

A grayscale photograph of a map, likely of North America, with a toy car and a pin. The map shows the outlines of continents and some text like "Eastern Canada" and "States". A dashed line is drawn across the map. A toy car is positioned on the right side, and a pin is stuck into the map near the center. The background is a light, textured surface.

How to Write Planning Rules (and why)

A lesson from France

by *Ruaidhri Tulloch*

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How to write planning rules (and why) A lesson from France

*Ruaidhri Tulloch explains French planning rules
– and asks why the UK's are so much more
complex*

Have you ever read the rules to the board game Risk, the one where you have to invade continents with little Napoleonic era plastic soldiers? The rules to Risk are too long. Even if the children weren't impatient you would have forgotten how you were meant to start by the time you work out what the cards are used for. The instructions to Risk could be even worse. At least, unlike UK planning policy documents, they're not endless pages of explained recommendations.

In France the planning documents are clear. I don't mean there is a Gallic equivalent of a plain English sticker, attesting they are an easy read. It is because they actually are clear. This is how they work:

- A. There is a map of the district which shows how it is divided up into different zones. This is called the *plan de zonage*.
- B. Then there is the rule book called the *règlement* which has a chapter per zone. The chapters are divided into the following paragraphs, where what can or cannot be built in each zone is clearly defined:
 1. Unauthorised land use
 2. Conditional land use
 3. Site access requirements
 4. Utilities provision requirements
 5. Minimum building plot size
 6. Distance between building and edge of street
 7. Distance between building and edge of plot
 8. Distance buildings on the same plot
 9. Building footprint area
 10. Maximum building height including setbacks
 11. Building exteriors (materials, form...)
 12. Parking requirements
 13. External spaces (free spaces, playgrounds, gardens, plants...)
 14. Environmental performance
 15. Infrastructure requirements

That's it. That is how simple planning in France is. Yes, if you want to know if you can concrete over all of your site or only part of it, you look at the paragraph on building footprint areas. Can a shop become a dwelling? Check the paragraphs on land uses. In France, planning isn't a game of risk¹.

The drawing up and altering of these plans and rulebooks is of course a drawn out process keyed into local and regional development planning with all kinds of consultations and checks.² Consultation exercises are, however, not what makes a system democratic and fair. What enables *bona fide* community participation and fair play, like in a family board game, is setting clear rules in advance. (Or tweaking the rules you made up last time because, don't get me wrong, perfect one-sizes-fits-all rules don't exist in complicated board games or planning).

In France if you saw land owned by one of your local councillors or a big developer pass from an agricultural zone to an urban development zone, it would be blatantly clear that someone was cheating (ownership information is publicly available). In the UK the system can be played each time a planning application is submitted: that makes dubious land speculation (which is not publicly disclosed) both legal and seriously lucrative.³

The rules for social housing provision are clear in France too. If districts don't meet targets they are heavily fined and the supervision of land and building sales in the area are taken out of their hands to be offered first to housing associations. No loopholes and viability reports to manipulate like in the UK, just clear rules for fair play.

Planning is political. That means in France electoral timing, vested interests and spin are the stuff of the rule modification process rather than bogging down every individual planning application.⁴ Yet by fixing planning rules in advance local politics is invigorated, and elections won: The mayor of the Parisian suburb Le Plessis Robinson has been re-elected every 6 years since 1989 on a planning-based agenda. In France elected councillors like him can put together the kind of popular urbanism that needs a Prince's backing (and virgin land) in today's UK planning jungle.⁵

In the UK, without fixed rules only big players with the power to play the political and economic game of planning risk can thrive. Hence current talk focusses on greenfield development to meet targets: if you are big, you need skyscrapers and greenfield sites because they match the size of your business.

Greenfield development in the region around Paris is rare (like skyscrapers) but about twice as many individual homes are built every year in France, than in the UK.⁶ How's that? Fixed planning rules make infill/brownfield projects economically viable, so small and mid-scale developers can thrive (see Create Streets essay 'Missing Teeth' by Ruaidhri Tulloch).⁷ It's at this 'unremarkable' level that real quantitative impact is made in housebuilding. This kind of small-scale piecemeal work is popular too, and cheaper because infrastructure costs are reduced: adding extra places here and there is simpler than setting up a new school, and road and services-wise the savings are obvious.

