

LETTERS



The real worry is National Development Management Policies

Sir,
If top-down national housing targets get ditched, London Plan housing figures will remain as London's targets – although that was expected anyway, if still post 2024.

The real worry is the National Development Management Policies and, specifically their status. The present regime, where a plan is only required to conform generally to a higher level plan, could be adopted, but the threat of nationally determined policies with only a nod to locally-specific circumstances is a recipe for conflict. And why do we need national development management policies when we already have the London Plan?

The NPPF totally lacks any spatial planning policies – it is all very well trotting out a mantra – “the right development in the right place” – but totally fails to indicate what a more sustainable pattern of urban development would look like.

Michael Bach, London Forum of Amenity and Civic Societies



Michael Bach, London Forum of Amenity and Civic Societies

Compulsory rental auctions are yet another half baked idea

Sir,
The idea of 'compulsory rental auctions' – part of the draft Levelling Up and Regeneration Bill 2022 – has caused significantly controversy since it was initially presented a few months ago, and with good reason. Whilst rejuvenating our high streets is absolutely a laudable pursuit, it seems that the government – via this bill – are placing blame squarely at the feet of property owners for the decline of the high street, as opposed to the inexorable rise of e-commerce – a rise substantially catalysed by COVID.

The reality is that our high streets have been undergoing significant structural change for years. Not only do we have too much retail space in the UK, but also the wrong sort of space – hence the popularity of out of town retail among traditional high street retailers such as Next, M&S and many others.

The government however seems to view landlords not only as the problem, but as a potential solution – deciding that they clearly do not want to let their premises out to occupiers and therefore forcing them to do so via this draconian idea. Landlords are to an extent a convenient punch bag for the government, enabling them to deflect attention from the real issue at hand – business rates.

The government have consistently failed to meaningfully reform business rates over the years – their most recent reform rendered almost meaningless for multiple retailers with a very strict cap on rates relief payable. Business rate payments generate billions for the Treasury, but they are far from equitable given no such tax exists for online retailers, and globally there are very few examples of large scale property based taxation – with physical store occupancy costs ratios far more palatable in similarly developed economies.

Not only are compulsory rental auctions unfair, they are also unworkable in practice. The idea is that such auctions would be undertaken in streets local authorities deem as 'crucial' to the local economy because of a concentration of high-street uses of premises in those streets.

The issue is that local authorities have made no such designation, and to do so would require significant research into local property needs, which they would first need to undertake. To qualify the property must also have been unoccupied for the whole of

the previous year or been vacant for at least 366 days out of the previous two years. This in itself is far from easy to determine, and the government has not defined the precise meaning of 'occupation' in this instance.

For example, would a property count as unoccupied if it is currently vacant for site assembly purposes pending a redevelopment, or if it is undergoing a major refurbishment? It is also not clear how the local authority will obtain occupancy information. To gain access to up to date information, local authorities would have to engage regularly with agents and landlords, which requires both capacity and resource that many of them do not have, and the government has certainly not offered to provide such resource.

Other questions the government have failed to provide answers to include: who will decide which bidder 'wins' the auction, and how? Who has enforcement responsibility if the 'winner' does not pay the rent? How is the tenancy granted to the successful bidder? So many unanswered questions.

Finally, the timing of the announcement of compulsory rental auctions smacks of electioneering, given it came just before crucial local elections. Being seen as doing something proactive to revitalise the high street – particularly in 'red wall' towns blighted by high vacancy rates – was certainly convenient timing.

Compulsory rental auctions are yet another half baked idea by a government that has paid lip service to saving the high street over the years, but has failed to act to reform the biggest single issue facing it – business rates.

Jonathan De Mello, Founder & CEO of JDM Retail Ltd



Jonathan De Mello is Founder & CEO of JDM Retail Ltd

BRIEFING

Whole-life carbon assessment controversy strikes the Barbican

The *AJ* reports: Plans to demolish parts of the Barbican Estate are based on 'misleading data' about carbon emissions and the site's structure, a residents group has claimed

Last year the architects **Diller Scofidio + Renfro and Sheppard Robson** unveiled plans to pull down the 1970s Bastion House office block as well as the neighbouring current home of the Museum of London, replacing them with two office blocks separated by a public plaza. A planning application has not yet been submitted for the proposal.

