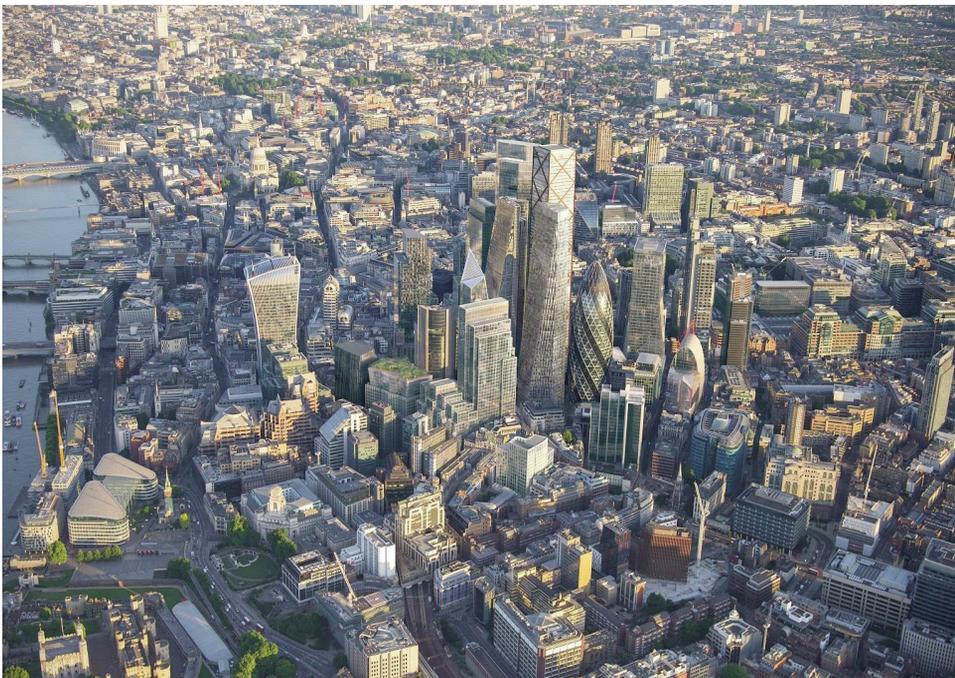


BRIEFING

Last year, the amount of offices let across the City of London and West End totalled 12.6 million sq ft – the highest level of take-up in 20 years



City vision if all permitted schemes are built: aerial view looking west: source GMJ and City of London Corporation

With UK business confidence remaining comparatively weak since the EU referendum, it would be reasonable to assume that demand for London office space would be cooling.

However, while take-up of central London offices did fall year-on-year in 2016, 2017 and 2018 have been very different.

Another sign of confidence in London is the type of companies taking space and the length of commitment. 2017's largest letting in the City – 564,000 sq ft at 21 Moorfields to Deutsche Bank – was significant on two levels: a German bank committed to a large new HQ, and it did so on a pre-let of a building that won't be delivered until 2021.

Given that much of the post-referendum speculation has focused on the prospects of jobs in banking and financial services leaving London, it may also come as a surprise that businesses from that sector acquired 2.4 million sq ft of office space in central London last year, 15 per cent of the total. Other acquisitive sectors were the serviced office providers (19 per cent of the total) and creative and technology businesses (26 per cent).

2018 has seen take-up levels maintained, with

the volume of offices leased in the City and West End reaching 5.6 million sq ft at the half year; marginally up on the same point last year. But this year's seen a slightly different tone around who's driving demand. During the first six months, the largest deal in the City was 600,000 sq ft at Royal Mint Court for the new Chinese Embassy. This made the public sector the largest acquirer of offices, although insurance and financial services companies have also taken 825,000 sq ft of space (21 per cent of the total).

In the West End, the rise of the global tech titans continued with Facebook's pre-let of 600,000 sq ft in King's Cross. Once it, Google, Amazon and Apple move into all the space they've acquired recently they'll occupy more than 4 million sq ft in central London. What's perhaps more important is that the majority of this space has been acquired since the referendum.

Looking ahead, the story appears equally positive. Currently there are active requirements for more than 7.2 million sq ft of offices from companies as diverse as the European Bank for Reconstruction and Development, Merck, and Samsung. Some 34 per cent of this demand is from the banking and financial

sector and 19 per cent is from the technology and creative industries.

While the mood music around a hard Brexit has picked up pace, it's apparent that office-based employment in London will grow for the foreseeable future. Businesses are more cautious than they were, but larger companies are planning through the period of uncertainty and taking a view that London remains a major part of their European and global networks regardless of Brexit.

Source: Savills Research: City Office Market Watch ■

City vision 2026

The City of London Corporation has released images of how the City cluster skyline will look in 2026 after all the consented buildings in the pipeline have been completed (*LEFT*).

Five buildings over 30 storeys are currently under construction in the Square Mile, with a further five consented by planners.

Eric Parry's 1 Undershaft would be the tallest building, standing 10m above PLP's 22 Bishopsgate – which is under construction by Multiplex and due to finish this year. It is unclear when 1 Undershaft, which received planning consent in 2016, will be built.

New in this year's visualisation is SOM's 100 Leadenhall which received planning permission in July and would stand 32m below 22 Bishopsgate.

Its developers say it will be take four years to build, with tenant leases on the existing building expiring in 2023 – but have vowed to begin whenever they achieve vacant possession.

The pictures come as the City of London consults on its 25-year local plan which would require new developments to contain a "greening element" such as a planted wall or sedum roof.

It is also looking at how to close the gap between the Walkie Talkie and the towers of the so-called eastern cluster. It will announce its decision in the spring.

The corporation is also consulting on a strategy to prioritise pedestrians and improve public realm in the Square Mile which will demand new walking routes through major developments to make the City more permeable. ■



Build up but build well

In tandem with the Autumn Budget, the Government launched a consultation on planning reforms to increase housing delivery and address the poor state of high streets, write Riette Oosthuizen and Simon Owen of HTA Design. The intention is to: "...make the most effective use of existing buildings both for business and residential use". The benefits are evident: it will lessen pressure to build on the green belt, and back gardens, and hopefully offer a lifeline to failing town centres.

