerably over recent years and, as a result, the Council has benefited from generous planning delivery grants
- The Council has been able to adjust schemes to meet its policy objectives.

ENSURING DESIGN IS A KEY PART OF THE PLANNING PROCESS

The Council is not afraid to refuse schemes repeatedly on the grounds of poor design. This is a result of its thorough approach to the consideration of design matters, which includes:

- Requesting a contextual survey and analysis to be undertaken before principles of design are agreed with planners and before the submission of detailed schemes (see 'Better places to live: a companion guide to PPG3'). This applies to most schemes. Even for single dwellings or extensions, the Council asks for design statements

CASE STUDY

Winchester City Council Proactive Planning

- The Council runs workshops and developer/agent forums to promote the importance of developing design frameworks/principles before detailed schemes are drawn up
- Encouraging developers to use architects and urban designers to put together the design concept of a scheme
- Requiring some applications to be put through a formal review process to assess the design. This can be any application – residential/commercial new build and in some cases extensions and conversions. This can include an assessment by an urban designer (both internal urban designers or an external consultant which the Council funds) or by the architects' panel (run jointly with Eastleigh Borough Council).

SKILLS DEVELOPMENT FOR OFFICERS AND MEMBERS

Winchester City Council spent considerable time and resources on ensuring that members and officers are confident in addressing design-related matters, by:

- Employing specialist conservation and landscape officers
- Encouraging planning officers to gain urban design qualifications
- Running seminars for officers and members on density, sustainability and design issues
- Providing tours for members to review designs of completed developments.

CASE STUDY

Gunwharf Quays

Regeneration Project, Portsmouth



Gunwharf Quays forms the mixed-use regeneration of an important historic waterfront area of the City of Portsmouth, comprising residential, leisure and office uses.

SITE DETAILS

LOCATION

Portsmouth

LOCAL AUTHORITY

Portsmouth City Council

DEVELOPER

Southern Housing Association

ARCHITECTS

Berkeley Homes PLC, BroadwayMalyan
HGP Architects Ltd, PLC Architects

KEY CHARACTERISTICS

Site area 13.69ha

(of which 6.342 ha is the main
residential part of this mixed use site)

847 dwellings: 1 bedroom flats 187
2 bedroom flats 602
3 bedroom flats 41
4 bedroom houses 17

Parking spaces per unit 1.3

Affordable housing 14.8%

Public realm 44,850sqm

Private amenity space 2,234sqm

DENSITY

Dwellings per hectare for whole site 62

Dwellings per hectare for
residential part of mixed-use site 133

DENSITY cont.

Habitable rooms per hectare for
whole site 239

Habitable rooms per hectare
for residential part of this
mixed use site 516

Bed spaces per hectare
for whole site 177

Bed spaces per hectare for
residential part of this mixed
use site 382

Potential children per hectare
for whole site 4.5

Potential children per hectare
for the residential part of this
mixed-use site 10

Plot ratio per hectare –
This is a primarily flatted residential
development: for the 17 town houses
the plot ratio is 57 plots to the hectare.

ACCESS TO SERVICES

Primary school 0.6km

Secondary school 0.5km

Bus stop 0.4m

Shops 0.15km

Doctor 0.8km

CASE STUDY

Gunwharf Quays, Portsmouth

A COLLABORATIVE APPROACH

A development brief produced by the Council in 1995 set the vision for the site as a whole. Outline permission was issued in January 1998 following citywide consultation and a partnership approach between The Berkeley Group (the developers) and the City Council. The strategy was part of a wider renaissance of Portsmouth Harbour regeneration that integrated the new site within its surrounding urban area.

The success of the development was acknowledged nationally when chosen out of 180 schemes to win English Partnerships' coveted Partnership in Regeneration Award. The award was in recognition of the exemplary partnership approach adopted by the Council and The Berkeley Group in regenerating the waterfront site to the benefit of the entire city. Gunwharf Quays also picked up a prestigious 2003 BURA (British Urban Regeneration Association) Best Practice Award as an example of outstanding regeneration.

DESIGN

An urban design structure was prepared in December 1998 and these development guidelines have enabled a strong sense of place to evolve. This required most car parking to be underground, enabling the creation of a pedestrian-friendly and high-quality public area of inter-connected streets and spaces. The public square at the centre of the scheme is used for exhibition space, farmers' markets and a temporary ice rink.

TRANSPORT AND PARKING

The development is next to a major transport hub, which provides access to a range of public transport links. The final phase of the scheme will include provision of 126 homes for key workers, broadening the social and functional mix of the community. Sustainable patterns of travel and choice are also encouraged, and a 'Car Club' has been developed. This is aimed at key workers but will be available to the wider community if people require private car travel without the necessity to own, maintain and possibly become reliant on their own vehicle.



CASE STUDY

Lacuna, West Malling

SITE DETAILS

LOCATION

Kings Hill, West Malling, Kent

LOCAL AUTHORITY

Tonbridge and Malling District Council

DEVELOPER

Rouse Kent Ltd, Kent County Council

ARCHITECT

Environ Sunley
Clague Architects

KEY CHARACTERISTICS

Site area 2.5ha

143 dwellings of which 31 are flats:

1 bedroom units 47

2 bedroom units 57

3 bedroom units 39

Average parking spaces per unit 1.5

Total No of bedspaces 842

Total No of bedrooms 421

Total No of reception rooms 239

Total No of habitable rooms 660

Dwellings per hectare 57

Bedspaces per hectare 334

Habitable rooms per hectare 262

The Lacuna scheme is a modern interpretation of the tight high-density and varied house type development that is typically found in a village centre.



