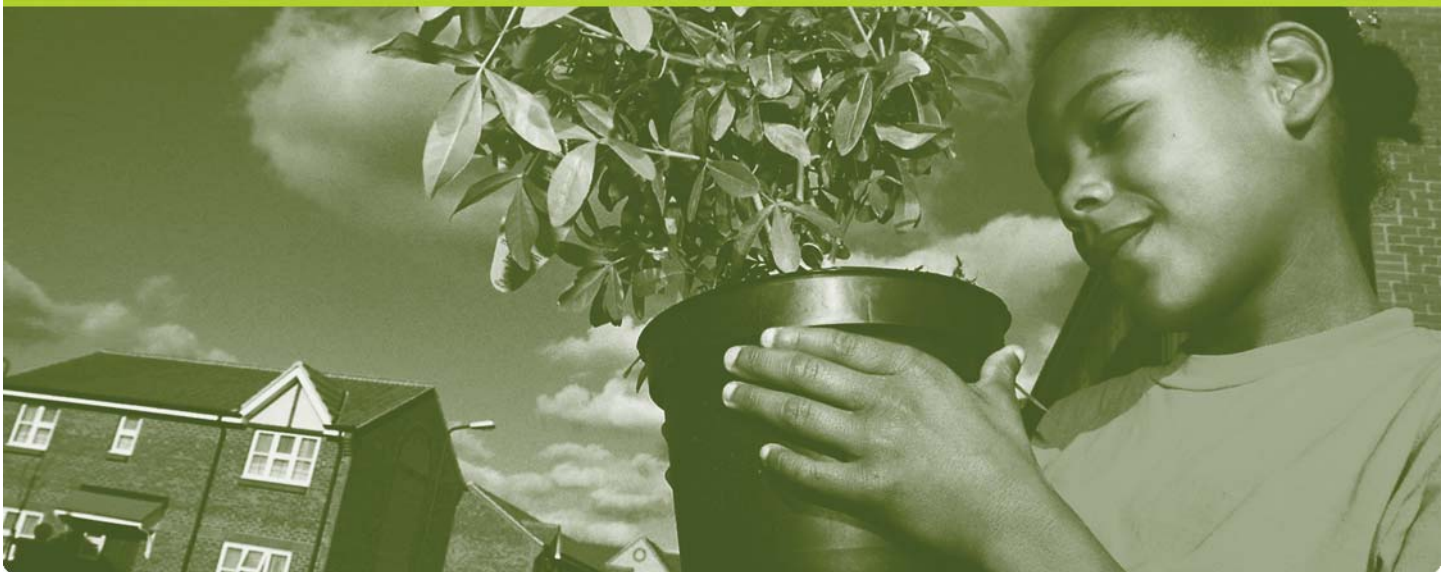


January 2008



design and access statements

report from a 'learning group' comprising 16
local planning authorities



design and access statements

This project was delivered by POS Enterprises on behalf of:

- The Commission for Architecture and the Built Environment
- The Planning Advisory Service
- The Planning Officers Society

The Planning Advisory Service (PAS) aims to facilitate self-sustaining change and improvement in the local authority sector. PAS helps councils provide faster, fairer, more efficient and better quality planning services.

PAS is funded by [Communities and Local Government](#) (Communities) and is part of the [Improvement and Development Agency](#) (IDeA). Building on the IDeA's work in the local government sector, PAS supports local authorities throughout England to develop both their capacity and capability to deliver planning services and the best possible outcomes for their communities.

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executive summary

This report sets out the findings from a project which has worked with a group of Local Planning Authorities (LPAs) to capture and share their experience of introducing design and access statements into the planning process in accordance with statutory requirements introduced in August 2006. The report also uses the findings from a series of regional events focussed on using design and access statements as part of getting the most out of pre-application discussions.

The conclusions from the project group and from the regional events indicate that when written and used properly at the start of the conception and development of a scheme, design and access statements can be an effective tool to improve the quality of a development, its relationship to its surroundings - especially the public realm - and can help third parties to better understand the rationale for a scheme.

