

# Procrastination is often damaging but is occasionally beneficial

FINCH

**if you delay long enough, you will find an increasing number of reasons for not doing the development, points out Paul Finch**

It is a decade since the Tottenham riots took place, prompting the report by a task force led by Sir Stuart Lipton which secured substantial public investment in the neglected once-proud London borough. In the years since, the development highlight has been the magnificent Spurs stadium designed by Populous, but there has also been some decent residential development and general environmental improvements.

Things came to a grinding halt after the last council elections of a Corbyn-esque gang who ripped up a major housing programme to have been developed by the local authority in conjunction with Lend Lease, but we live in hope.

Personally, I was very disappointed to see the recently announced abandonment of the Grainger mixed-use development around Seven Sisters tube station, the so-called 'Ward's Corner' site, that being the name of a local department stores which closed in... the early 1970s, but is still referred to by some as though it is part of Tottenham's living heritage.

The Grainger story is instructive, because it shows how if you delay long enough, you will find an increasing number of reasons for not doing the development because so much else has moved on. The proposal, for several hundred apartments and houses, plus replacement retail facilities for traders operating on licenses (not leases) in the existing buildings, finally won planning permission after Stuart's Task Force supported a revised and very decent design by Pollard Thomas Edwards.

It fell to me to give a statement of support at a one-subject meeting of Haringey's planning sub-committee. So many people wished to speak, many opposed to the scheme, that I only made my statement at 11.30pm, shortly before the last tube back to central London. Only the next morning did I learn that the sub-committee had approved the application at 20 minutes after midnight.

Unscrupulous LibDems did their usual trick of trying to use judicial review to void the permission, a tactic which had succeeded on previous occasions

where the number of languages in which the planning application had been translated was said to be inadequate. This time it didn't work, but a combination in succeeding years of continuing amenity group hostility, a mendacious campaign by Latin America traders, and general cyclic economic woes, plus Covid, changes in planning policies and building regulations, has proved too much for Grainger to bear, and who can blame them? I simply note the number of lost housing years, and wonder whether we will ever be able to supply the new homes London so badly needs.

In general, procrastination is the enemy of housing, but occasionally you think that delay may have some benefits. Take, for example, another abandoned London project, this time one conceived at a mega-scale: Croydon town centre. Not so long ago, Westfield and Hammerson joined forces in a rational response to the prospect of two rival developments taking place next door to each other. Boris Johnson praised the subsequent masterplan to revive the whole of the town centre, triggering new housing as

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a benefit, and referred in a witty MIPIM speech to the company alliance as an example of WestHam coming to south-west London...

That was then; today the proposal lies in tatters, rather like Croydon council itself, once a byword for progressive planning and development, but now apparently incapable of keeping even the Fairfield Halls in proper running order. Brick by Brick, its attempt to prove that a council-owned 'company' is better at housebuilding than the private sector, has

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collapsed in metaphorical ruins, whatever claims are being made about how it was all going to work out well in the end. Tell it to the marines!

Croydon previously wasted 10 years trying to defeat the owners of the site next to East Croydon station by backing a rival scheme, with the rival schemes both taking space on the London Stand at MIPIM – a surreal exercise which could only end one way, with the people controlling the site doing the development.

One must have sympathy for the council in respect of the town centre abandonment, however, since it has tried to keep things going throughout. What has changed is the retail environment. Imagine if a gigantic shopping centre was about to complete today: how many tenants would it attract in the new world of online retail?

Time for a rethink, and indeed a rethink about all our retail-based town centres. Much time and energy is being expended on this, but one strategy looks like a winner: repopulate centres with more residential. This is part of the thinking behind the continuing move to permitted development rights, so hated by planners suddenly in love with commercial property.

This one will run and run – with changing contexts and policies along the way. One can only hope that procrastination will, if this does not sound too odd, be constructive. ■

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*Paul Finch's column, formerly published in the Architects' Journal, now appears weekly at [www.worldarchitecturefestival.com](http://www.worldarchitecturefestival.com)*

# The future of the City of London is bright

London, like Hong Kong and Shanghai, will remain one of the few preeminent global cities and location of choice for international investors says Patrick Wong

As an overseas investor in the City of London, I have written much and thought even more about the future of the City, what it looks like and how the COVID-19 pandemic will shape it in the years to come.

My view is a simple one. London, like Hong Kong and Shanghai, will remain one of the few preeminent global cities and location of choice for international investors. COVID hasn't changed that view, in fact it has reinforced my conviction.

In October 2017, my company the Tenacity Group and partners - a Hong Kong-based real estate and investment company - acquired 70 Gracechurch Street, a Grade A office and retail building in the City of London's Eastern City Cluster. In summer 2018, we further increased our footprint through the purchase of a second property located at 55 Gracechurch Street. Before these acquisitions, representing an investment of around £400m into the City of London, we considered various areas within London, but we kept being drawn back to the Square Mile with its unique blend of history, culture, character, innovation and global connection.

In January and February this year, after three years of collaboration and consultation with the City and a long list of stakeholders, we received resolution to grant planning consent for both projects and are relishing the role that our buildings can have in shaping the future direction of the City.

Furthermore, we have championed and started a Business Improvement District (BID) called the EC Partnership, which encompasses a number of other stakeholders to ensure the whole area will flourish together in the decades to come.

But what direction is that?

Both of our development projects, along with the other new generation of emerging buildings, will help change the dynamics of the City by bringing the Corporation's vision of a thriving 24/7 economy to fruition. At the heart of our approach, and indeed to the future of the City, is a genuine commitment from those that shape the built environment to the principles of Environment, Social and Governance (ESG). Buildings like ours do

not exist in a vacuum, they are shaped by and shape their surroundings. This realisation is why we are seeing an increasing recognition of the need for social and environmental stewardship of buildings and communities. ESG is no longer a corporate symbol but something that adds real value to an asset and the area within which it operates.