Here is an illustrated example showing how the application of the rules in Paris's main urban zone allow a traditional densification plot by plot (See appendix for a detailed summary of Paris's rules):⁸

Before

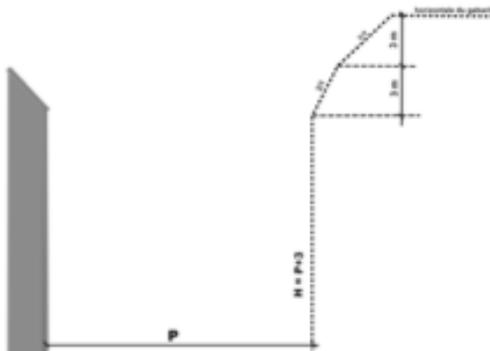


After



Permitted building profile from planning rulebook:

GABARIT-ENVELOPPE EN BORDURE D'UNE VOIE DE LARGEUR EGALE OU SUPERIEURE A 12 m ET INFERIEURE A 20 m
NON BORDEE PAR UN FILET DE COULEUR



The 19th century style stone facades are not obligatory, but in this example were thought to have boosted the sale price.¹⁰

To the UK's credit, its planning appeals system with clear procedures and fixed timescales is much more professional than any French equivalent. Perhaps France could pick up a few lessons? Hang on, maybe a good appeal system is just symptomatic of a broken planning system?

Our box of Risk has a picture of Napoleon on the Front, it's the French edition. Napoleon imposed codified law across the continent but despite amassing troops at Boulogne, like a proper Risk player, he never invaded England. Driving on the left might not harm the economy and townscape but an inefficient and ineffective planning system sure does. Isn't it time that the illogical game of risk that is the 20th century British planning peculiarity met its Waterloo?

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Appendix

By way of a case study example of how planning rules are written in France, below is a brief summary of the 15 paragraphs (articles) of the rule book for Paris's general urban zone.⁹ This example shows the rules defining the characteristic grain of Paris but the same 15 paragraph structure would also be used for any low density village extension in the provinces.

Articles 1-5

- Retail, workshops, industry are to be retained on ground floor level in specific mapped areas.
- Retail is banned in some streets in Montmartre to preserve its residential character.
- All residential building must include minimum 25% social housing provision in central and western zones.
- List restrictions concerning subsidence and other risks, fire, pedestrian, and vehicular access as well as statutory undertakers.

Article 6

- Requires that the vertical part of a building façade is always to be aligned on the street edge (setbacks on upper stories are also prevented by this requirement) except in specific cases (list given).

Articles 7-9

- Sets out the principle that there is to be a continuity of building along the street edge: requiring generally that construction in a 20m band along the street line go from boundary limit to boundary limit (see diagram below). Lists exceptions to this rule such as if it were to provoke serious light problems in neighbouring properties.
- Requires minimum spacing of buildings in front of windows (hygiene, light) to be 6m in front of main rooms (4m width) and 2 or 3m for secondary windows (bathrooms, kitchens...).

Article 10

- Limits the maximum height of all constructions by a zoning of the city (essentially a 25m height limit in the centre with a 31m limit for most outer zones).
- Further to this **the** height of a building's façade is limited according to street width (or occasionally public space) by use of the following formula (but may never exceed 25m):
Maximum façade height = street width + 3m (with 1m extra if street is less than 12m wide)

- Limits roof profiles by street width according to several forms which essentially limit attic floors to one storey in streets less than 12m wide and 2 stories if wider (see illustration in the essay and below for example profiles).
- Permits and/or requires exceptions to these limits or different limits in certain zones and streets, on corner sites, for religious and cultural buildings and if a ground floor is less than 3.2m high.
- Defines building heights deeper in the block, beyond the 20m band, according to formulae based on the distance between property limit/other buildings and new constructions. This sets back buildings according to their respective heights (to maintain light levels).

Article 11

- Concerns the exterior appearance and ambiguously grants exception for "*création architecturale*".
- Requires quality materials at street level for upkeep and longevity and forbids inarticulate expanses of façade to limit bill-posting and graffiti.
- Forbids monotonous shop fronts across several buildings and limits height of sign boards to 80cm.
- Lists the overhangs/protrusions in front of the street line/roof profile that are permitted (there are exceptions to some limits in specific zones and on corner sites): shop fronts may protrude 20cm and their cornices overhang by 40cm; cornices and string courses may protrude by 20cm (or 35cm if street is wider than 8m); balconies (only a limited quantity of which are permitted and only if at least 1.2m behind pavement edge) are limited to 0.6 or 1m following street width; Dormer windows are allowed along 40% of the roof line; railings or open parapets may rise above the roof line by 1.2m and chimneys may rise 1.5m above the highest neighbouring ridge line.
- Limits boundary wall height between properties to 3.2m.