New permitted development rights are proposed to allow existing premises in 'typical high street uses' to change to a wider range of uses, such as leisure and community uses, including gyms, libraries, health care, office use or homes (the latter applies only to use class A5, hot food takeaways).

Subject to prior approval, new permitted development rights are proposed to allow additional storeys

The government suggests once again that the Use Classes Order might be amended in relation to the various Class A uses. This might involve the amalgamation or adjustment of some of the existing town centre uses (A1, A2, A3, A4 and A5)

above certain buildings in commercial and residential use. The emphasis is on delivering additional new self-contained homes, not simply additional habitable rooms. The Government is inviting views on how this development right might be best used in practice and how the use of local design codes could help to encourage the take up of the proposed rights, whilst improving design quality.

Encouraging a greater variety of uses within high streets is certainly a positive move, although prohibitive rents charged by landlords in certain high streets might prohibit some of the premises used for community or leisure uses if this 'permitted development right' is not also supported by site allocations or local plan policies. It is slightly disappointing that there is an 'or' included in the range of temporary use class changes that would be allowed. Many of London's lively high street uses have premises where there is a

variety of uses within one space. 'Maker spaces', for example, could cross the boundaries of retail, manufacturing and eating/dining.

HTA Design has long advocated the vast potential of London's rooftops to deliver additional housing: in a study undertaken for Apex Airspace in 2016, the capacity of residential rooftop development across London was calculated in the region of 180,000 new homes. The principle of rooftop development is widely regarded as a logical step in boosting housing supply.

There is a question around whether permitted development rights to achieve additional housing supply will lead to good quality homes. As such, it is positive that a focus on design quality is contained within the consultation. As expected the Raynsford Review has largely condemned the poor quality of some homes created as a result of the permitted >>>

>>> development rights of offices to residential. National space standards are not adhered to, usable outdoor space is not provided, and there is no requirement to provide affordable housing, for which there is a desperate need. There is also a definite need for careful consideration of design implications relating to permitted development rights for upwards extensions. Implications for roof and streetscape could be disastrous if there is a free for all. It is also important that there should be some consideration of existing residents' amenity and possibly compensation for disruption. The consultation document acknowledges that there are issues that will need to be considered: siting, appearance of the upward extension, its impact on the amenity and character of the area and also the impact of the development on the amenity of neighbouring premises. These elements suggest that a new permitted development right will still be complex.

As planning consultants and architects, we find that small scale schemes in suburban areas attract more objections than many larger schemes. This means that upward extensions in existing residential areas where there aren't already taller buildings adjacent will probably be quite unpopular. The prior approval process would need to ensure that an extra floor or more on an existing building would be subject to detailed assessments.

Impacts normally assessed by planning applications would still need to be considered in the prior approval process – such as overlooking, overshadowing and daylight/sunlight. Whether a proposed upwards extension fits in architecturally with an existing building and the local context would need to be judged as part of the prior approval process – property owners wouldn't normally want to blight their building with a devaluing ugly extension. Design codes could assist but would require local authorities to be prepared and to commit resources. There can be no excuse for creating a system where extending a building will provide substandard homes – from the inside or the outside. ■

Riette Oosthuizen is head of planning at HTA Design LLP



Consultation on further expansion of PD rights

As noted above, coinciding with the Autumn budget, MHCLG published a detailed consultation paper which proposes various extensions to existing PD rights, plus some new ones, some of which may prove to be extremely controversial. It is for this reason that I am not getting too excited about these suggested changes at the moment, writes **Martin Goodall**.

Local planning authorities have never been happy with the significant widening in the scope of permitted development under the GPDO since 2013, particularly those provisions that permit various residential conversions. However, as the government points out, in 2016/17 alone, permitted development rights provided nearly 18,900 new homes, 8.5% of the total number of net additions delivered.

Perhaps the two most contentious proposals in the consultation paper are those that relate to the upward extension of existing buildings to create additional new homes, and the suggested creation of a PD right to allow the demolition of existing commercial buildings, so that their sites can be redeveloped for housing.

Upward extensions

What the government is proposing is a new PD right, subject to prior approval by the LPA, to allow additional storeys to be built above certain buildings, in particular those in commercial or residential (C3) use. A number of issues would need to be considered, including height limits. For example, this PD right could apply to the airspace above premises in a terrace of two or more joined properties where there is at least one higher building in the terrace.

The roof of the premises extending upward would be no higher than the main roofline of the highest building in the existing terrace. This would have the advantage of providing a fixed local point against which any proposal could be considered and offer greater certainty on what is permitted. An alternative approach would be to permit upward extensions more widely to a height no higher than the prevailing roof height in the locality. While this may extend the proposed right to a greater number of properties, it would not be possible to define prevailing roofline in regulations; it would be a matter to be considered by the local authority as part of the prior approval.



Martin Goodall is a planning solicitor with Keystone Law

In doing so, the local authority would be able to define what it considered to be the prevailing roofline taking account of the local building types and heights and the extent of the area over which it should be determined. But this may offer less certainty to the applicant.

Local amenity impacts would have to be considered when reviewing a proposal to construct additional storeys. The government is therefore proposing that there should be a maximum limit of 5 storeys from ground level for a building once extended, with anything higher requiring a planning application. (This would be based on an additional storey not exceeding 3 metres in height.) There would also be potential issues where premises are not on level ground. The impact of adding additional storeys in these cases could be significantly greater on the amenity of neighbouring premises, for example from overlooking and overshadowing and on the character of the area.

The government would also like a permitted development right to apply to purpose built, free-standing blocks of flats (within Use Class C3) over 5 storeys in height would provide an opportunity to deliver additional new homes through upwards extensions, but it would have to be determined whether there should be a limit on the number of additional storeys that could be added.

