Less doing

Concern at lack of resources in development management departments of local planning authorities is, if anything, stronger amongst developers than it is within those departments. We have argued before that this concern should be addressed by giving planning authorities less to do and by ensuring that they choose to do less as well. The first is in the hands of politicians and the DCLG. There is a tendency when simplifying planning to make it far more complex. Martin Goodall's excellent book *A Practical Guide to Permitted Changes of Use* runs to 340 pages!*

What can a local planning authority do on it own initiative? Local members, elected by residents, naturally like to get involved in the minutiae of local planning disputes – one of the areas where they can be seen to have a purpose, so this may go against the grain. Since 2004 authorities have had powers to introduce Local Development Orders (LDOs) by which they can selectively relax statutory planning rules. Almost never used. Surprise.

Government has tried to encourage their adoption and one good example, sadly not in London, is the imminent introduction by Dudley Metropolitan Borough Council of their household extension LDO. This will add to existing PD rights by allowing for slightly larger home extensions, for example by extending PD rights from 3m to 4m for a detached house but more usefully to embrace two storey rear and side extension and two storey extensions. The council says that over half of its workload of 700 householder planning applications would be covered even though conservation areas and listed buildings are excluded.

We will be happy to report on London examples of LDOs which free up the system and reduce workloads for development management teams.

Certifying compliance

Notwithstanding the above, one of the odd things about our planning system is the absence of sign-off to certify compliance with the planning permission as granted and all its conditions.

In Spain, for example, before electricity can be connected to a new building, a certificate of compliance with the planning permission has to be signed by the architect and the local planning officer. (If the building is a place of work then a medical doctor also has to certify for health and safety of the workplace.) This establishes continuity of responsibility and is enforced by a simple but unavoidable sanction. A fee is payable to the council and therefore does not compromise resources but rather adds to the weight of authority bestowed on both the local planning authority and the architect as an independent professional.

Would that this process were in place with the refurbishment and insulation of Grenfell Tower. Inquiries proceed but it seems clear already that there was no independent professional responsible for the proper implementation of the original design intention. One of the possible recommendations might therefore be a legal requirement, with sanctions, that an independent (i.e. not in the pay of the builder) professional takes responsibility both for the design and its performance and also for its correct implementation for planning as well as for building control.

This may be something which Nick Raynsford's review of planning might consider. When launching his call for evidence he said: "More than ever we need a planning system which commands the confidence of the public and delivers outcomes of which we can feel proud." Certifying compliance would help achieve this. >>>

Planning in London has been published and edited by Brian Waters, Lee Mallett and Paul Finch since 1992

Co-living and co-working

"Concierge service, room cleaning, communal spaces and all-inclusive bills – welcome to the world of co-living, a world that generation rent seems set to dominate." One of many stories about new London living developments like Co-living's 'The Collective' at Old Oak Common. According to *Planning*, commentators say they expect the sector to grow fast, with London a key hotspot, followed by Manchester and Birmingham. Other developments incorporate workspaces and indeed mix working facilities with living arrangements. But they don't fit the Use Classes Order. It helps that Co-living's *Sui Generis* use class means local and national policies on affordable housing and space standards do not apply.

The knee-jerk reaction is to call for yet another use class but these are tools of restriction; simplifying planning means reducing the number of classes by merging them and allowing more changes and mixtures of uses. In practice the Use Classes Order causes planning to hang behind the curve even more than out-of-date local development plans do, rather than injecting vision and leading the market in innovative lifestyle developments.

Such changes are hard to achieve because the system (essentially a rationing and control process) protects property values. As noted here before, the Chancellor of the Exchequer once observed that the relaxation in the 1980s of then Class III (light industrial use) with its merger into B1 (offices) gave a greater boost to the economy then did Big Bang.

So in a follow-up to the achievements of live-and-work units which so invigorated Shoreditch and Hoxton some years ago, why not define co-living and co-working widely and give them permitted development rights using the Prior Notification route to simplified planning control? This will give at least half a step onto the housing ladder for generation rent.

**Do come to the seminar launching Martin Goodall's new book The Essential Guide to the Use of Land and Buildings under the Planning Acts on 17th November at the RIBA, even though it is to be chaired by your editor. Find details and your PiL readers' discount offer on our back cover.*