Urban planning and real estate development

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For our families

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Town planning: an introduction

The modern-day planning system is a post-war invention, with roots that may be traced to the enactment of the Town and Country Planning Act 1947. The notion of 'planning' land use goes back further still, arguably as far back as ancient Greece when Piraeus was laid out following a 'grid-iron' street plan. Consistent throughout an examination of such urban history is that society affords a measure of regulatory control to the state (i.e. the government) to supervise the use of land. What best distinguishes the 1947 legislation is its scope, principally that it established a comprehensive and universal system of land use control.

Then, as now, the system served the key function of balancing public and private interests. The creation of the post-war planning system effectively 'nationalized' the right of private individuals to develop land by stipulating that planning permission would be required for certain types of development. In return these 'applicants' were afforded the automatic right of appeal (to a planning inspector or to the Deputy Prime Minister) should consent be refused. This newly created system of town and country planning would exist to secure the interests of the community, in cases where amenity would be harmed. Amenity itself was never defined and since 1947 to the present it has been interpreted (usually by virtue of legal interpretation in the Courts) in many ways.

The public interest would, therefore, take precedence over the private right to develop land and property (Grant 1992). Nevertheless, the private interest should not be unduly restricted and in a variety of circumstances various freedoms, such as the right to extend a dwelling within a certain volume, would be deemed to fall outside planning control. Today, such freedoms from the need for planning permission are granted by subordinate (i.e. laid before Parliament) legislation, such as contained in the General Permitted Development Order and Use Classes Order (which permit certain building works and changes of use without planning permission).

What has changed since 1947 are the policy outcomes that the system is designed to secure. In 1947 this meant post-war reconstruction. In the first decade of the twenty-first century, it means 'sustainable development', so that by way of example, government policy seeks (by 2008) that 60 per cent of new housing will be built on brown (i.e. previously developed) land or by conversion of existing stock.

A growing awareness of sustainability on an international stage has followed from work by the United Nations in hosting global summits in Rio de Janeiro (1992), Kyoto (1998) and the World Summit on Sustainable Development in Johannesburg (2002). At its most fundamental this subject area sets out to 'make less last for longer' (RICS Foundation 2002), so that future generations would still be able to use and benefit from environmental resources. One key area of environmental threat comes from global warming as the production of carbon dioxide (by burning fossil fuels) traps some of the sun's energy and produces a rise in global temperature. Global consequences involve dramatic changes to weather patterns, melting ice caps and rising sea levels. At the 1998 Kyoto Agreement (Framework Protocol on Climate Change), the UK government committed itself to reducing the national production of such gases by 12.5 per cent. This would mean that by 2012 the volume of such emissions would be reduced to 1990 levels, in an attempt to arrest climate change. Today worldwide carbon emissions amount to 3 billion tonnes released annually into the environment. Yet, how can the planning system affect sustainability or, to be more precise, climate change? This is *the* policy challenge for the system today and in the future.

Sustainability, as a distinct discipline or component of town planning, is only some 15 years old. The 1987 World Commission on Environment and Development (The Brundtland Commission) provided the first and still most enduring definition:

> Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

While recent research by the RICS Foundation (ibid.) reveals considerable disagreement over how to measure sustainability, there is overwhelming scientific and demographic evidence in favour of action now. Statistical evidence is compelling. For example, the United Nations has estimated that by 2030 60 per cent of the world's population will live in cities (United Nations 2001). In England today 90 per cent (or 47 million) of the population live in urban areas, accounting for 91 per cent of total economic output and 89 per cent of all employment. Government land use change statistics reveal that during the 1990s, England's urban area grew by 0.29 per cent annually. This statistic may on the face of it appear of little consequence until you convert it into hectares, amounting to 39 000 lost from rural to urban use annually.

The planning system is well placed to deliver 'compact' cities, based upon efficient land use in which integration with public transport and promotion of mixed-use development discourages dependence on the private car. By promoting and implementing more efficient land use, reflected in density, layout, design, and mix of uses in close proximity, the planning system can make a tangible contribution to climate change and thus affect environmental sustainability.