The government proposes that upward extensions should be permitted on premises in a range of uses that are compatible with C3 residential use. These could include existing C3 residential premises, those high street uses that can already change use to housing under a permitted development right (shops (A1), financial and professional services (A2), restaurants and cafes (A3), betting shops, pay day loan shops and launderettes (which are sui generis), offices (B1 (a)), and buildings in mixed use within these uses. The government also wants to explore whether there may also be other buildings whose use is compatible with the introduction of new homes. Given that they are usually located in residential areas or high streets, would premises such as health centres and buildings

used for community and leisure purposes be suitable for inclusion in the permitted development right? It is suggested that out-of-town retail parks with a mix of shopping and leisure uses may also be suitable for upward extensions to provide additional homes. The permitted development right would need to allow for the physical works required to construct or install additional storeys on a building. These could include works to strengthen existing walls, engineering works to strengthen existing foundations to support the additional storeys and works to provide safe access and escape for any additional new homes within the building's footprint. Separately it could also allow for works within the curtilage where it is necessary for access to the additional new homes. The government does not propose to define particular physical works to allow for the varied nature of what might be required. There would, however, be a prior approval in relation to the nature and impacts of the works. (There would still, as always, be a requirement to comply with other legislation, and with the Building Regulations and Fire Regulations, the Party Wall Act, etc.)

Prior Approval would be required for these upward extensions. These would include matters such as flooding and contamination risks, transport and highways and the impact of additional new homes on existing occupiers and businesses, especially those that create noise and odours which may be a statutory nuisance. Prior approval would apply the "agent of change" principle, set out in paragraph 182 of the NPPF, to ensure the introduction of housing could be integrated effectively with existing business and community uses, and to consider mitigation measures for the potential impacts on new residents and existing businesses.

The prior approval would also assess the impacts of any works external to the building and within the curtilage, including fire escapes. Prior approval would also require consideration of the design, siting and appearance of the upward extension and its impact on the amenity and character of the area, taking account of the form of neighbouring properties. This may include considering whether the proposed development is of good design, adds to the overall quality of the area over its lifetime, is visually attractive as a result of good architecture, responds to the local character and history of the area and maintains a strong sense of place, as set out in paragraph 127 of the NPPF.

But the government expects prior approval on design to be granted where the design is in keeping with the existing design of the building (a warning shot across the bows of planning authorities!). Prior approval would also consider the impact of the development on the amenity of neighbouring premises, for example, from obscuring existing windows, reducing access to light or resulting in unacceptable impact on neighbours' privacy from overlooking. It would also consider measures to mitigate these impacts, and enable the neighbours, including owners and occupiers of premises impacted, to comment on the proposal. There would be an application fee calculated per extra dwelling created, to recognise the range and complexity of issues for local authority consideration.

An additional idea, which seems to have been almost an afterthought, is that the proposed right to build upwards might possibly be drafted so as to allow householders to extend their own homes. However, the consultation simply throws the idea open for discussion and asks whether the PD right for upward extension of a dwelling should allow for the enlargement of an existing home and, if so, what considerations should apply.

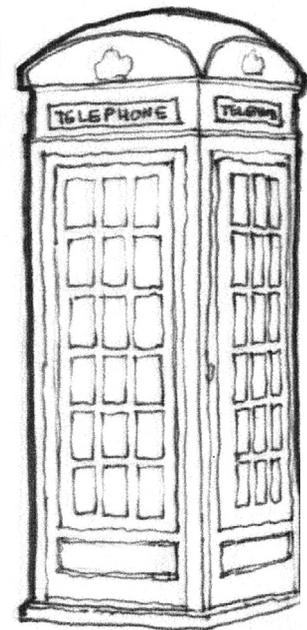
Demolition of commercial buildings and replacement with housing

In the Autumn Budget of 2017 the government committed to consulting on introducing a permitted development right that would allow the demolition of commercial buildings and their replacement with residential development.

The government now suggests that a PD right focused on smaller sites may be more practical. For example, in formulating such a PD right it might be necessary to consider the size of the site; the height and density of new buildings; the existing use of the site, the relationship with local plan policies for key sites and areas where the right should apply.

This would be subject to prior approval (possibly requiring the wider range of matters mentioned above to be considered than under current PD rights, including any necessary mitigation measures). Higher application fees would probably be payable. There may well be a demand from LPAs that this extended PD right should include a requirement for the provision of, or contributions towards, affordable housing in such cases.

The right to erect phone boxes as PD might be ended



Change of use from storage or distribution (B8) to residential

Class P in Part 3 introduced a PD right for change of use from storage or distribution (within certain limits) to residential use in 2015 for a period of three years. The right was extended in April 2018 for a further 14 months. At present Class P allows applicants to secure prior approval on or before 10 June 2019, and gives those with prior approval three years from the prior approval date in which to complete the change of use. The government now proposes that this PD right should be made permanent and that the existing conditions, including the matters requiring prior approval, should remain unchanged.

The consultation document does not, however, mention any intention to extend or make permanent the current PD right under Class PA for the residential conversion of light industrial buildings. This PD right is currently due to expire on 30 September 2020. Maybe this will be something for consideration by the government next year (assuming they are still in office at that time).

Larger extensions to dwellinghouses

The permitted development right for larger extensions to dwellinghouses, introduced in 2013, was originally intended to be purely temporary, but in 2014 this PD right was extended for three years, to May 2019. In view of its continuing popularity, the government now proposes that the right should be made permanent. The existing conditions would remain unchanged, but where prior approval of larger extensions is required under these rules, the government proposes to introduce an application fee of £96.

Public call boxes and advertisements

This is a subject that has proved to be controver- >>>

>>> sial, and so the government is now consulting on the possibility that the right to erect phone boxes as PD might be ended. There is also a closely connected issue regarding advertising displayed on these boxes, and so an amendment of the Control of Advertisement Regulations is also on the cards.

Changes to the Use Classes Order?

Almost as an aside, the government suggests once again in this consultation paper that the UCO might be amended in relation to the various Class A uses. This might involve the amalgamation or adjustment of some of the existing town centre uses (A1, A2, A3, A4 and A5). It isn't a new idea, and has been mentioned several times in the past. The lack of any definite suggestions in the consultation paper, and the fact that it gets no more than a passing mention, suggests that it is still not at the forefront of ministerial thinking. As long ago as 2015, the government also noted that they really ought to do something about consolidating the much-amended 1987 Use Classes Order but, what with one thing and another, they still haven't got around to it.