We have developed our buildings with these social responsibility principles at their core, opening up the ground floor of both buildings to create a tangible social benefit to the City, using the physical fabric of the city to change behaviours and how people interact with the City and the built environment.

We are also embracing the new hybrid office model that we will see emerging post pandemic. This will become more important as people return to work, in essence the whole office and City ecosystem will need to work harder, be more innovative and flexible to adapt to this change. Throughout its history, this is precisely what London and the City have done best and must continue to do so.

I can state with confidence that the era of the office is not over. The future of offices is to create 'The Right Space', which reflects the increasing importance of environmental sustainability, social interaction within the five generations which now make up our workforces; and changes which emphasise the key part which spaces and places play in our everyday lives - in short the whole experience of coming together.

Technology and digitization have

**While video calls and online meetings are here to stay, they cannot replicate the same energy, dynamism and connection of a shared space**

Patrick Wong is founder and chief executive of Tenacity Group, a Hong Kong-based, privately-owned real estate and investment company, operating in the UK and Greater China region



fundamentally influenced our behaviours. While, the video calls and online meets are here to stay, they cannot replicate the same energy, dynamism and connection of a shared space. We believe the right space, will attract the right companies and in return help them to recruit the right talent that drives growth. The events of the last 18 months reinforce the changing nature of demand for new buildings; buildings which will embrace technology and innovation and where people will come to work, not to send emails but to come together to exchange ideas, to socialise and to grow the cultures of their respective businesses - in real life.

There will undoubtedly be transformations and a new normal with higher expectations from both employees and employers alike. Instead of presenteeism, providing the right type of space that allows for an experience in a quality environment, both within buildings and in the spaces between them, will be expected.

One of our developments, 70 Gracechurch Street sits on the site of the original Roman Forum that once dominated the City of London. Historically, it was a hub for exchange, social interaction and discourse, which is just what the City should be again post pandemic. While must always recognise and celebrate the City's rich heritage, we cannot be recalcitrant or conservative. We must keep looking forward towards the future with a bold ambition and drive, that has long characterised this part of London.

So I will end where I began, on a note of optimism about the future for London and the City. It is as bright as it has ever been, and we should all be excited to be part of it. ■

# Levelling up means what?

I'm sure I'm not the only person utterly frustrated that the main engine of government department in our specialist area of interest is now named, for party political reasons, after such an amorphous concept

I'm reminded of those interminable "love is..." cartoons.

Levelling Up is...

...regenerating high streets? ... tackling obesity? ... investing in culture? ...increasing numbers of police officers? ...funding roads? ...establishing freports? ... local devolution? *et cetera*.

Maybe it would be easier to define what it isn't? From the ITV website on 24 September 2021: 58 per cent of Brits don't know what 'levelling up' policy is while ministers also unclear, reports find.

See also these tweets the same day from the Daily Telegraph's chief political correspondent Christopher Hope (thank you for alerting me, Mike Best):

 Christopher Hope  @christopherhope

On Tuesday I asked Michael Gove's "Levelling Up department" a simple question: "What is levelling up?" It took seven hours for the officials to offer a 81 word definition, with 395 words of background notes. This is worrying... 1/2

10:23 · 24/09/2021 · Twitter Web App

89 Retweets 18 Quote Tweets 242 Likes

 Christopher Hope  @christopherhope · 9h

Replying to @christopherhope

When I told an MP close to Johnson that I had asked the Department of Levelling Up, Housing and Communities "What does levelling up mean?", he replied: "Give me a ring when you find out." 2/2 Read more in my daily newsletter. Subscribe here: [telegraph.co.uk/tw-chopper-nl...](http://telegraph.co.uk/tw-chopper-nl...)

 Christopher Hope  @christopherhope · 9h

The Department of Levelling Up, Housing and Communities's 81 word definition of Levelling Up: "Levelling up is about spreading opportunity, boosting living standards and improving public services so that every part of the UK can thrive..."

 Christopher Hope  @christopherhope · 9h

"By empowering local leaders and giving communities more control to shape the places they live in, we are creating more vibrant places to live and work which will give more people a real sense of local pride."

Congratulations to the 42 per cent in the ITV poll but for the rest of us this is all no surprise. The House of Commons BEIS Committee's 22 July 2021 report Post-pandemic economic growth: Levelling up lays it bare:

From the introduction: "On his appointment as Prime Minister in July 2019, Rt Hon Boris Johnson MP

said in a speech, on the steps of Downing Street, that he would "answer the plea of the forgotten people and the left behind towns" and "level up across Britain" by unleashing the "the productive power not just of London and the South East but of every corner of England, Scotland, Wales and Northern Ireland".

From the summary:

"Levelling up—meaning, in our view, the spreading of economic and social opportunities more evenly across the country—is laudable and should be a priority for any Government.

However, whilst recognising the understandable impact the pandemic has had on Government capacity, we are disappointed at how little detail has been put forward to explain what the Government sees levelling up to mean and how it will be delivered."

"As such, we have made several recommendations to Government, including recommendations to:

- Urgently publish the Levelling Up White Paper, so that we are clear on what the Government defines levelling up to mean and what its priorities are.
- Work with the Office for National Statistics, the Cities and Local Growth Unit in the Business Energy and Industrial Strategy department and the National Audit Office to agree a set of metrics for the routine reporting of progress in delivering levelling up priorities.
- Establish the functioning of a Cabinet Committee on levelling up, that collaborates with devolved, regional, and local leaders.
- Recognise that inequalities exist across the whole of the UK, including within cities, and that levelling up priorities should therefore not be focussed on only some regions or sub-regions of the UK.
- Ensure that each region in England has the capacity to competitively bid for Government funding, given that some areas in England have a greater capacity to engage with Whitehall than other areas.

