

# Disruptive change is not necessarily bad

Is there a growing conflict between London authorities and top-down planning policy?

The need for more housing has risen to the top of the political agenda and planning is seen as both a villain and part of the solution. The outline of the Housing and Planning bill has been announced along with the intention to extend the relaxation of Permitted Development Rights to convert offices to homes. The current exemptions remain in place for a few years so as to allow authorities to make the case for limited Article 4 Directions to make some of them (and maybe more) permanent and current schemes with Prior Approval have another three years to be implemented.

Relaxing these PD rights is seen by some authorities as a blunt, national instrument and inappropriate in parts of London where clusters of established and start-up firms are under threat from high-value residential conversion. The whole exercise demonstrates how difficult it is to reverse planning controls while trying to make the system simpler. Sceptical authorities say the main achievement of developers is to increase the values of such properties as speculation or as a means of pressurising for better permissions. While the number of additional dwellings delivered in London so far is relatively modest (still several thousand), research suggests something of a rapid rise has occurred ahead of next May's now-extended deadline for their completions.

There are also concerns that such dwellings, being outside planning control for size and mix may be 'substandard' – but building controls will still be a constraint and small dwellings with no 'affordable housing' burden will be more affordable. Relaxation of established controls can be expected to incur some collateral damage but the balance of advantage needs to be taken into account. Proper research is needed to quantify this but in the nature of the way these changes are being introduced it seems that such research will have to be post-hoc and may only become evident as authorities try making the case for permanent exemptions under Article 4 Directions.

What seems clear is that the core principle of the Town and Country Planning Act is likely to be achieved, that is to make best use of land. Whether it is by investment in the conversion of poor quality office stock or by upping the value of the better 'employment floorspace' which remains, value is being released. Provided that an overall balance is eventually achieved this is likely to represent a benefit generally and in London in particular. Losses of low-cost work space will push economic activity into areas where it is most needed and the largely unmeasured benefits of flexible and home-working will do much to compensate.

Change is disruptive but is not necessarily bad.

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

# Better resourcing for planning departments

Allow competition and give them less to do

The Planning Officers Society and many local planning authorities are pushing to set their own planning application fees. This is a knee-jerk response to the tough issue of resourcing local planning services. It is unworkable so long as they remain in a monopolistic position. They call for 'full recovery of their costs' but this is bound to translate into higher fees for the less efficient, less effective authorities.

New mechanisms have come into play whereby planning agreements allow developers of large projects to agree additional fees and even the cost of dedicated officers to help process their schemes. When this delivers it is welcomed but the cloud of suspicion will always be there especially with 95 per cent of decisions being delegated to officers.

Here are two possible constructive changes, acknowledging that at a time of cut-backs for councils, a well resourced planning department is essential to serve the needs of the community as well as to support the local economy. The first is to reduce the workload of 'development management'. With all the changes being introduced, little is being done to prune the validation nonsense with its overload of marginal information demands. The need is to expand the Prior Approval category of Permitted Development, aiming to take all but the most contentious small developments out of planning control and to allow neighbours to come to agreements with each other in the manner of the Party Wall Act. Architects and other recognised professionals can manage the process and certify compliance.

The other is to allow planning departments to compete for fees, relinquishing their current monopolies. This would involve an applicant choosing who should process his application (based no doubt on performance league table looking at time and cost) but still requiring the final decisions to be taken by the local planning authority based on the professional reports provided to them. Some will cry that this is undemocratic, but the planning acts do not require democracy in planning beyond the making of the Local Plan. The Planning Inspectorate makes such decisions every day.

## PINS unstitched

Appeals are in crisis and threatening the productivity of the planning system

It is some years since we have had to argue that the planning appeals system was the bookend holding up the processing of all applications for development. If appeals are not dealt with promptly – and far faster than making a new application – then the bookend falls over. In recent years – eventually – PINS put the system together introducing simpler procedures – like the clever householder fast track – and a clear regime of timetable targets. But it has fallen off the shelf again. It is now taking 8 to 10, even 14 weeks for PINS just to validate an appeal which might then have a determination target of not much longer.

The head of PINS has stepped down with Steve Quartermain, the Government's chief planning officer, taking over in the interim. New inspectors are being trained up but this is a crisis for the planning system and no help for house builders and other developers. The targets should be reset immediately with the clock starting at receipt of the appeal.

Ironically the revamped Planning Portal appeals website is so easy and almost a pleasure to use that this might even be encouraging more appeals! Give it a try – but just don't expect a speedy decision. ■