So the overall reaction to the consultation paper must be "Watch this space" - we shall have to wait and see what emerges following the end of the current consultation period on 14 January. Some of the less controversial proposals could come forward as early as next Spring, but my guess is that the really contentious ones, involving the upward extension of existing buildings and the demolition of commercial buildings to make way for residential development may take rather longer to come forward, and may be quietly dropped if they are greeted with loud booing from LPAs and conservationists.

I can't really see what advantage is to be gained from making such developments PD. The issues that would have to be considered in relation to a prior approval application for these developments would be substantially similar to those that would apply to a planning application, so why make the change? Widening permitted development rights to the extent that is now canvassed by the government makes rather a nonsense of the whole concept of "permitted development". ■

© MARTIN H GOODALL

Subscribe to Martin's blog at:
<http://planninglawblog.blogspot.com>

Budget 2018: Detailed planning analysis

Duncan Field looks at the planning-related details from the 2018 Budget:

Land Value Capture

Capturing more of the uplift in land value associated with the grant of planning permission, in order to fund infrastructure and affordable housing, has support from across the political spectrum. It is no surprise to see this feature in the Budget announcement.

However it is disappointing that the Government has declined to look at this as part of a wider review of property taxation including stamp duty, rates and capital gains. Instead it appears to be bolting this on to community infrastructure levy (CIL), changing the already complex and clunky legislation that regulates the levy. "In taking this narrowly-focused approach there is a real risk that the balance of taxation on property will be wrong, creating a disincentive for land transactions and development. In addition, by attempting to use CIL to capture more value uplift the Government risks a patchy outcome which is likely to vary considerably across the country.

Other proposals for changes to CIL include:

- guidance for local planning authorities on adopting and revising CIL charging schedules;
- a streamlined requirement to consult on proposed charging schedules and levy rates
- removing (in all areas) the current restriction on pooling financial contributions from section 106 agreements to fund infrastructure
- changes to penalties for late submission of commencement notices
- extension of abatement provisions to phased planning permissions granted before introduction of CIL
- guidance for local authorities which wish to set differential levy rates based on existing use of land
- changes to indexation of levy rates including use of the house price index for rates that apply to residential development and the consumer price index for non-residential development
- use of statutory infrastructure funding statements to report on the income received from developer contributions and CIL and how the income is spent, whilst removing the restrictions which prevent use of section 106 contributions for infrastructure items identified on the CIL expenditure list (or "regulation

Duncan Field is head of planning at the London office of law firm Norton Rose Fulbright



123 list")

- enabling combined authorities with strategic planning powers to take forward a strategic infrastructure tariff and encouraging groups of charging authorities to use existing powers to coordinate delivery of strategic infrastructure by pooling CIL receipts.

There are some helpful changes to CIL in these proposals, such as the removal of pooling restrictions on section 106 agreements. However it is difficult to escape the conclusion that demanding more of CIL and making yet more changes to the CIL regulations will add even further complexities and create more of the practical issues which have dogged CIL since its introduction.

Housing

The press gave quite a bit of coverage to the housing delivery gap - the difference between the number of permitted homes and the number of homes actually delivered - and the need to force developers or landowners to dispose of sites with planning permission for housing which are not being brought forward.

Both politicians and the press have tended to blame the housing delivery gap on speculative land banking by housebuilders, but the conclusion of the Letwin review is clear that this is not a feature of the housebuilders' business model. Instead the review found that market absorption rate was the key factor in the housing delivery gap and that this could be addressed through increasing the range of housing types and tenures that are brought forward on each site.

Beyond this, the recommendations of the Letwin review will raise some eyebrows. These include a new set of planning rules for sites in excess of 1,500 units in areas of high demand for housing. These rules would require diversification of housing types and tenures and rely on a new national expert committee to advise on and arbitrate disputes concerning diversity requirements for these large sites.

Further recommendations include a power for

local planning authorities in areas of high housing demand to allocate land in the local plan which can only be developed as single large sites, and introduce master plans and design codes with a high degree of diversification.

In addition, Letwin advocates the use of statutory powers by local authorities to purchase large sites compulsorily and that the price paid as part of that process should reflect the diversification requirements, which in turn should be pressed to a point where residual development value of the site is approximately 10 times existing use value and no more.

Finally, Letwin suggests local authorities also control the development of such sites by establishing a local development company which would lead the master planning process and bring in private capital to pay for the land and the infrastructure before selling off parcels of land for different housing types and tenures. Alternatively, they could simply limit their role to master planning and bring in a privately financed company to fulfil the remaining requirements.

A full response to the Letwin review from Government is expected in February 2019. In practice it seems to me more likely that the majority of these proposals (if taken up) would be implemented through local authorities and their local plan policies rather than new national policy or legislation. However, the Government's appetite for speeding up delivery of housing by whatever means necessary and its willingness to take a lead on these recommendations shouldn't be underestimated.

Separately, in an interesting move the Government has also invited proposals from investors to help deliver a new concept of private shared ownership homes and other privately funded routes to affordable home ownership such as Rent to Buy. This is a positive move and capitalises on the current attractiveness of housing – and rented and affordable housing, in particular – as an investment asset class.

Planning Reform

Alongside the Budget the Government has published proposals for further reforms of the planning system. These include:

- new permitted development rights for upward extensions above a range of commercial premises and residential properties subject to prior approval

and height limits

- ambitious new permitted development rights allowing commercial buildings to be demolished and replaced with homes subject to prior approval, limitations and developer contributions

- more flexible changes of use in high streets through the introduction of new permitted development rights including from A1, A2 or A5 retail uses to offices and from A5 (hot food takeaways) to residential subject to prior approval

- extending permitted development rights for temporary changes of use in high street premises to other community uses including libraries, exhibition halls, museums, clinics or health centres

- changes to retail use classes to accommodate new and future business models and more flexibility within use classes including merging shops, financial and professional services and restaurants and cafes into a single use class

- removing permitted development rights for telephone kiosks and removal of deemed advertisement consent for adverts on the side of a telephone kiosk

- making the permitted development rights for changes from storage and distribution to residential and for larger extensions to dwellings permanent

These reforms are largely aimed at revitalising the high street, so that it becomes more of a community hub with a range of uses, in addition to helping increase delivery of new homes. Overall they should be welcomed, but the risk of "unplanned planning" through the gradual creep of permitted development rights is a concern. The proposed right to demolish commercial buildings and replace them with residential dwellings is a significant scaling up of permitted development rights and without tight controls could result in substandard or badly-located housing.