The levelling up agenda has been described by the Government as its 'most important mission'. It is now imperative for Ministers to translate this from a political promise into a deliverable programme for Government. The forthcoming Levelling Up White Paper, which we understand will now include the previously announced Devolution White Paper, gives the Government the opportunity to be bold and progressive. We look forward to its publication and, in future, engagement with Ministers on their delivery of levelling up."

Simon Ricketts is a partner with Town Legal LLP

From Simon's blog at [simonicity.com/author/simonicity/](http://simonicity.com/author/simonicity/) Personal views, et cetera



From the main part of the report: "Giles Wilkes, former industrial and economic special adviser to former Prime Minister Rt Hon Theresa May MP, noted that the Government's use of the phrase levelling up was so widespread that it had become nothing more than a generic term for "make things better". Rafael Behr of the Guardian referred to levelling up as a "rhetorical zeppelin", which was "floating on the political horizon, carrying no cargo of policy".

The current available documents on the policy instruments the Government aims to use to level up—the Conservative Party Manifesto, its submission to this inquiry and the 2021 Queen's Speech—show a wide ranging and disjointed programme of random policies from an obesity strategy, an increase in police officers, to funding on A roads and the creation of Freeports. Although these policies are all very interesting and welcome, it is difficult to see how they all tie together under one over-arching strategy. The cohesion of the whole has not been well described to identify how these fit together. If the Government is serious about levelling up and for it to be a substantive strategy rather than merely a slogan, it must spell out a coherent 'plan' as a matter of urgency"

Is this unfair? Possibly not. Motherhood is good and it's clear from the Conservative 2019 manifesto that levelling up is good: "Our plan means making sure people have access to world-class public services, that they feel safe on the streets, that working families get to keep more of their own money, and that we help with cost of living pressures.

But it also means making sure that we share prosperity across the country, addressing the longstanding economic challenges in parts of the country. We will invest responsibly and prudently in the infrastructure that can make a difference, and ensure communities in every corner of the United Kingdom are pleasant, safe and prosperous. And we will invest far more in helping workers train and retrain for the jobs and industries of the future. Investing in people, restoring the fabric of our towns and cities, building >>>



## Paul finch responds

It is quite an unbalanced letter, after a few red wines I imagine ...



>>> real "quality" environments to attract them back – in the process acknowledging that what they offered before was poor quality...and didn't we know it!!!! They are deeply worried. They terminated communicating with me when they realised what I might write! Too many tall towers are part of that same poor quality public environment).

7 His diatribe against "Policies by people who never built anything" basically implies only architects and developers should determine what's built – no doubt Finch is a great supporter of the current Tory planning policy on housing development that lost them the recent by-election. Such a viewpoint is clearly a nonsense position in a democracy, but then Finch has always had dictatorial tendencies.

8 The racial equality parallel argument he mounts is very cute and entertaining and no doubt persuasive to some if they don't think too hard, but it's a nonsense, since it assumes people are buildings!

9 The current London plan is supposedly 'anticipating demand for homes and workspaces'...does he not consider that some lobbying by the self-interested development lobby might have formed part of that (it certainly is in Monmouthshire where yes, we do need more affordable homes, but asking the private developers to do it is utterly bonkers. It is not and never has been in their interest to provide decent homes for those most in need. We have learnt that time after time, and every other European country demonstrates that as well. Does he not learn from his global travels?)

10 The sort of argument that says well "I find the skyline more interesting" so it's alright, forced him into the same nonsense debate that the actual skyline is the most important thing to debate on the matter of tall buildings. It's not, even if Prince Charles thinks it is.

11 To say that there are 'few answers as to how we are to improve our cities neighbourhoods and buildings' is an extraordinary statement from someone who has chaired hundreds of talks about such desires and policies. Was he asleep through all of those?

12 I wonder in fact if he has always disliked Peter Murray (NLA) because of his huge success as creator of 'Building Design'. Is that what makes him so opposed to the NLA position? Maybe Finch never recovered from having the Commission for Architecture and the Built Environment (CABE) closed on his watch. The Welsh equivalent DCfW (Design Commission for Wales) is still going and scores some successes now and then.

13 I could go on but that's wasted enough time already.....

Best regards  
Patrick Hannay,  
Editor, Touchstone  
the Journal for Architecture in Wales

1 If the previous campaign against more tall buildings seeking to raise the issues failed, but was supported by architects and developers who created them, were those people mere hypocrites, merely signalling bad faith, or was it a real sign of some very genuine concerns that maybe should have been listened to? It failed because it was never clear what the campaign was trying to achieve or how it might succeed.

2 Of course the campaign against the towers failed because the planning permissions were already in the pipeline...they were too late...and the power of land owners allied to the development industry to print money by creating as many floors as is architecturally possible on any single site, is, in Finch's view it seems, just the way it is in an 'enlightenment' world. (he may need to ask himself what 'enlightenment' means (it's not any rationality that justifies the status quo!)

There were permissions already granted, but the numbers increased hugely despite the campaign.

3 He clearly thinks there is no discussion to be had about why we don't make anything anymore and thus off-shore all our manufacturing to cheap labour places and thus off-shore our carbon footprint which we never take into account in govt assessments. So we conveniently carry on consuming more and more stuff. The grip of people like DEGW in the 1980's and 90's and their influence on the architecture of the City of London on the basis of, "Well the service industries are coming (once Thatcher had caved in to global trading) so go with the flow, accepting implicitly that what manufacturing that was left was moving off shore anyway". This view like Finch's is of course driven by his beloved unquestionable belief in the positive benefits to all of the global financial system that he clearly has blind faith in, similar to Blairs blind faith in the unstoppable march of digital technology solving everything. He doesn't wonder whether our investment houses should be investing in something more social and sustainability worthwhile. The reality is that many Investment houses are beginning now to wonder whether all these tall buildings will become stranded assets, just as major pension funds are thinking the same about fossil fuel assets.

The above assumptions about what I think are entirely erroneous and not based on what I wrote.