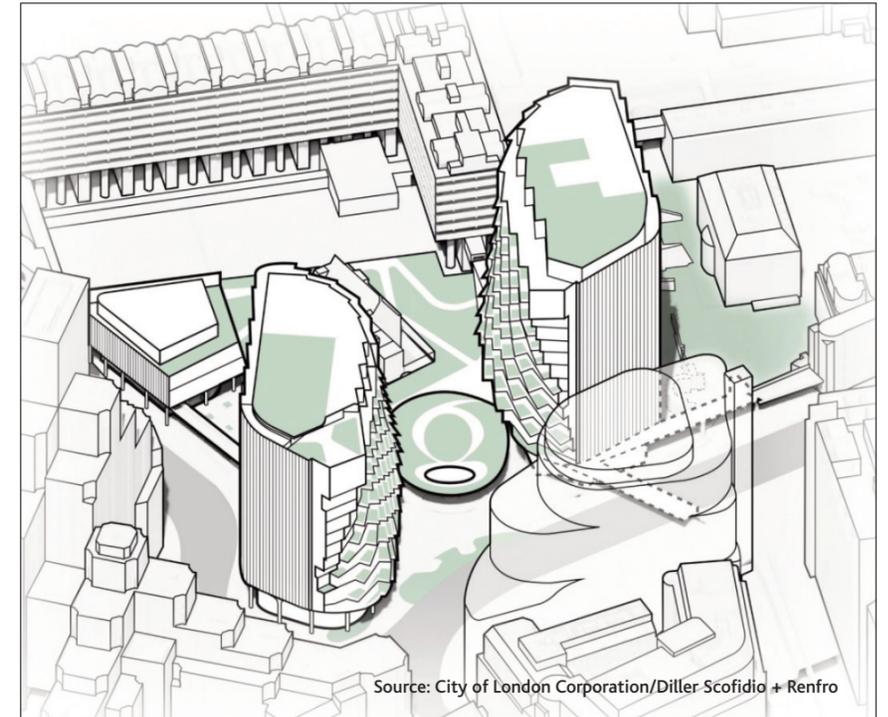
The early plans caused controversy among Barbican residents, heritage bodies and amenity societies. Resident-led group **Barbican Quarter Action** argued that the proposals should be reviewed as the Barbican is 'an area of international and historic significance'.

The City of London, which owns the Barbican Estate and is leading redevelopment plans, published a whole-life carbon assessment for the development in May. The report was prepared by the City 'in co-ordination' with the architects, engineer Buro Happold and planning consultant Gerald Eve.

The report concluded 'that retaining the existing buildings is not appropriate in this instance'. It said that demolition and rebuild would 'require more carbon spend in absolute terms' but added that it 'would perform 10 per cent better' on a kgCO₂e/m² basis...

Barbican Quarter Action's whole-life carbon assessment was written by architect **Simon Sturgis**, of Targeting Zero, and says that the City of London's report 'appears to be designed to pay lip service to the requirement to examine retrofit, and to set out to prove that new build is the only realistic solution'.

Sturgis says that the City of London's assessment's refurbishment scenario, which is compared with demolition and rebuild, does not retain Bastion House, which he argues would make a 'positive difference' to the



Source: City of London Corporation/Diller Scofidio + Renfro

Response by the City of London Corporation

Our proposals have been carefully developed with industry experts, and would deliver cultural, community, and economic investment, and public realm improvements for the benefit of City residents, workers and visitors.

With the Museum of London planning to move, and Bastion House falling below the standards expected for an office block, it is important to find a viable new future for the site.

Fully retaining the existing buildings is not a suitable option due to significant structural issues, fire safety, very poor energy performance, and the limited uses which would be possible at the site.

Redevelopment allows for a larger, more efficient scheme, and will deliver lower whole lifecycle carbon emissions in comparison to the part demolition/part retention option, per square metre.

On balance, redevelopment is therefore considered to be the preferred option for the site.

whole-life carbon emissions for a retrofit option. He adds that the City of London has assumed a new-build scenario would have lower embodied carbon for façades than refurbishment – but suggests this is unlikely given that the proposed new buildings have 'considerably more façade area'. And he points out that even under the City of London's assessment, the new-build and demolition option would

create 20,000 tonnes of CO₂ emissions more than the refurbishment – an amount that would take 340,000 trees 10 years to absorb.