In addition, the proposed review of use classes is long overdue, but it should not be limited to retail; the outdated classifications in the 1987 Order do not sit well with the new operating models that have emerged in recent years for a variety of sectors, including housing, care and supported living, and the way we work and distribute goods (e.g. co-working, last mile delivery). It is no exaggeration to say that the current form of the order is a barrier to growth and limits land supply.

Aside from this focus on the high street, Government is also consulting on the following:

- extending the flexibility for local authorities to dis-

pose of land at less than best consideration by raising the financial threshold at which the Secretary of State's consent is needed

- the first listed building consent order which will benefit the Canal and River Trust

- draft guidance on the use and approval of compulsory purchase powers by new town development corporations. ■



Angus Walker is a partner in BDB Pitmans LLP

2018 in infrastructure planning

Angus Walker reviews the year 2018 in infrastructure planning

As usual, at the start of the year I made 10 predictions. How accurate were they?

1. Three applications will be decided in 2018

Correct, just three decisions on Development Consent Order applications were made this year: Silvertown Tunnel, Eggborough power station and A19 Testo's Junction. That is the lowest number since the regime began. The year saw five correction orders and seven amendment orders, though, so DCOs are changing four times more often than they are being made.

2. All three will be approvals

Correct. The Silvertown Tunnel was significantly delayed, but it was an approval nonetheless. The other two were approved on time, reversing the recent trend for delayed approvals, which I hope is a good sign.

3. Two National Policy Statements will be published in draft

Correct. The NPSs for Geological Disposal Infrastructure and Water Resources were published at either end of the year – January and December. I guessed one of those wrongly (Nuclear Power rather than Geological Disposal) but the main prediction >>>

was correct so I'm counting it! No sign of any move to renew rather aged NPSs other than the Nuclear Power one, which is presumably only being renewed >>> because it says it only lasts until 2025.

4. No judicial reviews of DCO decisions will be successful

Correct. In fact there was only one such judicial review – the Court of Appeal heard a challenge to the refusal of the Mynydd y Gwynt onshore wind farm application.

The reversal of the Preesall gas storage DCO refusal remains the only successful judicial review relating to the regime.

5. Eight applications will be made this year

Massively incorrect. 21 applications have been made so far (23 if you count ones that were made twice). No applications were made in the first three months, and only one up to the 13 May. After that a glut of applications broke the drought and we're now swimming in them. I am usually an optimist but was having a pessimistic moment when I made that prediction, based on the very low application rate at that time and the prospect of Brexit slowing things down, which does not seem to have happened, so far.

6. No applications will contain housing in 2018

Correct. Although the ability to include an element of housing in a DCO application has been available since April 2017, none of that glut of applications has chosen to do so. Some say that housing needs to be able to be the main purpose of an application before the regime will be used for it.

7. The Planning Act 2008 regime will not be amended by primary legislation

Correct. It did get amended by a single piece of secondary legislation (the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018). I conclude that the regime is now pretty stable, although the main reason may be because Parliament has had other things to spend its time on recently.

8. An application for a business or commercial project will be made

Incorrect. We still haven't seen one of those since they were able to be made five years ago. Still only two projects have opted to use the Planning Act

regime (London Resort and IAMP) but neither has made an application yet.

9. The National Infrastructure Commission will publish its final National Infrastructure Assessment

Correct. It did so on 10 July. The government is supposed to respond within six months, with a backstop (to coin a phrase) of a year. I don't see it doing anything by 10 January, and I'm not sure it will do anything by 10 July 2019 either – its only commitment, made on budget day, was to respond next year.

10. This blog will clock up 825 posts this past year

Incorrect, I'm 10 short. I think that is a reflection of how busy things are getting generally, with less time for such fripperies as blog writing. There is also possibly a bit less Planning Act 2008 news than there has been previously, but perhaps this will pick up next year as the number of applications has picked up.

Results: 7 out of 10 correct, which is actually quite good for me. ■

Subscribe to Angus' blog at <https://www.bdbpitmans.com/news-and-insights/blogs/>

Mayor misses affordable homes target

A GLA report claims that only 14 per cent of housing starts in Sadiq Khan's mayoral term have been for social rented homes

The report, *Monitoring the mayor's housing commitments*, by the assembly's housing committee, said that 12,555 affordable homes were started in 2017/18, narrowly exceeding the bottom end of the mayor's annual target of between 12,500 and 16,500 homes.

However, the committee's report said demand for social rent represents almost half of housing need in London, but only 14 per cent of housing starts in Sadiq Khan's mayoral term have been for social rented homes.

According to the committee, 5,355 affordable homes part-funded by the mayor were completed in 2017/18, compared to an average of more than 10,000 a year over the last decade.

The Mayor's office said affordable home starts are at their highest level since funding was devolved to

the mayor and that he expects to exceed his target of starting 14,000 affordable homes this year.

£10m cash boost for London council's planning teams

Mayor Khan has launched a £10 million fund that aims to 'beef' up councils' housing and planning teams to help them build more homes.

Council budgets in London have fallen by 50 per cent in London, which Khan says has prevented housing growth and planning for new council homes.

The Homebuilding Capacity Fund will see council bid for up to £750,000 each to boost housing and planning teams. The money can be used for hiring new staff.

Khan will also consider bids that help to deliver a new generation of council homes, social rented and other affordable homes on small sites, masterplans in areas that have significant growth potential, and optimal density across new residential development in an area.

The fund will work alongside a number of the other schemes that aim to deliver council housing, including a new council-led housing forum, run by Future of London, which will provide technical advice to practitioners involved in council-led delivery of homes.

Pocket Living and TfL pair up

Transport for London has announced that it will partner with Pocket Living to provide "100 per cent genuinely" affordable homes for first-time buyers on several of its sites.

The partnership aims to see Pocket Living build about 125 one-bedroom homes on TfL sites that will be sold outright to buyers at a discount from the open-market value.

Pocket homes are prioritised for people who already live or work in the borough and are first-time buyers. They are targeted specifically at local singles and couples who earn too much to qualify for social housing, but are priced out of the open market. Buyers of the homes own 100 per cent of their property from day one.