4 He clearly thinks there is no point in trying to regulate and improve capitalism...his insult of "anti-capitalist headbangers" shows his true colours. In his view there is no critique to be made of capitalism's free market output. Sad really.... and very boorish.... but then when you look at his valedictory final publication on the global jamboree he has fronted for years, the 'AR Future Architecture Awards' you can see the true horror of the worst of capitalism's output of free market's architectural towers all created under a dictatorial far-eastern boot.

I don't 'clearly think' anything of the sort. I do think there is a difference between criticism and abuse.

5 His argument against the sequence of criticisms of tall buildings is so selective. He nowhere engages with the inevitable air conditioning loads of these behemoths. The overloading of the transport system by density (whether housing or offices) in an inevitably limited transport infrastructure is a real challenge. The appalling and seemingly endless funds expended on Cross Rail, robbing the rest of the country of any investment in public transport infrastructure is another outcome of his, just follow the market trend undebated.

Well Crossrail is extending transport infrastructure. It does not seem to be inhibiting investment on HS2.

6 His beloved developers are actually shit-worried about the pandemic's effect through home-working, and many of his beloved global companies are thinking they can save a buck by forcing everyone to stay at home.....(I have recently interviewed a major legal advisor to a top city-centre developer in Cardiff....and his response to the home-working impact is that it will mean they will have to create real "quality" environments to attract them back – in the process acknowledging that what they offered before was poor quality... and didn't we know it!!!! They are deeply worried. They terminated communicating with me when they realised what I might write! Too many tall towers are part of that same poor quality public environment).

Is this what passes for academic rigour?

7 His diatribe against "Policies by people who never built anything" basically implies only architects and developers should determine what's built – no doubt Finch is a great supporter of the current Tory planning policy on housing development that lost them the recent by-election. Such a viewpoint is clearly a nonsense position in a democracy, but then Finch has always had dictatorial tendencies.

Again, criticism is degenerating into abuse based on wrong assumptions about what I think.

# Gove IN; Jenrick OUT

## So where to now with town and country planning?

### Frankly, your guess is as good as mine says Martin Goodall

There is little point in speculating on the reasons for Robert Jenrick's summary dismissal from the cabinet in yesterday's cabinet reshuffle, although a certain air of sleaziness (no matter how unfair or unjustified it may have been) seemed to hang around him.

Whether Michael Gove is any more clued up about town and country planning, local government or any of the other subjects for which he will now have ministerial responsibility than any of his recent predecessors is a moot point, but he is certainly the most high profile politician to fill this post for some considerable time. He has always struck me as rather an odd-ball, and his recent rather bizarre behaviour has done nothing to dispel that impression.

Gove does at least have a reputation for being effective in getting things done, although it is difficult to identify any particular achievements that he could claim in his most recent role as Chancellor of the Duchy of Lancaster [Cabinet Office Minister] in which he was supposed to play a co-ordinating role across Whitehall to ensure that Bungling Boris's will (insofar as it could be ascertained from day to day) was done. He retains responsibility for the govern-

ment's "levelling up" agenda, which is still no more than a slogan and a hodge-podge of infrastructure projects that will take several years to come to fruition.

I always thought that adding "Housing" to this ministry's title, and giving it prominence as the first word in that title was an unwise hostage to fortune. 300,000 homes a year still seems to be an unachievable target. Meanwhile, Gove will have a lot of other problems on his ministerial plate, including what to do about the wildly unpopular planning 'reforms' that Bungling Boris has decreed and over which ministers and Tory MPs are still arguing furiously. Then there is the question of how to tackle the cladding scandal after five years of inaction following the disastrous Grenfell Tower fire, among several other political hot potatoes.

The man actually responsible for town and country planning will be one of the Parliamentary Under-Secretaries in MHCLG. There may well be a secondary reshuffle today of junior ministers, and it remains to be seen (at the time of writing) who will end up in that role, as what the press will no doubt refer to as the 'Housing Minister' or the 'Planning



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Minister'. (The same junior minister usually combines both roles.)

So where to now with town and country planning? Frankly, your guess is as good as mine. Bungling Boris appears to be in a particularly gung-ho mood at the moment, and seems to think he can push whatever he wants through parliament. But I still remain profoundly sceptical of the chances of a Planning Bill being introduced until well into the New Year, and what will emerge still remains extremely uncertain. My prediction is that, if it comes forward at all, its provisions are likely to be considerably watered down compared with what was in last year's White Paper, and it is very unlikely that it will simplify or speed up the planning system in practice. ■

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>>> 8 argument he mounts is very cute and entertaining and no doubt persuasive to some if they don't think too hard, but it's a nonsense, since it assumes people are buildings!

It does nothing of the sort. It is a comment on a sad condition.

9 The current London plan is supposedly 'anticipating demand for homes and workspaces'...does he not consider that some lobbying by the self-interested development lobby might have formed part of that (it certainly is in Monmouthshire where yes, we do need more affordable homes, but asking the private developers to do it is utterly bonkers. It is not and never has been in their interest to provide decent homes for those most in need. We have

learnt that time after time, and every other European country demonstrates that as well. Does he not learn from his global travels?)

No lobby is necessary to persuade the mayor that his London Plan needs to focus on homes. An

odd remark which is scarcely justified by what may be happening in Monmouthshire.

10 The sort of argument that says well "I find the skyline more interesting" so it's alright, forced him into the same nonsense debate that the actual skyline is the most important thing to debate on the matter of tall buildings. It's not, even if Prince Charles thinks it is.

I didn't say it was the most important thing.

11 To say that there are 'few answers as to how we are to improve our cities neighbourhoods and buildings' is an extraordinary statement from someone who has chaired hundreds of talks about such desires and policies. Was he asleep through all of those?

No, but I'm afraid most propositions about how to do it have not proved successful.