Sturgis concludes that, while the City of London has declared a climate emergency and produced guidance for how to respond to this, 'this ambition and intent are in opposition to the promotion of schemes such as this which are high carbon in construction and use'.



>>> Green Belt expands

England's green belt has expanded for the first time in more than a decade, but the increase is expected to be short-lived because of pressure for new housing. Land designated as green belt jumped by 1.5 per cent, or about 24,000 hectares (600,000 acres), in the year up to March, the Department for Levelling Up said.

The total area under landscape protections now stands at 1. million hectares, leaving 12.6 per cent of the country shielded from urban sprawl.

However, the figures are not evidence of a nationwide bounceback for green belt land, and campaigners warned that they masked declines in several parts of the country. The increase came from land around the market town of Morpeth in Northumberland, which was already effectively treated as green belt but had been awaiting formal designation.

Paul Miner at CPRE said: "We're most concerned by the continued losses in and around London. The Northumberland case is merely confirming what the working boundary had been for some years, so isn't really 'new' green belt.

Of the 14 local authorities that made changes to green belt boundaries last year, Northumberland was the only one to increase the area.

Central Bedfordshire removed 1,290 hectares, followed by Brentwood in Essex 430 hectares and Halton in Cheshire losing 410 hectares. "From our perspective the main concern is really with the continued nibbling of the metropolitan green belt caused by substantial and in our view largely unnecessary releases in central Bedfordshire," Miner said.

Housebuilding is forbidden on green belt apart

from in exceptional circumstances, but polling has shown that younger people are far more supportive than older generations of allowing building on such land to go ahead. Rishi Sunak, the former chancellor, promised during the Conservative leadership campaign to block housebuilding on the green belt, with brownfield sites given priority instead. Authorities under pressure to meet housing targets can remove land from green belt status.

About 260,000 homes are proposed for green-field land removed from the green belt, according to CPRE. Miner said there was no reason to expect anything other than a continued nationwide decline in designated green belt next year.

A spokesman for the government said that it would continue to prioritise development on brown-field sites in towns and cities.

The Green Belt has been a disaster

It stops the expansion of productive cities. London should have nearer 20m people than 10m. The secret is that Truss and Sunak are the same candidate: market-loving, awkward and impatient.

Liverpool and Manchester should be a Dallas-Fort Worth-style metroplex. The research labs that constitute much of his country's economic future are out of room. And all for the preservation of often nondescript land. If patriotism is the sacrifice of one's own interests for the nation's, Nimbys are unpatriotic. No prime minister can say that, I

hear you interject, especially one who looks like Sunak. Of course he can.

Voters will - what? - hound him all the way to the Santa Monica branch of his property empire in 2025? Only Sunak can say it.

- Janan Ganesh in the FT

Investment Zones: some handy existing legislation?

Simon Ricketts writes:

I know we all lose bits of legislation down the sofa. The Government's 24 September 2022 guidance on investment zones in England said this: "The government will look to introduce primary legislation in order to enable the offer on tax and simplified regulations. The final offer will be subject to the passage of that legislation through parliament."

There really isn't much clarity as to the nature and extent of any primary legislation that will in fact be required to deliver the regimes envisaged for each investment zone (potentially bespoke for that investment zone). When you add this to the wider confusion as to the relationship of the proposed Planning and Infrastructure Bill with the current Levelling-up and Regeneration Bill (with much of what was trailed for the former either already within the latter - eg environmental law reform - or shortly to be added by way of amendments.- eg amendments to NSIP processes - or able to be secured by way of secondary legislation), some clarity from Government is urgently needed.

Turning to the question of on what amended planning regimes may be appropriate for some investment zones, people have rightly pointed to the potential use of local development orders, which for example the Government has previously encouraged in relation to enterprise zones and freeports.

However I'm wondering whether, instead of further primary legislation to achieved some unspecified new procedure (which sounds slow and impractical), the Government has considered whether two provisions which are already on the statute book are

CLIPBOARD

in fact sufficient: simplified planning zones and planning freedoms schemes. Are ministers even aware of them? I would be interested in people's experiences with either.

Simplified Planning Zones were introduced by way of section 82 of the Town and Country Planning Act 1990¹ which provides as follows:

"(1) A simplified planning zone is an area in respect of which a simplified planning zone scheme is in force.