New purchasers must meet the original criteria and have a household income below the Mayor of London's affordable housing threshold. ■

Better urban design

Lee Mallett reports the open meeting of the London Forum of Civic and Amenity Societies on better urban design on 28th November

Avoiding Harm in Densification: how can design policies and codes be used to create places and homes people want?

Michael Bach opened the meeting, which was very timely in view of the launching by the Government of a Building Better Building Beautiful Commission and the imminence of the Examination-in-Public of the London Plan, a key issue in it being "what kind of London do Londoners want?"

Londoners mainly know what they don't want – high rise and/or significantly higher densities, but are they able to say what they *do* want or at least how much change they are prepared to accept in their neighbourhood? It is not just about better urban design, but about creating or maintaining the types of places that people want to live in.

Tall buildings – 20 storeys or higher – have been the feature of the last ten years. But Londoners never voted for them. Densities have increased. The first London Plan had a density matrix – linking density to, among other things, public transport accessibility, setting an appropriate density range, and guiding the highest densities to locations with high transport accessibility and to Opportunity Areas.

The London Forum strongly supported the matrix, but developers and the GLA planners extensively abused the density limits – and promoted tall buildings with inappropriate designs in inappropriate places. The public has developed a severe distrust of developers and planners. With increasing resort to pre-application advice, developers and planners come to agreement in private often well before the public get to hear about the proposals, by which time the deal will have been done.

The new London Plan proposes "Good Growth". But only if schemes have come through a local plan as a site allocation, or there is a planning brief for the site, will the public get any opportunity to influence what happens. With increasing emphasis on a 'design-led approach' in the London Plan in order to get as much development as possible on sites, especially small sites, the community may get left out of the process and have less and less influence on shaping their neighbourhood; their distrust will

increase. Londoners want to have a say in the future of their communities, to understand what decisions are being made and have real engagement in the process.

Four speakers gave presentations.

Ben Derbyshire, President of the Royal Institute of British Architects (RIBA), opened. He spoke about the RIBA's *Future Place* project, backed up with real research and intended to illuminate best practice ('the ten characteristics of places where people wanted to live'); not just 'development control' but positive, collaborative, planning by local authorities, for which more resources would be needed. Local authorities would have to provide leadership, and facilitate land assembly. There would have to be post-occupancy evaluation of housing developments. Mr Derbyshire spoke highly of Oliver Letwin's review of build out, which had identified the problem and the need for more market diversity. He was doubtful about the Scruton 'Building Better Building Beautiful Commission', which appeared to be a triumph of style over substance and a retreat to the past. Design was not the same as style.

The second speaker was Yolande Barnes, Chair of the UCL Bartlett Real Estate Institute and until recently at Savills Research. She ranged across the globe to demonstrate that high density need not be harmful. Madrid was the European city with the highest density, with buildings rarely above five or six storeys; there were few parks, but many small gardens with seats at street corners. Other examples were Narbonne, where the Roman street pattern was still recognisable, and Mumbai, which showed how people preferred to live, in dense, multi-purpose neighbourhoods.

The Corbusian concept of massive buildings surrounded by open space – advocated as providing 'light and air' and prevalent in the late twentieth century – was wrong and damaging. The digital economy, which did not constrain working to particular locations, would facilitate anthropocentric bottom-up planning of cities.

The third speaker was Sue Vincent, Head of Learning at Urban Design London (UDL) (and a Camden Councillor); UDL was a member of the Design Network of not-for-profit organisations across England. She emphasised the need for councillors on planning committees to have training in

Lee Mallett runs URBK and is joint publishing editor of *Planning in London*



matters including the reading of plans – a Councillor's Companion had just been published. Culture must change and the public must be involved more. There should be community review groups. There was great value in having Design Awards.

The final speaker was Nicholas Boys-Smith of Create Streets. He advocated co-design (e.g with charettes) rather than consultation. There were merits in high density living – for instance more interaction with neighbours. Greenery was not necessarily good for you – it might be threatening by providing opportunities for undesirables to lurk. Properties ought where possible to have clear backs and fronts. Calling a part of a conurbation a village did not make it a village in any real sense. Although it was understandable why disabled access led to the elimination of steps, climbing steps was of itself good exercise. Choice of where a person wanted to live was not necessarily rational, and could be influenced by memories and the like. Mr Boys-Smith favoured neighbourhood planning, properly focused and not over-complicated, with fine-grain density.

Discussion: There was then a session of questions to the panel.

The Bromley Civic Society said that Bromley was being inundated by applications for 10-15 storey blocks in its Town Centre redevelopment; the Council seemed target-driven. What had been said in the presentations was totally unrealistic. How could a civic society have any influence? Ms Vincent said it was important to get in quickly, before pre-application discussions had crystallised. Mr Derbyshire said that a problem was that there must be subsidies to enable people to live where they could not otherwise afford to live; if these subsidies had to come from the private sector there would have to be sufficient profit on the market housing to enable the provision of a proportion of genuinely affordable housing. Mr Boys-Smith stressed the value of having a neigh-

bourhood plan in place with clear limits on high density.

The Charlton Society said that they too were beginning to see applications for large blocks of flats; the council seemed to favour developers over people; how could this be resisted? Ms Barnes advocated charettes; good developers see the value for them in involving people from the outset; it was too late when large sums had already been invested.

The Kingston-on-Thames Society said that they had been involved in consultations with developers where it was clear that there had been pre-application discussions, and there was therefore no intention of making changes; all the society could do was to be reactive. Mr Boys-Smith said that it would help to have in place a clearly focussed neighbourhood plan; that requires a lot of work.

The Stratford Neighbourhood Forum raised the need to get plans changed. Mr Derbyshire said that when the implications of the Grenfell Tower disaster had been fully digested there would be major changes. The requirements for high-rise buildings would become such as to be difficult and very expensive to achieve, therefore virtually unsustainable in financial terms. Mr Boys-Smith concurred - tall buildings were very expensive to run - witness the service charge for the Barbican. Ms Barnes said that it was therefore likely that many existing permissions would not be implemented. The result could be empty sites and failure to achieve London Plan targets; there would have to be some incentive for landowners beyond existing use value.