12 I wonder in fact if he has always disliked Peter Murray (NLA) because of his huge success as creator of 'Building Design'. Is that what makes him so

opposed to the NLA position? Maybe Finch never recovered from having the Commission for Architecture and the Built Environment (CABE) closed on his watch. The Welsh equivalent DCfW (Design Commission for Wales) is still going and scores some successes now and then.

Peter was the third editor of Building Design not its founder. I was proud to be his deputy, and have remained friends with him for more than 40 years. I was very sorry the then government closed CABE down, not least because many of the ideas we promoted have yet to be realised. I am delighted that the DCfW continues.

13 I could go on but that's wasted enough time already.....

I couldn't agree more. ■

# What next for planning reform?

Large-scale upheaval isn't what we need in London, thinks Guy Bransby

Last month's Cabinet reshuffle and the recent Conservative Party Conference have brought the future of planning reforms into much sharper focus.

While the new Bill was originally expected this autumn, the appointment of Michael Gove to head a newly named department of Levelling Up, Housing and Communities and informal talk of scaling back proposals marks a shift in emphasis and raises questions for the industry as a whole.

Firstly, 'Levelling Up' itself. The concept of greater economic development to bring more of a balance across the country through job creation, investment and regeneration through the provision of large infrastructure projects is a concept that is easy to understand. But what does it mean and how will it work in practice? Details are still to emerge.

At the same time, given that London is seen by many as the driver for sustainable economic recovery post-Covid and post-Brexit, the impact of planning system changes on the capital also needs full consideration. For us, there are a number of key issues from the White Paper to consider as the Bill evolves.

The idea of zones for renewal, growth and protection was clear in its ambition but much harder to understand in reality, especially for a city that operates not only as a series of Boroughs, but as 'villages', streets and communities each with their own drivers, distinctiveness and character. The questions

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**London is seen by many as the driver for sustainable economic recovery post-Covid and post-Brexit, the impact of planning system changes on the capital also needs full consideration**

of how this would work, and crucially, how it would be resourced may prove insurmountable.

Another area likely to go is the proposal that it would no longer be possible to influence the principle of development at the planning application stage, only much earlier during plan-making, where engagement currently tends to be low. It seems clear now that this will be scaled back with, rightly, much greater recognition of local democracy.

But there are also elements of the White Paper to keep. We need a more streamlined system and the ability to deliver new development at a quicker pace. Placemaking and design should be central to every new development and judged objectively. Digitisation is essential and, whatever happens, local authority planning teams need more resource.

Better strategic planning is necessary too, not just to ensure that appropriate development targets are set and properly planned for across local authority areas.

Resolving the problematic and interlinked areas of Local Plans and housing targets should be a Government priority. This might also mean sensitively considering the Green Belt when it comes to addressing housing need, especially for outer London boroughs where so much of their land is under this designation. Certainty here – through agreed, up-to-date plans with clear numbers and appropriate site allocations – would address some of the issues in the White Paper's original sights.

Workspace and other commercial uses need greater attention too. The pandemic has clearly had an impact on property across the capital and the

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move to more flexible and agile working means that the amount and type of space held by building owners across all land uses is being reconsidered. Small retailers and businesses have suffered and many have sadly collapsed, or are on the brink. For those that survive, space is being rationalised and reworked – an obvious example being the requirement for more co-working space and repurposing larger offices and retail centres.

With affordable workspace thrust into the London Plan, some planning authorities are requiring a proportion of commercial schemes to make this provision, which will surely help start-ups, incubator businesses and SMEs. Long-term demand for commercial space is expected and a return to the capital by office workers is a vital part of the local authorities' focus, especially in Central London. As an example, Islington is currently going through its examination of its new Local Plan which aims to deliver 400,000 sqm of office floorspace and 50,500 jobs over the next 15 years. While this policy was drafted pre-pandemic, it looks set to remain.

The future of the Community Infrastructure Levy (CIL) also hangs in the balance. For now, it remains in force and can be a significant cost on development, but at least the rate is fixed and certain so can be factored into development decisions. The real issue is the payment of planning gain via s106 legal agreements, which remain subject to negotiation

Above all, London is a city that largely succeeds in balancing some of our most historic buildings and places with the needs of a major world economy. Any new system that affects this equilibrium needs to be clearly thought through, so perhaps large-scale upheaval isn't what we need here. Instead, more measured changes in key policy areas would mean we can make much greater strides in delivering more housing, more jobs and creating better places across the capital. ■

# Raising the profile of industrial land

Liz Peace on a new approach to London's industrial land

My crash course in commercial property, when I joined the industry back in 2002, taught me that there were three principal types – office, retail and industrial. Most of the next decade or so was taken up with advocacy on behalf of shops, offices and mixed use type regeneration schemes in which industrial figured not at all, followed by a focus on 'sheds', and usually pretty big ones at that. All of which has led to our neglecting 'real' industrial – where a range of processes are carried out either to make things or manage the waste products of other industries.

I don't believe anyone would question the importance of having the space for these activities but in London in particular industrial land is under significant pressure. Other uses, specifically housing, are leading to extensive loss of industrial land and what is left is becoming more expensive as it is swallowed up for large logistics developments to satisfy the demands of our digital economy.

At the Centre for London we are deeply concerned by this trend which is why we have set up a Commission to look at the future of industrial land in the capital. We published our interim findings at the end of September and we hope this will start a serious debate around why industrial land matters and what we need to do to ensure there is enough of it and in the right place.

So why is industrial land important? The first thing to note is that the term 'industrial' covers a huge array of different types of land use from small maker space, producing anything from sushi to tea trays to sophisticated jewellery, to large refineries

such as Tate and Lyle's facility in east London, to highly necessary waste recycling centres and utilities and of course to the logistics and data centres that facilitate wider business and consumer activities. These activities not only provide jobs, they are a vital part of the day to day functioning of a successful city. They also contribute to London's role as a centre for innovation, creativity and economic success.