There is also evidence that the quality of statements is improving as authors achieve a better understanding of their role and the content required.

By and large, design and access statements are proving more effective in local authorities that already have a commitment in policy and resourcing towards good design, and that employ staff with specialist skills in urban design and conservation.

However, a number of practical issues were identified, some of which proved very difficult to resolve around:

- the quality of design and access statements submitted
- when it might be appropriate for an application to be invalid due to poor quality of design and access statement submission, and different interpretations as to when the statutory requirements have been met
- demarcation between the access information required in a design and access statement, the areas controlled under the building regulations, and access management plans prepared by access officers
- where the threshold for a design and access statement is too low and it encompasses too many small proposals
- confusing relationship between the design and access statement and other reports submitted with a planning application, for example, planning statements
- many applicants appear to be supplying a description of the scheme produced retrospectively for submission with the planning application rather than using design and access statements as an active tool in pre-application discussions to secure better design

- it is not always easy to ensure that valuable ideas presented in a design and access statement drawn up with an outline application are translated into firm proposals delivered through reserved matters applications
- the absence of a requirement to address sustainability issues in the design and access statement is a missed opportunity and makes for an incomplete picture for the rationale for a proposal

Based on the experience of the authorities in the group, the following it is concluded that:

- Communities and Local Government (Communities) should review the threshold to remove the mandatory requirement for design and access statements for minor developments, and householder proposals in areas of outstanding natural beauty and conservation areas
- a requirement should be introduced for the preparation of a design and access statement at reserved matters stage in respect of outline consents that pre-date the new arrangements
- sustainability should become one of the components that must be addressed in a design and access statement
- a design and access statement can be very useful in explaining a proposal to a planning committee and helping members to understand a complex or unconventional scheme, particularly if it is well illustrated with sketches and diagrams that are easier to understand than technical working drawings
- design and access statements are proving more effective in local authorities that already have a commitment in policy and resourcing towards good design, and that employ staff with specialist skills in urban design and conservation
- there is evidence that the quality of design and access statements is improving as authors achieve a better understanding of their role and the content required

section 1: the project

background to the project

On 10 August 2006 the submission of a design and access statement with most planning applications became a statutory requirement. The intention is to raise the quality of developments by ensuring that design is properly considered in the evolution of a scheme, that it aids understanding of why a scheme is as it is, and to try to ensure that as a result, design and access issues are fully integrated into proposals.

Some local authorities recognise their value and have asked for design statements for some time, but to most planning departments this was a new process. Similarly, some applicants, especially for large proposals, already use them to help the evolution of their proposal. In order for the introduction of design and access statements to achieve their intended effect, it is necessary for planners to learn how to use them in both pre- and post-application discussions and develop confidence in dealing with design issues.

Guidance exists in the circular, Guidance On Changes to the Development Control System DCLG (now known as Communities) 2006, and the Commission for Architecture and the Built Environment (CABE) guide, Design and Access Statements: how to write, read and use them. However, CABE, Planning Advisory Service (PAS) and Planning Officers Society (POS) recognised a need to extend the guidance through the dissemination of practical learning within local government, based on the experience of practitioners in a number of typical authorities.

setting up the project

The project has been supervised by a steering group chaired by Alice Lester, Principal Consultant at PAS, and including representatives from POS, Communities, CABE and the Royal Institute of British Architects (RIBA). The work has been led by POS Enterprises.

Sixteen local planning authorities participated in the project, representing both a geographical spread and a range of types of authority – rural districts, metropolitan districts, unitary authorities and London boroughs, a County-led consortium of districts and a contracted-out planning service administered by a private sector organisation.

project meetings and visits

The group met six times between July 2006 and October 2007 to share experience, exchange information and advice and discuss ideas that had proved useful and issues that were problematic. The group included senior development control planners and urban design staff. Other experts brought in on occasions, according to the topics for discussion, included access officers, architects, and building control officers. The experiences discussed at project meetings were followed up by visits to four of the authorities. These involved interviews with senior staff, case officers and chairs of development control committees or lead councillors. Main points emerging from these visits were that over the course of the project:

- design and access statement had not particularly led to administrative changes at the validation stage
- applicants and agents were not fully engaging with design and access statements at the pre-application stage
- the vast majority of design and access statements were barely adequate
- despite the above, design and access statements were proving of value when presenting schemes to committees
- good design was mainly the outcome of the priority and commitment given to it by the authority and applicants, rather than a consequence of design and access statements as such
- design and access statements are not fully embedded in the culture of the planning process yet, with a certain amount of 'tick box' mentality amongst both applicants and planning officers
- there is a need amongst practitioners for a better understanding of what to include and what to leave out
- many of the practical difficulties are avoided where a design and access statement is evolved in parallel with pre-application discussions with all parties having a shared understanding of what is needed
- it would be helpful if Communities issued guidance about the use of conditions on outline permissions to ensure that reserved matters applications follow the principles established in the design and access statement
- further guidance is required on how access within the design and access statement fits in with general best practice

the seminar programme

The work of the project was enhanced and expanded through a programme of six PAS regional seminars held during June and July 2007. These events were organised jointly by members of the Steering Group (PAS, POS and CABE) and the Home Builders' Federation (HBF). They were attended by local authority planning staff and private sector representatives from major house builders and their consultants.

The seminars focussed on getting the best out of pre-application discussions, with valuable workshop sessions where public and private sector delegates engaged in frank discussions about their roles and working together. The whole of the afternoon session of these one-day events was devoted to the use of design and access statements in the pre-application process.

section 2: general conclusions from the project

are design and access statements achieving their purpose?

There is only limited evidence to support this, in part because it is probably too early to tell. Most of the larger projects that have passed through participating authorities have yet to be completed and assessed, but more importantly, the use of the design and access statement has yet to become a properly developed part of the planning process. The following are key points based on the findings of the project:

- Design and access statements will be more successfully embraced within local authorities where a robust design culture already exists. Planning authorities that have been pioneering efforts to raise the quality of design are most likely to use the new procedures in a proactive way and as a means to engage in early dialogue with developers around a structured design agenda. However the evidence suggests that many planning authorities are still feeling their way and wrestling with the practical problems referred to in the next section of this report.
- There is a risk of design and access statements being seen as another process to be added to what is often perceived to be an already over-burdened and over-complex system. Planning officers may see themselves purely as recipients, rather than participants, in the evolution of design statements and may not give them sufficient critical examination. Developers often assume that the requirement is met by a statement from a specialist consultant to accompany the planning application following the completion of the architect's drawings.

- There is a high risk that the requirement for design and access statements will be seen as another burden and cost imposed on both planning authorities and on developers, and the very real potential benefits may not be realised. This is made more likely by the requirement to produce a design and access statement for many forms of development, particularly smaller scale projects, where the potential benefits are negligible. There is a strong case for being more selective in their application, a proposition that this report returns to later on.

getting the best out of design and access statements

Design is 80% perspiration and 20% inspiration! The foundation of any well-designed development is a clear analysis of the client's brief and the constraints of the site, an understanding of the local authority's vision and objectives for the area, followed by a logical set of responses and ideas synthesised and integrated into an elegant proposal. To get the best out of design and access statements the following are the key points:

- The design and access statement should provide a clear exposition of the rationale and thought processes underlying the proposals. It should explain how the design has evolved through a logical examination of options leading to a preferred solution.
- The preparation of the design and access statement is often proving to be a retrospective exercise with a somewhat disjointed relationship to the design. The best design and access statements, done as a scheme evolves, can be beneficial in helping the local planning authority and its consultees to follow the architect's thinking and better understand the rationale behind the design.
- Design and access statements need to be working and evolving documents. Planners, and sometimes consultees, often have something to contribute to the design process, and that may well influence the design in ways that the applicant might not otherwise pursue. These contributions towards the evolution of the design should be introduced early on through pre-application discussions. A design and access statement is used to its best effect when developed alongside the proposal in consultation with the LPA, statutory and other consultees and the community.
- The evolution of the design and access statement provides a structure for pre-application discussions and a framework for working towards a mutually supported scheme and the elimination or reduction of conflict, leading towards a formal permission. It promotes better designed applications and reduces the resources required for applications and appeals later on.