The Clapham Society asked how best to check local authorities who believed that becoming big developers themselves was the way to make lots of money? Ms Vincent said that many authorities believed that this was the way to pay for social housing. The Clapham Society said that this belief would, in the long run, prove misguided.

Ms Burrige mentioned the need to involve children in decisions that would affect them particularly. Ms Vincent said that there were examples of good practice in this. Mr Boys-Smith observed that some planning decisions had twice as much impact on children as on the rest of the community; small green spaces close to where they lived were better for them than large more distant parks. Mr Derbyshire said that the rules regarding amenity space were quite good; however, dwellings provided through conversions to residential as permitted development

never had adequate play spaces (or insulation, for that matter).

The Barnet Residents Association said that the destruction of traditional suburban houses with gardens by densification and the onward march of flats was driving away people in the 25-35 age group who were starting families; they were moving out of London altogether to the home counties. Ms Barnes said that many suburbs were currently degentrifying; the demand was for a more urban, less car-reliant lifestyle. The Residents Association demurred. Mr Derbyshire said that there was currently more deprivation in suburban areas, what was needed was 'supurbia', and the transportation revolution would help bring this about.

Mr Bach asked how a design-led approach could be squared with a community-inclusive one. Ms Barnes did not see a conflict, if there was full consultation and engagement before pre-application discussions. Mr Boys-Smith regretted the small part taken by neighbourhood planning in the London Plan, which had too much central control. ■

3D model free at the point of use for Londoners

The GLA's chief digital officer **Theo Blackwell** has announced that his team at City Hall would be launching an initiative shortly "to understand what technology is available to deliver a 3D model free at the point of use for Londoners".

Blackwell said the aim of this work is to understand how 3D modelling "can be used to change how we understand the impacts of proposed developments both as residents and as professionals, and how it changes the decisions we make".

It would also seek to find the "best solutions for Londoners how they can consume and engage this information whether through web tools, mobile apps, in borough offices or some other medium.

"Many long hours are spent by developers, local authority planners and architects with civic groups and residents to understand how proposed developments might impact lives and amenity. The tools used to do this remains really quite traditional - paper, models and presentations.

The GLA, as part of its work around the "digital transformation of planning", has "been considering next steps to use data to visualise development".

Blackwell suggests that a 3D model showing pro-

posed developments could "increase understanding of their impacts with planners and citizens during the design phase" and may allow communities to "understand and help shape development". ■



A visualisation of the proposals for the 17-storey tower in Purley

Design matters

Housing minister Kit Brokenshire has blocked a 220-home Croydon tower on design grounds

The London Borough of Croydon had resolved to approve the development, but the application was called in by the secretary of state in April 2017. Planning inspector David Nicholson subsequently recommended the plans be approved. But a decision letter says that James Brokenshire had "serious concerns" about the proposed design of the tower, reported *Planning*.

Brokenshire disagreed with the inspector that, "for most of the scheme, the overall standard of design can be described as being sufficiently high to merit substantial weight. The presence of the tower would distract from the enjoyment of the facades and civic presence of the library, and cause harm to this heritage asset and this weighs against the proposal.

The housing secretary also raised particular concerns about the height of the proposed tower, the design of the facades, and the prevalence of single aspect homes.

The application proposes development on two neighbouring sites - a three-to-17 storey building on the first site comprising 114 homes, community and church space and a retail unit; with a three-to-eight storey building on the second site providing 106 homes. ■



THE LONDON SOCIETY

FORTHCOMING EVENTS

PARKS AND OPEN SPACES SERIES

Thursday 17 January 2019

TALK | Great Green spaces: London's regional parks

Sue Morgan, Wandle Valley Regional Park Trust; **Peter Massini**, GLA; and **Stewart Pomeroy**, Colne Valley Park share the history and the secrets of the capital's three great regional parks.

HIGH STREETS SERIES

Tuesday 5 February 2019

TALK | High Streets: Resilience and Resourcefulness

High streets are full of people who make things happen. In this session, three speakers will optimistically explore the suppleness, originality and inventiveness of UK high streets from different perspectives. Join **Stacey Adamiec**, **Jamie Dean** and **Mark Brearley** as The London Society kicks off its look at London's high streets.

RTPI LONDON DEBATE SERIES

Wednesday 6 February 2019

DEBATE | Tackling London's Illegal Air Pollution

Come and hear from speakers at the sharp end of the battle to improve London's air quality. You will learn more about the Mayor's strategy for improving the air quality in the City as well as campaigners who have successfully challenged the UK Governments in the high court.

LONDON ICONS SERIES

Wednesday 13 February 2019

TOUR | Southwark Cathedral by Candlelight

Come and explore over 900 years of history on this London Society candlelit tour of Southwark Cathedral.

LONDON ICONS SERIES

Tuesday 26 February 2019

DEBATE | Commemorating London

Join us in the pub to discuss the London sculptures that should never have been erected - and the commemorations that are long overdue.

The London Society and London Historians have been running a poll to find the public artwork that is the capital's least popular, and the 'winner' will be announced this evening.

RTPI LONDON DEBATE SERIES

Wednesday 6 March 2019

DEBATE | The Planning System: Broken Beyond Repair?

Daniel Moylan, former Deputy Leader of Kensington and Chelsea Council, asks if the Planning system in London is not now so anti-market and so anti-people in its outcomes that it would not be better to abolish it and start again with a much lighter touch.

Responding will be **Victoria Hills**, Chief Executive of the Royal Town Planning Institute, who will provide her take on the current system, and there will be questions from the audience.

Other events - details available shortly

- TALK | London's Railway Network
- TALK | Paddington and Brunel
- WALK | Merton Priory
- TALK | The Pressures on London's Parks
- WALK | City Road
- TOUR | Royal Opera House
- TALK | Great Estates: Covent Garden
- TALK | Waterloo Bridge

For information and to book tickets, visit

londonociety.org.uk/events

The London Society is grateful to our Corporate Supporters

almacantar



DERWENT LONDON

fletcher priest architects
london + köln + riga

GROSVENOR

Hawkins Brown



Rockwell

Shaftesbury



THE PORTMAN ESTATE

WestonWilliamson+Partners



EHSmith
Architectural Clay Products

LETTERS



From: R KINTA
Architect/Planner

Planning conditions: a record for the speedy implementation of essential improvements

Sir, Almost exactly ten years ago (24th November 2008 to be exact) the Killian Pretty Review recommended - among 16 other things - that the Government should comprehensively improve the approach to planning conditions to ensure that they are only imposed if justified, especially with regard to those requiring further submissions before development begins, and that the process for discharging conditions be made clearer and faster.