London is, of course, struggling to provide homes for its population and many have argued that industrial land is better used for that purpose – and the extension of Permitted Development Rights will only add to that pressure. But that ignores the need for the people living in those homes to be able to be employed within a reasonable distance from where they live. It also ignores the need for the services to support those homes from the construction phase through to ongoing habitation, maintenance and supply of essential services.

Yes – some of those activities could be moved outside the M25 but that adds to transportation requirements and the resulting pollution and congestion is not going to make London a more sustainable city.

Our Commission has not reached firm conclusions yet as to how we should manage the ongoing need for industrial land but we do believe that if it continues to disappear at the current rate then London's future economic success could be jeopardised. We suggest that there needs to be a far better understanding of the role and importance of industrial land – perhaps this land use needs a PR agent! We also believe we need a more granular approach to how it is classified based on criticality and also neighbourliness so as to facilitate new genuine mixed use developments. We would like to see greater emphasis on the more effective use of current industrial land through intensification, replacing inefficient old single storey premises with higher quality multistorey developments, though we recognise that this is expensive and may need additional financial support. We are also considering what sort of additional planning powers may be needed to protect industrial land at both the GLA and individual borough levels.

I doubt very much that one relatively short Commission will come up with all the answers to London's industrial land dilemma but if we can at least get the debate going and raise the profile of industrial land we will have served a useful purpose. Our subject matter may not be quite as sexy as tall glitzy office buildings but making sure we have the land for the production and processing capacity that a thriving city needs is just as, if not, more vital. ■

Based on an article first published in Property Week



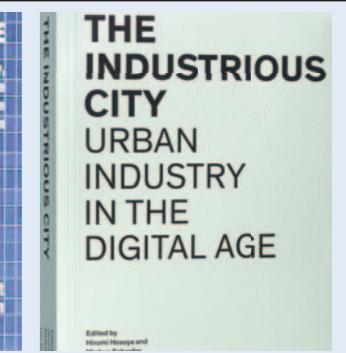
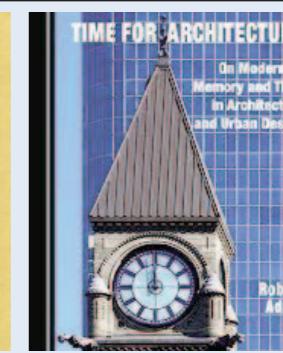
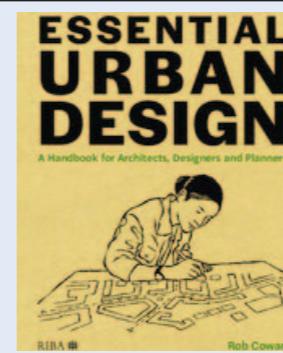
Liz Peace CBE is Chair of the Centre for London

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see PiL 118

# In defence of 'Insulate Britain'

Insulate Britain – responsible for closing motorways around London – has a straightforward aim: that the government insulate all UK houses by 2030.

This is an infrastructure investment project requiring Churchillian levels of political guts, making Dominic Cummings' recent £1.5bn botched green homes scheme puny by comparison. The cost is somewhere between £500bn and £1trillion pounds over eight years, amounting to perhaps £100bn per annum, nearly doubling the size of the construction industry in the process and requiring five per cent of our national GDP of around £2.1trillion to be directed to this end.

Somewhere between one and two million new construction jobs will be created, wiping out in one stroke unemployment (currently standing at around 1.5m), underemployment, and a good proportion of

**To affect this change, our current sclerotic so-called planning system requires top-to-bottom revolutionary change to a system that actually plans for the climate emergency, working on the basis of clear quantitative requirements**

gig economy jobs. Skilled workers and managers from other near-redundant industrial sections (such as North Sea oil) would be redirected to carbon-saving activities. The construction industry will necessarily be transformed from a single-gender industry to the inclusive industry it needs to be, with associated improvements in working conditions. Hundreds of thousands of workers will gain technical, craft, project management and life skills with a concomitant substantive increase in real-world productivity lasting far into the following decades.

The payback is a monumental positive transformation of the environmental, economic and health situation of the entire working population of the UK within the likely timescale of the current and next governments. Heating bills will be reduced by 90 per

cent for all households since, in insulating homes to a standard appropriate for the rest of the century, only the highest standards make sense. (The best-insulated homes these days require virtually no heating.) Fuel poverty disappears, those nearing the end of their lives will be cared for more effectively at home, people will be healthier, and wages will be directed to more constructive and less polluting economic activities. The refurbishment of defective housing will solve the housing crisis in one stroke.

To affect this change, our current sclerotic so-called planning system requires top-to-bottom revolutionary change to a system that actually plans for the climate emergency, working on the basis of clear quantitative requirements. The removal of subjective or unclear planning "rules" – aesthetic indulgencies we can no longer afford if climate disaster is to be avoided – will be essential in order to enable timely and cost-efficient construction work and effective project management. Alterations to the

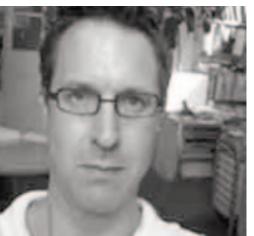
planning regime in the last decade prevented householders from changing the outer appearance of their properties without permission; this needs to be reversed, and the system will now need to encourage change. This means unrestricted permitted alterations to the appearance of homes in order to install external insulation to walls and roofs – by far the most effective and least disruptive way of upgrading insulation.

Planning transformation will have knock-on effects in the new-build housing industry, where the quid-pro-quo for the additional cost of insulating to the highest possible standards will be a de-risking of all housing planning applications. That does not amount to a free-for-all; it amounts to clarity for developers where currently there is none.

Professionals will be freed up to manage clearly-defined climate-mitigation projects without being enmeshed in endless planning negotiations.