- Pre-application discussions should initially focus on design principles and rationale, explored through diagrams. Draft layouts should follow on later. Some local authorities are insisting on receiving the rudiments of a design and access statement before agreeing to hold pre-application discussions.

producing design and access statements

Evidence from the project shows variable quality and approaches to the preparation of statements, and around understanding of what to include and what to leave out. At one extreme they can be excessively lengthy encyclopaedic documents that contain far more information than is necessary to understand the design rationale. At the other extreme, they are short descriptions of the design, but still without any explanation of its genesis. Circular 01/2006 states that "Statements should be proportional to the complexity of the application".

A good design and access statement should:

- Include material that is relevant to the design process, and should avoid duplicating material that properly belongs within other submission documents. Whilst the design and access statement may selectively refer to other studies and appraisals eg flood risk analysis, where they influence the design of the scheme, it is important not to see the design and access statement as a repository for summaries of all these documents.
- Avoid professional jargon and make effective use of simple illustrations. Simplicity of expression and the use of plain language help in the communication of design ideas to non-experts.
- Planners need to be aware of the not infrequent complaint from developers that they are being asked for excessive detail in the statements which is causing additional delays and costs to the development process.

These problems are less likely to arise where the design and access statement has evolved in parallel with pre-application discussions, where both parties have a shared comprehension of the relevance of specific information and of the design and access statement itself.

Despite all these difficulties, however, the project group has identified good examples of statements that concentrate properly upon the design process that includes the examination of options and excludes all extraneous information.

explaining the scheme to others

The project has produced examples to show how a good design and access statement can help to explain a scheme so that it is better understood (and sometimes supported) by the community and by committee members.

- The use of extracts from a design and access statement in a committee report or presentation can counter ill-informed criticism and help Councillors' appreciation of unusual and innovative proposals.
- An unconvincing design and access statement can signify an incompetent design resulting from lazy, uncritical thinking. It may expose gaps in the analysis or the lack of a rationale underpinning the design. By identifying the weaknesses in the approach, it is possible to be more objective in criticising the scheme, providing a sound basis for refusing planning permission or negotiating changes.
- The design and access statement will also be evidence in defending a refusal at appeal, providing the inspector with a line of reasoning against the proposal.

climate change and sustainability

The national importance now attached to combating climate change is having a profound effect on the design of developments and in many local authorities' visions for their areas. A sustainable approach is now a key driver for design. It influences the orientation and lay-out of buildings, the selection of materials, the shape and form of buildings and their appearance in terms of fenestration, energy generating equipment etc. Legislation, financial incentives and public perceptions are forcing these changes, and local planning policies are increasingly part of the equation.

Sustainability criteria are now a major consideration governing the design justification and assessment of a scheme, and assume a central position in many of the design and access statements that were examined in this project.

Practitioners found it is highly regrettable that the regulations and the CABE guidance fail to require or promote sustainable development as a component of the design and access statement. To many, this is a serious and confusing shortcoming. This should be a matter for CABE and Communities to address, as proposed later on in this report.

section 3: practical issues that arose in the project

the relevance of the design and access statement to different applications

Throughout the course of the project, practitioners concluded that the current specifications for which applications required design and access statements and which did not should be reviewed and amended. This would enable offices and developers to focus resources on where design and access statements can be used most effectively to improve outcomes.