(2) The adoption or approval of a simplified planning zone scheme has effect to grant in relation to the zone, or any part of it specified in the scheme, planning permission—

(a) for development specified in the scheme, or (b) for development of any class so specified.

(3) Planning permission under a simplified planning zone scheme may be unconditional or subject to such conditions, limitations or exceptions as may be specified in the scheme."

See also the Town and Country Planning (Simplified Planning Zones) Regulations 1992.

This is a good explainer, with examples: How simple are Simplified Planning Zones?² (Local Government Lawyer, 4 February 2016) and here is some information about Slough Borough Council's Slough Trading Estate SPZ³.

Planning freedom schemes were introduced by section 154 of the Housing and Planning Act 2016⁴ From the explanatory notes to section 154:

"Section 154: Planning freedoms: right for local areas to request alterations to planning system

441 This section enables the Secretary of State, by regulations, to make planning freedom schemes in England. Planning freedom schemes may only be made following a request from the local planning authority for the relevant area and only if the Secretary of State considers the scheme will lead to additional homes being built.

442 Before bringing forward proposals for a scheme the local planning authority must consult in their local area.

443 Such schemes will operate for a specified period (although subsection (7) includes the power to bring schemes to an end early, for example, where the local planning authority asks the Secretary of State



Bagshot Park, part of the latest phase of the Aylesbury Estate regeneration

Aylesbury Estate: new plans lodged as council approves compulsory purchase powers

The Aylesbury Estate in Walworth is part-way through a 20-year regeneration project led by Southwark Council, which will see 4,200 homes built on the estate, originally home to 2,758 people. The latest phase, 2b, includes buildings by masterplanners Maccreeanor Lavington and four other practices: Sergison Bates, Haworth Tompkins, East, and Architecture Doing Place. It is being delivered in partnership with Notting Hill Genesis.

Phase 2B involves the demolition of the exist-

ing blocks to make way for five new buildings between five and 25 storeys, providing 614 homes, of which 165 are social housing, 367 private homes and 82 intermediate. The tallest building will be located on the corner of Albany Road and Thurlow Street as a gateway building to Burgess Park.

Most of the estate is now empty after the council acquired 46 leasehold properties and successfully rehoused 293 households on secure tenancies. However, negotiations are still ongoing with 11 leaseholders.

In a bid to make progress on stalled discussions, in June the council's cabinet approved the use of compulsory purchase orders (CPOs), which 'as a last resort' would allow the authority to buy residents' homes without their consent and move them off the estate.

A previous attempt by Southwark to obtain CPO powers on a different Aylesbury phase was blocked by former communities secretary Sajid Javid, a decision the council eventually overturned in the High Court in 2018.

The Council has drawn up rehousing options for resident leaseholders, from a council tenancy to the purchase of a council property under either shared ownership or shared equity arrangements or the purchase of a housing association property on either shared ownership or shared equity. Southwark Council decided to demolish and rebuild the estate in 2005 and so far 408 homes have been completed by developer L&Q in Phase 1a, led by architect HTA Design. Works are on site for a further 581 council homes and 122 private homes, as well as a new library, health centre and early years centre, scheduled to complete between autumn 2022 and 2025. ■

1. <https://www.legislation.gov.uk/ukpga/1990/8/part/III/crossheading/simplified-planning-zones>
2. <https://www.localgovernmentlawyer.co.uk/planning/318-planning-features/28701-how-simple-are-simplified-planning-zones>
3. <https://www.slough.gov.uk/planning/simplified-planning-zone-spz>
4. <https://www.legislation.gov.uk/ukpga/2016/22/section/154/enacted>



iPILLO!

Growth, Growth, Growth

Liz Truss vowed to get London's economy "firing on all cylinders" if she became Prime Minister.

She hailed the capital as key to driving the nation through the economic storm with sky-rocketing energy bills in the autumn. Amid fears that the city is losing funding due to the Government's levelling-up agenda, she also insisted she would be "London's strongest champion".

As the economic clouds over Britain were darkening, Ms Truss, writing in the *Evening Standard*, said: "London has long been the engine of our economy. When Londoners thrive, the rest of our United Kingdom thrives too."