Article 12

- Concerns car parking (requiring 1 off-street place per 100m² of residential floor space with restrictions on certain buildings and streets), business deliveries and bicycle parking.

Article 13

- Requires that at least half of the inner part of the site/block (from 15m behind street line) be green/open space of which 20% must be planted with no basement below (or more in certain areas).
- Tree planting rules and specific protected green/open spaces are indicated.

Endnotes

- 1 When a building project, or proposal for change of use, conforms to the *réglement* the building permit is granted by the planning department of the Mayor's office. Neighbours then have two months to contest but they may do so only on the basis of non-conformity to the rules.
- 2 The procedure for drawing up or revising these documents takes about two years and includes initial public consultation, elected council debate, and ends with a full public enquiry.
- 3 In the UK, the land promotion 'industry' is basically a way of extracting revenues from the unpredict-ability of the British planning system. (http://www.telegraph.co.uk/business/2017/08/05/modern-day-barons-inside-murky-underbelly-land-promotion/?WT.mc_id=tmgliveapp_iosshare_ApPPcxlk3lbc)
- 4 Property value disputes, light levels and views have no effect on individual applications: seen as the inevitable consequence of urbanisation, courts rarely award damages either.
- 5 Philippe Pemezec, elected mayor at the age of 33, employed Francois Spoerry (1912-1999), architect of Port Grimaud, to work on the first planning stage of the vote-winning reconstruction of Le Plessis Robinson (a large scale popular and localist development comparable to work by the Ducky of Cornwall in the UK yet with the added complexity of being brownfield rather than greenfield development). His book 'Bonheur de Ville' recounts the story in French:(http://philippepemezec.fr/wp-content/uploads/2015/11/Livre_bonheur_BAT.pdf)
- 6 UK Completions 138000 units in 2013 of which 35360 social (housing association or local authority). UK starts 144120 in 2013. 10 year Peak 226420 in 2007 of which 27940 social housing. Starts 220680 in 2007. Historic Peak 425830 in 1968 of which 199770 social housing. (<https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building>). French Housing units starts 330000 in 2013 of which 97-110000 social housing (73000 in 2011). Proportion flats 50%. 10 year peak 477954 in 2006 (5402 units cancelled 2008). Historic Peak 546300 in 1972. (<http://www.statistiques.developpement-durable.gouv.fr/logement-construction/s-construction-logements.html>)
- 7<http://dev.createstreets.com/wp-content/uploads/2017/09/Missing-teeth-Ruaidhri-Tulloch.pdf>

8 The height-limiting framework in Paris, similar to today's, was developed by the end of the 18 century. Until just after the First World War, Paris had defensive walls restricting outward expansion. Height limiting legislation changed little until 1960 when a car-centred plan was applied, abandoning street alignment and height control. The next 15 years of high-rise construction in the outer districts proved unpopular and following the presidential election of 1974, a new plan (the predecessor of today's rules) was hastily drawn up bringing a return to street based urbanism.

9 Règlement du Plan Local d'Urbanisme de Paris, Zone UG, 2006, pages 31-88 – A full English translation has recently been made available on the city's website (<https://api-site-cdn.paris.fr/images/102657>). The respect of other legislation such as statutory undertaker requirements, fire safety, hygiene, flood risk, and historic monument protection, is partially checked at the same time as the building permit application. Beyond this, projects must also be checked by building control firms (for structural stability, fire safety, etc.), comply with disabled access rules, energy efficiency regulations and with civil law.

10 78 Bis Avenue Marceau, Raymond Ichbiah architect, Stone Facades by Hérès workshops. This knocking down and densifying one building at a time to an agreed height limit is typically how the city has always developed. External walls are minimised for economic and ecological payoffs, two sides to lose heat from instead of four and no high-rise wind problems so you can open the windows and ventilate naturally.



Eastern
Canada

Caribbean

United States

Mexico

Central America