- Minor proposals. Whilst a design and access statement is not required for most householder applications, it is a requirement in designated areas where it adds much to process costs and little to quality of outcomes. The same applies to the requirement for a statement for very minor non-domestic applications such as satellite dishes, fences, air-conditioning units, and similar alterations to commercial premises. There is a strong argument for higher mandatory thresholds which might exclude all householder applications. This would not preclude a local planning authority asking for one in exceptional circumstances under the Technical Control and Processing (Applications) Regulations. Equally, an applicant can submit one whenever they wish to as supporting information.
- Several of the authorities in the project group responded to this by publishing guidelines specifically for householders and their agents, demonstrating how a design and access statement can address the factors that are relevant to small domestic projects. Some also conducted training sessions for local agents so that they were better equipped to meet the requirements.
- Changes of use do not need a design and access statement although these sometimes have access or design implications.
- Reserved matters. It is not always easy to ensure that valuable ideas emerging in a design and access statement drawn up with an outline application are translated into firm proposals delivered through reserved matters applications. There is a case for the preparation of a design and access statement at the reserved matters stage particularly in respect of outline consents that predate the new arrangements.
- Where there is the need for design principles to be secured at outline stage, this often requires complex conditions or Section 106 clauses. Conditions need to cover many of the aspects covered in a design and access statement but must do so in a way that does not imply a requirement for a further design and access statement.

processes

Validation

Practice varies widely. Some LPAs scarcely vet design and access statements for validity at all, whilst others have more precise standards. Most have mechanisms for referring examples to planning officers when the standard of a design and access statement appears to be below defined limits. There have been significant levels of confusion amongst both local authorities and applicants as to when it is justifiable to make an application invalid because of the quality of the design and access statement.

However the Planning Inspectorate has not accepted a number of recent appeals against non-determination where it agreed with the LPA view that the quality of the design and access statement did not meet the legal requirement (see for example APP/L2820/E/07/2042618/NWF). This gives encouragement to the view that validation processes in which qualitative issues are considered, at least for major or controversial applications, are sound. Early on in the project, the group drew up guidance on the adequacy of a design and access statement for the validation of a planning application.

Consultation

Most LPAs publish the design and access statement on their website as part of the information accompanying a planning application, thereby making it available to consultees. It is reported that consultees find this of value where cogent material in the design and access statement explains the proposal, although generally, little specific reference is made to the design and access statement in representations. In some places amenity groups have found a design and access statement useful, although it has been reported that some do not understand the relationship of the design and access statement to the proposal and the fact that it is the proposal that is being evaluated. This position is very likely to change as people become more accustomed to the process.

Community engagement

Evidence from the project suggests inconsistent practice amongst developers in engaging the local community in the design process, as envisaged in the design and access statement guidance. This may be a reflection of a shortage of skills and/or resources on the part of some developers and/or the LPA. Or it may be that those in the development industry feel that the public is rarely willing to engage constructively in the discussion of development proposals.

Early community involvement is dependant upon a partnership between the developer and the LPA which places a value on this aspect of the process, and in the use of techniques that give the developer confidence that the process will not be hijacked by members of the community who routinely object to any and all changes or new projects suggested, also known as NIMBYs (not in my backyard).

Decision making

There is evidence that planning committees are aware of the role of a design and access statement in the application process and that their officers find them helpful in compiling committee reports. Illustrations in a design and access statement are often better than technical plans for explaining a scheme. Where used at committees, good design and access statements are found to be useful in helping to explain a scheme, but this tends to happen only in relation to large and high profile cases.

Quality

The quality of design and access statement submissions continues, on the whole, to be variable, although there is evidence of a gradual trend towards better quality. There is also a dichotomy between the nature of the design and access statement as a "statement" and the use of graphic material (which the best ones use). Graphics seem to be the best way of showing how the design of a proposal has evolved and why ideas and options were rejected. Where a design and access statement has been prepared iteratively as part of the design process the value of this is clear.

Most design and access statements appear to satisfy at least the bare minimum requirements and say something about the required topics. There have been many reports, however, of a design and access statement that makes statements not actually reflected in the design. This provides a clear point of challenge for a planning officer considering a design.

Engagement and capacity

In general, it appears that many applicants and LPAs have yet to recognise the full benefits of the design and access statement process. On the one hand, LPAs argue that there is no point in serious engagement in the process unless the quality of the design and access statement is good. On the other hand, developers will not go to the expense of a high quality design and access statement unless they are sure it will add value to the process.