CASE STUDY

Lacuna, West Malling

Kings Hill forms part of a new flagship mixed-use development, which on completion will comprise 2600 homes, 2 million sq ft of business space, a championship golf course, a 150 acre country park, 2 primary schools, a racquets and fitness centre and social/community infrastructure, much of which is already in place.

The Lacuna site adjoins the Kings Hill Central Area, which is the heart of the development and includes a supermarket, 18 retail and food outlet/restaurant units (under construction), a community centre, a child-care centre and a medical centre.

ENSURING QUALITY DESIGN

Residential land at Kings Hill is sold to developers by design and price tender. Only house builders that have a track record that demonstrates they can comply with the exacting design and quality standards required at Kings Hill are invited to tender. The tender documents for each parcel of residential land released at Kings Hill include a detailed design brief. This draws heavily on all aspects of the Kent Design Guide (produced by Kent County Council),

together with site-specific and Kings Hill-specific quality and design requirements.

Following the tender process, the successful bidder is invited to refine their proposal to further improve quality. The contract for sale for each site contains covenants to prevent changes being made to the finally agreed scheme without the Development Partners (Kent CC and RKL) consent. In addition, the sale of the land to a third party cannot be undertaken without consent and without giving the Development Partners the rights of pre-emption. House builders also contract to begin and complete their schemes within given time scales. This process, the attention to detail, and the emphasis on quality and design has resulted in the Lacuna scheme receiving a number of design awards, as well as being one of only three recipients of the Office of the Deputy Prime Minister's Quality for Life Awards.



CASE STUDY

New Barn Place, Abingdon

ACHIEVING QUALITY DESIGN

Pre-application meetings enabled the Council's Development Team to negotiate the design from the outset and provided sufficient time to get the design right. The design was 'place' led, with a contextual analysis carried out. The development was then based on its main road frontage with three mature trees forming the centre of the community in a formal square. The southern edge of the development was designed to act as a village edge. This design process in combination with the use of a home zone (see opposite) enabled an increase in density while maintaining the quality of the design.

SECURING INFRASTRUCTURE AND COMMUNITY FACILITIES

The input of a variety of consultees and agencies at the initial Development Team Approach (DTA) meeting (see box for explanation of DTA) ensured a full evaluation of the infrastructure needs of the development. The process also enabled these needs to be negotiated with the developer and secured through section 106 agreements at an early stage.

These included:

- A package of transport measures – two new bus stops on the edge of the development with real time information, improvements to the Premium Bus Service Route from Wantage to Oxford that passes the site and contributions towards the re-opening of Grove station
- An education and library contribution
- A children's play area, improvements to local playing pitches and a work of art
- Environmental works.

ACCEPTABLE SOLUTION TO PARKING AND TRAFFIC

The development provides 1.3 spaces per unit. This is achieved by having one space for flats. This level of parking has not caused objections as the county standards do not include on-street parking and the development has a number of on-street parking spaces including seven in the home zone. Overspill onto adjacent roads has not been a problem because of the location of the development between a town and a village. Alternatives to the car have also been provided, thanks to the package of transport measures obtained under the section 106 agreement. In addition, all flats have cycle stores.

A home zone was introduced in the development as a result of DTA meeting discussions. The purpose is to design an area for residents as a place for social interaction, not as a conduit for traffic. It is designed as a single space with no separation of pedestrians, cyclists and cars. A 10mph speed limit is applied through careful design (based on the Institute of Engineers 'Home Zone Design Guide') and positioning of streetlights, bollards, seating, artwork etc. As the home zone does not need access roads, a lot of space was saved. This was used to increase the density of the development.

CASE STUDY

New Barn Place, Abingdon

SITE DETAILS

LOCATION

Wantage, Abingdon

LOCAL AUTHORITY

Vale of White Horse District Council

DEVELOPER

Berkeley Homes
(Oxford and Chiltern) Ltd

KEY CHARACTERISTICS

Net site area	2.0ha
104 dwellings:	
1 bedroom flats	6
2 bedroom flats	42
2 bedroom houses	4
3 bedroom houses	34
4+ bedroom houses	18
Parking spaces per unit	1.3
Affordable housing	25%
Public amenity space	6,800 sqm
Private amenity space	3,000 sqm

DENSITY

Dwellings per hectare	52
Habitable rooms per hectare	207.5
Bed spaces per hectare	214

ACCESS TO SERVICES

Primary school	1.3km
Secondary school	1.3km
Bus stop	0.4km
Shops	1km
Town centre	1.2km
Doctor	0.2km

New Barn Place is a suburban development between the village of Grove and the market town of Wantage. The site used to house a dairy and is next to Letcombe Brook environmental corridor.



DEVELOPMENT TEAM APPROACH

The Vale of White Horse District planning authority uses a particular approach for dealing with major, complex or sensitive development proposals. The approach is called the Development Team Approach and it sets out the operational guidelines for dealing with these kinds of proposals.

The approach involves:

- Clarifying the council's policies on a site, including heads of terms for any section 106 agreements
- Identifying and seeking early solutions to any potential conflicts between different organisations
- Co-ordinating the work of different parts of the council and external agencies.

The approach involves increasing input at the pre-application stage of a project. An initial meeting is held with a lead officer, an urban designer, a conservation officer, highway and transport engineers, the consultant architect internal consultees and external agencies. Regular meetings are then held with input from the different departments and agencies as required in response to the needs of the particular proposal. The majority of meetings focuses on design and, under the DTA approach, a contextual analysis is undertaken to help the design process.

This approach ensures a consistent and unified approach to development proposals in terms of quality of results, maximising development contributions towards community facilities and infrastructure costs, and resolves conflicts at an early stage before the planning application is submitted.