Investment and transformation on this scale is a government task, requiring genuine coordinated transformation management across economic, political and legal fronts. Boris Johnson's government has shown itself capable of taking decisive and expensive action where needed, in the COVID crisis and last week's social care reforms. Insulating Britain will require resources and transformations of an order of magnitude higher than COVID, in response to a slower-moving but more implacable climate crisis that will make the epidemic seem like a walk in

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the park.

The government's own Climate Change Committee point to a shocking gap between the level of risk we face and the actions now being taken. The UK population has shown itself willing to accept radical change where it is proven necessary – all the more so when they are set to benefit personally in their own homes. The scale of action concomitant with climate risks lies significantly short of that required in war, but nonetheless requires Churchillian levels of leadership.

This is, of course, a huge political transformation. Government investment on this scale requires a complete reframing of conservative (and centrist) economic ideas. That has happened before; it will happen again in response to the climate crisis, the only question being how soon and whether it will be under controlled or uncontrolled conditions. The cost of quantitative easing (the ownership of government bonds by the Bank of England) since the financial crisis at around £900bn will cover the cost of insulating Britain, and over roughly the same timescale, but instead of inflating asset prices, this new investment will stimulate the real economy and improve the economic situation of everyone.

Perhaps most importantly, and just as Thatcherism led the world in the 1980s and set the scene for nearly two generations, Britain's transformational action will show the rest of the world how things are to be done if the climate crisis and economic disruption on an almost apocalyptic scale is to be averted. ■



# Beauty is in the eye of the beholder: what the National Planning Policy Framework wants you to see

**The updated NPPF has a conflict between the expansion of permitted development rights, use Class E and the new overarching theme of beauty, says Claire Petricca-Riding**

In July this year a slightly amended version of the National Planning Policy Framework ("NPPF") was published and whilst the amendments on the face of it looked minimal there are key modifications which showed us, at least until the cabinet reshuffle, the direction of travel for the Government.

What we do know is the widely publicised planning reform as consulted on in the Planning White Paper last year is currently on a pause whilst Mr Gove considers the impact of the reforms on local authorities and communities. Therefore whilst we were expecting changes to the NPPF following the planning reform, as this is no longer going to be the case we need to work with the current version.

The July amendments focus heavily on better designed, more attractive, beautiful and sustainable places to live and work as well briefly mentioning climate change and the 17 UN Global Sustainability Goals.

More controversially, however, there is a restriction on Article 4 directions. Article 4 directions are used by LPA's which prohibit the use of permitted development rights in a certain geographical areas. This means that anyone wishing to bring forward development, even if this is a conservatory on the rear of their house, then an application must be made to the LPA for full planning permission. Therefore, any restriction on an LPA's ability to put in place Article 4 directions could be seen as a control mechanism by the Government to prevent LPA's from themselves controlling development through the expansion of permitted development rights. This control is crucial in allowing the office/ retail to residential conversions which have been heavily promoted by the Government as a way of unlocking potential in our fading high streets.

A brief note on these changes to permitted development rights is that these may not be consistent with the aims of the NPPF as set out above for providing better designed, more sustainable places to live. Furthermore, there will be a loss of revenue which may have an adverse impact on the ability of the LPA to bring forward attractive and sustainable places meeting the design code and the Local Plan policies. Additionally, there has been a lot of discussion as to whether such re-purposed buildings can meet the challenge of climate change due to inadequate design of the



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buildings for housing.

One positive note is that is now an emphasis on trees and making sure that developers are planting the right trees in the right locations. This might seem a little like green washing, but data obtained from urban areas with tree cover supports the positive impact trees bring. Not only do they introduce nature and greenery into an urban environment, but where there is tree cover there is a reduction in heat arising from higher temperatures – it makes sense as places that in shade are lower than those which are in the sun. An encouragement of the scale of tree planting envisaged by the NPPF could mean there is a positive impact to our local environments and urban areas with the reduction in daytime temperatures – future proofing development.

Lastly you could have missed the addition of bringing in caution for the removal of statues and blue plaques for controversial historical figures. This has rarely been mentioned, but the timing of the inclusion could not have been more powerful. There might be primary legislation preventing damage to such items, thinking criminal damage, but there has not been the introduction of any statute which seeks to protect statues from removal. This is a sly way of having to consider paragraph 198 of the NPPF as a material consideration in a planning application for any such removal.

For all the things the NPPF says, there were many things it didn't, most notably the lack of definition regarding what is beautiful and as we all know beauty is in the eye of the beholder. In addition being beautiful is not the same as being well designed – so there needs to be a decision as to what is more important.

As stated above there is a conflict with the expansion of permitted development rights as well as the new Class E use class and how this fits in with this new overarching theme of beauty. It says nothing about bringing forward this amendments with climate change and sustainability in mind.

The biggest omission however comes in the form of what was left in. Renewable energy projects are seen by the Government as a driver for economic growth and the 'green revolution' but the NPPF has left in the controversial footnote which provides an extra hurdle for any onshore wind developments to overcome. If the Government is serious about tackling climate change, leaving this in fails to meet its future ambition. ■

# The context for custom and self-build homes in London

**How will self and custom-build homes be delivered in London? asks Chris Hemmings**

The Bacon Review into self-commissioned new homes, which was released in August suggests a minimum of 30,000 new homes per annum could be self and custom-build, which equates to a requirement of at least 10 per cent of the Government's target of 300,000 new homes per annum. The promotion of the self and custom-build market is a response in part to what the report describes as the "soulless monoculture" created by current new build housing sector, and forms part of other Government initiatives including the Building Better, Building Beautiful Commission and the National Model Design Code. It is clear that the Government is aiming to increase the choice available for home buyers, broaden the developer base, and improve design quality.

Currently, local planning authorities are obligated under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Parliament Act 2016) to retain a register of people seeking to develop self-build homes in their district or borough and have regard to the list in seeking to deliver the demand. This may take the form of setting a target for self and custom homes as part of residential allocations within local plans.