It also seems that LPAs with an existing strong commitment to urban design and conservation, with dedicated teams involved in these areas, are better equipped to deal with emerging issues under the design and access statement. In LPAs where the resources in staffing and skills are lower, it has been harder to achieve positive outcomes. There has been little evidence so far of design or historic environment champions in LPAs having much involvement in the design and access statement processes or outcomes.

Most LPAs have carried out some in-house training and briefing sessions for staff and councillors, although this has mostly focused on process issues. There has been a limited amount of training provided by consultants, architecture centres and the like. The best of this has involved developers, LPAs and consultees.

Many LPAs have issued guidance on local design and access statement requirements and processes. Some authorities have produced examples of good design and access statements to encourage better submissions, particularly designed to help householders and agents dealing with small scale projects. This is recommended as good practice, as examples are usually easier to comprehend than abstract descriptions.

Access

The project found specific difficulties in dealing with the access component of the design and access statement, caused in part by confusion over the demarcation between the detailed and specific requirements of Part M of the building regulations and those of access officers, and the wider transport and urban design aspects of access required under a design and access statement. Whilst developers and their architects are generally at ease with the former of these, the wider access concerns are less often addressed by applicants or LPAs.

This aspect was apparently so misunderstood that the project published advice, through the PAS, midway through the project, (see the PAS report [Design and access statements - the access element](#)). It is clear that, although a design and access statement does not require access issues within the building to be considered, the project design has to take a more holistic approach as the experience for the user of the building does not start and finish at its door.

Access considerations in a development are best served by a process that starts with scheme inception and ends with the management in use of the building for access purposes under a management plan (see the PAS case study, [Access all areas - planning for an inclusive environment](#)). There is little guidance on how access within the design and access statement fits in with general best practice, leaving some scope for confusion between planners, building control officers and access officers.

section 4: key messages

for local government

There is a need for more of the planning profession to engage more effectively with design issues and to overcome an apparent lack of confidence and expertise in this area.

The importance of design has to be promoted by strong leadership. Senior leaders, managers and councillors need to be convinced about the benefits that stem from good design in terms of successful place-making, strengthened communities, and positive images. They must then champion good design in their authorities, understanding that it is based on rational thinking as much as subjective aesthetic judgements.

For an improved climate for good design, and the effective use of design and access statements, there needs to be a culture of design excellence in local government.

for the development industry

It is necessary to dispel misconceptions that good design is an expensive luxury. Economic considerations should go beyond initial build cost to properly examine lifetime costs and value created. It is necessary to recognise that, generally speaking, good design is synonymous with value for money. It is about the efficiency and durability of the product (as well as appearance) and it enhances competitiveness and aids successful marketing. There needs to be a strong design culture within the development industry.

Developers also need to recognise that for planning authorities acting on behalf of the community, there are important design issues to be addressed, and that these are best introduced early in the process through pre-application discussions. Response to these issues will be demonstrated through the design and access statement, enabling council members and the community to see how their concerns have been met.

The use of design and access statements can help both the private sector and local government to appreciate the value of good design to their business.

for central government

The introduction of the design and access statement into the formal planning system has great potential for raising the quality of development and smoothing the path towards successful planning submissions. However, its acceptance and effective use is being undermined as a result of the volume of minor proposals that require a statement. It is therefore recommended that Communities revises the application of design and access statements to remove the requirement to provide them from minor developments.

It is suggested that a requirement should be introduced for a design and access statement for a reserved matters application relating to an outline permission granted before the operative date, and that guidance be provided in respect of the use of conditions with outline permissions to secure important principles set out in a design and access statement.

The guidelines should also be revised to make explicit reference to sustainability as one of the design considerations that must be addressed in statements. There is also a need for clear guidance on handling the relationship between access requirements as dealt with in the design and access statement, building regulations and access management plans.

acknowledgements

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Cheltenham BC
Chiltern DC
Coventry City Council
East Riding of Yorkshire
LB of Merton
Nottingham City Council
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