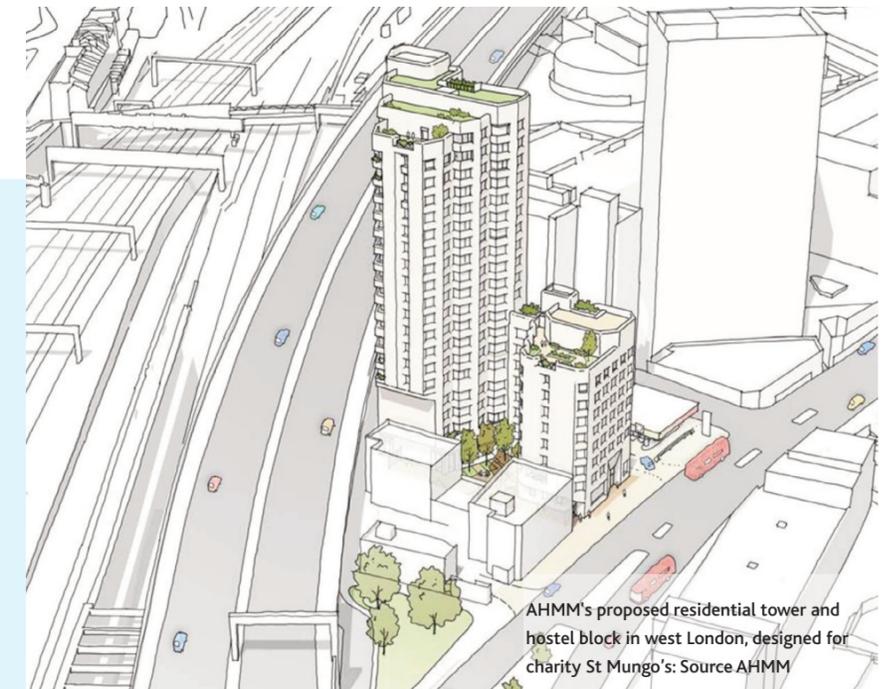
She added: "I know some of the most deprived areas in the country are found in the capital. So I will take bold action to get London's economy firing on all cylinders through tax cuts, bold reform and removing regulation that stifles business."

She also unleashed a stinging attack on Mayor Sadiq Khan, highlighting the level of knife crime in the capital. She slammed the "militant trade unions grinding London to a halt" and the "shocking violence" against women and girls.

Royal Yacht

Following up on Boris Johnson's promise to build a new Royal Yacht, a transparency request has revealed that, so far, the Ministry of Defence has engaged three external consultants on the project, spending a total of £330,000.

This included the law firm DLA Piper for legal advice and the Royal Institute of British Architects for architectural services. Commentators suggest that given the 'Cost of Living Crisis' this new boat idea is dead in the water.



AHMM's proposed residential tower and hostel block in west London, designed for charity St Mungo's: Source AHMM

St Mungo's homes set for go-ahead

Proposals for a new centre for homeless people, backed up with a 20-storey development of build-to-rent flats have been recommended for approval by Westminster City Council planning officers. AHMM's scheme for charity St Mungo's will replace an existing west London hostel with a more modern facility featuring 45 self-contained en-suite rooms and 11 further "move-on" units where people will be supported for their next steps. The 0.12ha site between Harrow Road and the Westway, would see the new hostel facilities delivered in a nine-storey building fronting the main road, and the tower featuring new rental homes to the south. Council officers say the proposals would deliver numerous benefits, including providing better facilities for St Mungo's and contributing to the authority's housing target. They say that while the floorspace for the reprovided hostel would be "slightly smaller" than the existing building, the space would be better used, resulting in four additional rooms and a higher standard of accommodation.

The build-to-rent element of the scheme, which has been worked up in partnership with developer Stories, would feature 98 apartments – up to 14 of which would be designated as "affordable", depending on the council's preferred mix of studio, one-bedroom and two-bedroom homes. Officers claim that AHMM's scheme would deliver a "very substantial" package of public benefits, including replacing an "architecturally harmful" building and making a "significant contribution" to the city's 985-new-homes-a-year housing target. – *BOnline*



Destination city City

The City of London's planning committee has resolved to approve plans for a new hotel development. A higher block facing onto Jewry Street will be 15 storeys and a lower block will be eight. The scheme will have 311 hotel rooms, a café/bar on the ground floor and a rooftop restaurant, both open to the public.

The City Corporation recently announced a bold new vision for the future of the Square Mile – Destination City – to ensure it remains a world-leading location for UK and international visitors, workers and residents to enjoy.