The London Plan currently includes an objective to provide opportunities for custom-build housing to help create greater diversity and reduce the "reliance on a small number of large private developers". The promotion of custom and self-build housing is presented within the London Plan's small sites policy (H2), although there is no specific target for the delivery of these units across London.



To boost the supply of self and custom-build plots, will the Government therefore set a national target of 10 per cent for all local planning authorities to deliver in their district or borough?

Self-commissioned homes cover the full spectrum of self and custom-build homes, with the key criteria being that the person directly organises the design and construction of their own home. For self-build projects, this involves the owner purchasing a single plot and employing an architect and contractor to design and build the new house to the individual's specification. For many years, this was typically limited to wealthy individuals building large houses, often of exceptional design quality, in rural areas. For custom-build homes, this could take the form of purchasing the land and foundations from a developer to the individual's specification (golden brick) or purchasing the plot and the shell of the building (self finished homes) through to land and build packages from the developer, or customising the house with the developer in terms of the internal layout, fixtures and fittings, and/or minor changes or upgrades to the exterior.

The current focus of the London Plan's promotion of custom and self-build housing is on small sites of less than 0.25 hectares in size, which potentially enables small plots to be purchased by individuals seeking to deliver a single house. But would custom and self-build targets or policies relate to all scales of development? Or would London boroughs seek to create a criteria-based policy focused on the scale and type of housing?

For example, high density apartment blocks would be unsuitable for self-build, whereas some

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form of customisation (internal finishes and potentially small layout changes) should be deliverable. On large sites with a mix of houses and flats, there is greater scope to incorporate self-build units, although as most housebuilders are volume-driven and rely on pace of delivery, the flexibility to choose the form of self-commissioned homes is a critical factor. For example, with custom-build a volume housebuilder can use its own architects and building contractors to ensure that the style is in keeping with the wider scheme and can be delivered on time, whereas with a self-build plot there is less control on what is delivered and when. The market perception of a scheme could also be impacted negatively if self-build plots remain undeveloped or are not finished to a high standard.

There would be other issues to be resolved with third party contractors entering a construction site, in terms of health and safety procedures, the triggering of conditions such as Section 106 obligations which would increase the costs for the volume housebuilder.

However, the Government is keen to stimulate the SME house building market, and the self and custom-build policy intervention could lead to specialist developers entering the market, which should streamline the process. The use of Modern Methods of Construction (MMC) could also play an important role in increasing delivery rates and the range of customisation available. This will take time to come to fruition, so in the short term greater financial support may be required to deliver policy targets, beyond the current CIL exemption. In the absence of this support, housebuilders could seek to mitigate any increase in costs through reduced planning obligations, including affordable housing.

With the appointment of a new Secretary of State, both updated housing targets and detailed policy guidance to support the delivery of custom and self-build is eagerly awaited. ■

# All packed up and ready

**Can you rely on force majeure in the absence of an HGV Driver? ask Lucy Pringle and Jonny Gibben**

The current shortage of HGV drivers is well documented. A combination of Covid, Brexit and other factors has meant that there are simply not enough drivers to meet UK demand. The Road Haulage Association estimates that there is now a shortage of 100,000 drivers in the UK, and says that it will take 18 months to train 100,000 drivers. This lack of haulage capacity is putting intense pressure on some supply chains, with conditions predicted to worsen in the run up to Christmas.

If a lack of haulage capacity causes you to be late in delivering orders, or failing to perform your contractual obligations completely, is it possible to rely on force majeure to avoid liability?

## A four step test

1. First, check whether you actually have a binding contract with a customer to supply goods. You may have binding ongoing supply commitments to some customers, whereas other customers simply place ad hoc orders from time to time (which you can accept or reject at your discretion). Prioritise servicing your binding contractual commitments, and consider declining ad hoc orders in order to manage your capacity to supply.

2. Where you have binding contracts, the next step is to understand whether those contracts contain fixed delivery/performance dates, or whether delivery/performance dates are estimates only. The latter is obviously preferable given the current difficulties.

3. If you have a binding contract with firm delivery/performance dates, check whether that contract contains a force majeure clause and whether shortage of haulage availability falls within the scope of that clause. If it doesn't, then you are unlikely to be entitled to any legal protection from customer claims arising from your late delivery or non-performance, because English law does not provide any default force majeure protection. The protection is either in the contract or it's not.

4. Finally, even if a driver shortage falls within the contractual definition of a force majeure event, it must be the operative cause of the delay or non-performance (i.e. it must make it impossible not just more expensive to perform) before the clause can be relied upon.

## Summary

A broadly drafted force majeure clause may capture haulage shortages, but a more tightly drafted force majeure clause is unlikely to. It is essential to read what the clause actually covers. If it is simply more expensive to obtain haulage services, then this is unlikely to class as force majeure. The legal doctrine of 'frustration' may assist you if contractual performance is impossible, but this is a high threshold and can rarely be relied upon.

If your suppliers are declaring force majeure to



you, apply a similar four step test to rigorously check whether they are actually entitled to declare force majeure. It is often the case that businesses declare that a force majeure event has taken place without having the contractual right to do so, and simply rely on goodwill or lack of legal knowledge to avoid claims.

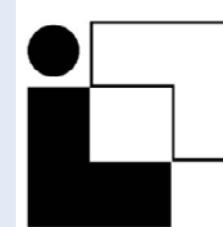
## What should I do to protect my business?

A supply chain is only as strong as its weakest link, and there are weak links stitched through the supply chain at the present moment. This is a critical time to assess the adequacy of the force majeure clause in your standard terms to ensure maximum protection against current supply chain threats. ■

## NEXT MEETING

**Monday 29th December on Zoom**

email [jm@axiomarchitects.co.uk](mailto:jm@axiomarchitects.co.uk) if you would like to join the discussion and receive the link



**London Planning & Development Forum**