In a typically rapid response the then DCLG with DBERR* agreed in March 2009 that improvement was required and set out upon the usual lengthy process of further review, proposal and consultation. This eventually culminated in actual reform, with new regulations that finally came into force on 1st October 2018 - beating a ten-year cut-off by 54 days.

Is this a record for the speedy implementation of essential improvements to the planning system?

* Department for Communities and Local Government with Department for Business Enterprise and Regulatory Reform. (Whatever happened to them?) ■

From: Richard Harrison, past president of the Association of Consultant Architects

DINPP (Do I Need Planning Permission) application just £97

Sir, No matter how we seemingly try to simplify the planning system through central government, local authorities find a way to turn simplification into another opportunity to charge fees and process applications.

There are 31 basic application types now available in my little town of Gosport – see: <https://www.gosport.gov.uk/sections/your-council/council-services/planning->

Red telephone box could harm setting of the V&A

An inspector has refused plans to convert an iconic red telephone box (see *Andy Rogers column on this topic in the last issue*). The plan was to convert the phone box into a refreshments kiosk.

The Inspector found it posed 'unacceptable harm to the area's important heritage assets'.

Business as usual is no longer good enough

It is clear that business as usual in housing delivery is no longer good enough and that the time has come for change.

We have a collective vision of the kinds of great homes and communities we all want to see. All that remains is to act on the accumulated evidence and experience to make the Future Places where people will choose to live.

– Ben Derbyshire, RIBA president

'Paragraph 55' tree house for sale

A small number of architects in the countryside are making use of a little-known provision once called Paragraph 55 to design exceptionally beautiful homes in isolated areas, reports *The Times*.

This provision, in the government's NPPF, allows for homes of "exceptional design" to be built in rural areas, areas of outstanding natural



section/applying-for-planning-permission/

This has led (in Chichester at least) to a new concept... a "Do I Need Planning Permission" DINPP Application form, for which a princely sum of £97 is charged (only £6 less than a Lawful

¡PILLO!



Is it a new urban sculpture... or just an old clock?

beauty or national parks. Pictured is an example with the chance to buy the approved plans. It's for a treehouse in a forest near the village of Ewen, near Cirencester in Gloucestershire, yours for £1 million.

The property, when built, will extend to seven acres of woodland. Its architect, **Richard Hawkes**, is the only one in the UK to have a 100 per cent record of Paragraph 55 approvals, with 16 projects.

And here comes another...

In the Kent Downs AONB, this one was refused by Dover District Council but granted on appeal. It's by **Charles Holland Architects**.



Development Certificate). For this you simply receive a non-binding letter within 15 working days to tell you what you already know – that planning consent is not required!

Where did that one come from? ■

CLIPBOARD

UK Innovation Corridor

The Mayor has sent boroughs £150m for house-building in the 'Innovation Corridor'.

He has agreed plans worth more than £1 billion with 26 London boroughs to build 11,000 new council homes at social rent levels over the next four years. Between them, the local authorities in the UK's Innovation Corridor will receive around £150m, and build around 3000 new homes. The plans form the cornerstone of 'Building Council Homes for Londoners' – the City Hall programme dedicated to council homebuilding.

When Khan launched the programme in May it set a target for 10,000 new homes – and now he has responded to overwhelming interest from boroughs by agreeing allocations for 11,154 new council homes at social rent levels, and a further 3,570 other homes, including those for London Living Rent.

In addition to funding, the Building Council Homes for Londoners programme offers boroughs an innovative way to ringfence their Right to Buy receipts to invest in new homes, alongside expertise and resources from City Hall to scale up their homebuilding programmes. It sits alongside the Homebuilding Capacity Fund, announced last October, a £10 million fund which allows boroughs to bid for up to £750,000 each to help boost their housing and planning teams.

London Borough of Enfield will fund 571 homes with £18,108,000, London Borough of Hackney will fund 949 homes with £45,556,000, London Borough of Haringey will build 848 homes with £62,858,000, London Borough of Redbridge will fund 400 homes from Right to Buy receipts, and London Borough of Waltham Forest will fund 293 homes with £25,518,000.

Another go at the Bishopsgate Goodsyard

Developers Hammerson and Ballymore could get their reworked Bishopsgate Goodsyard proposals approved by Mayor in a matter of months – even though designs (*RIGHT*) have yet to be formally lodged for planning. The firms have unveiled revised proposals for the 4.7ha site in east London created by FaulknerBrowns, Buckley Gray



Tunnelling begins at Thames Tideway Tunnel

Tunnelling has begun on the Thames Tideway Tunnel 'super sewer' with the first of six tunnel boring machines that have begun laying a ring on the project. Tunnelling had been scheduled to commence in summer but was delayed.

Mark Sneesby, Chief Operating Officer for Tideway, said: "Laying the first ring on the Thames Tideway Tunnel is a huge milestone that we've been working towards for more than a year. While you might have spotted our sites above ground along the River Thames, our team underground are now also in full swing as they start digging the 25km super sewer that will help clean up our river".

"It's fantastic we're able to mark this event by announcing a new apprenticeship, which will allow a new generation of tunnellers to train alongside some of the most highly skilled and experienced people in the construction industry, ensuring we have the right abilities for future infrastructure projects", said Sneesby.

Yeoman, Chris Dyson and Spacehub.

Earlier proposals featuring residential towers of up to 46 storeys were ditched in 2016. The latest proposals include 130,000sq m of offices along with 16,250sq m of retail space and a 300-bed hotel. A park is also planned for the top of the grade II-listed Braithwaite Viaduct. The scale of the earlier proposals was a concern for opponents – which included both the elected mayors of Tower Hamlets and Hackney. ■