The need, therefore, to address matters of urban density and layout is pressing. Demographic (i.e. population) change means that over the next generation there will be a significant rise in the number of one-person households, especially amongst younger people. This significant rise in demand for housing presents an opportunity as well as a potential threat for the system. A 'spectre' emerges in which planning control is overwhelmed by this volume of development in the following 20 years, a prospect neatly encapsulated by Lord (Richard) Rogers and Anne Power writing in 2000:

> We know that in this country [England] alone we may have to accommodate nearly four million extra households over the next twenty years . . . we can sprawl further round the edges of existing suburbs in predominantly single person households or we can make cities worth living in for those who like cities but do not like what we are doing to them.
>
> (Rogers & Power 2000)

So this potential threat can be made into an opportunity in which such development pressure is used to 'heal' the city by 'retrofitting' a new model of development into the existing urban fabric. The prevailing density of development in our cities must be raised and increasing amounts of urban land recycled. National planning policy sets a headline objective of building 60 per cent of new homes on previously developed land by 2008. National land use statistics reported that in 2003 64 per cent of housing was built on such recycled land, five years ahead of schedule. This encouraging statistic conceals the fact that it was achieved on the lowest number of housing completions for some 50 years.

How best to create procedural systems that will deliver a renaissance of our urban areas while maintaining many past principles governing the system (such as public participation)? The UK government, in 2001, began a review of the system with such reform very much in mind. Before considering the implications of such anticipated reforms, it is necessary to understand the context within which the town planning system operates. An examination of the past assists in understanding the future because the evolution of urban planning from the late Victorian period exhibits a number of policies, principles and environmental challenges analogous to the present day.

A history of urban planning

> Town planning, by its nature, is essentially concerned with shaping the future.
>
> (Ward 1994)

Today, control over land use is increasingly viewed as (one) means of influencing both urban and environmental change. In many policy areas planning is currently regarded as a reaction against environmental degradation/decay and global warming. For example, if the design and layout of a town reduces reliance upon the private car, then, albeit crudely, planning reduces carbon emissions and (in turn) global warming. By contrast, early planning legislation can be traced to the Public Health Acts of the period 1848 to 1875.

The genesis of such legislation was the work of people such as Sir Edwin Chadwick. Chadwick made a study of urban sanitation and by implication the conditions of the urban working classes in 1842.[1] The findings were themselves instrumental in the establishment of a Royal Commission on the Condition of Towns (1844) and subsequent legislation, albeit rudimentary, to establish minimum standards for urban sanitation. The 1875 Public Health Act increased the levels of control so that local government bodies could pass and implement 'by-laws' to regulate the layout of dwellings as well as acquiring the power to implement their own schemes following acquisition of urban land. The nineteenth century witnessed rapid urbanization that affected enormous change across society, economy and environment, and brought with it disease and ill health as a result of insanitary and overcrowded slum housing. Ward (1994) reports that 'In 1801 the urban population of England and Wales had been 5 million . . . by 1911 the figure was 36.1 million'.

Industrialization sucked the (rural) population into these new towns and cities. As these industrial urban areas expanded they also merged, giving rise to the new phenomenon of the 'conurbation'. Pressure mounted to introduce some measure of regulation and increasingly urban local government took control over matters of water supply, sewerage and urban layout. A series of local regulations (introduced under powers granted by the Public Health Act of 1875) afforded local control over housing layout to rule out the 'very cheap and high-density back-to-back building' typical of the Victorian slum. The grid-iron pattern of late Victorian inner suburbs (at 25 dwellings per hectare) characterised and gave physical form to this newly established regulation. Yet it was not an attempt to 'plan' whole districts and to integrate land uses but rather essentially a further attempt to prevent the disease-ridden slum dwellings of the previous 75 years by provision of sanitation within and space around individual dwellings.

The notion of planning entire areas is perhaps best traced to the Garden City movement of the turn of the twentieth century. The Garden City was something of an umbrella term, encapsulating many planning and property development principles in the quest for an environment based upon amenity or quality. Further, the Garden City represented a reaction against the squalor of the Victorian city, just as today the planning system strives to create sustainable environments as a reaction against environmental degradation.

> The Garden City idea and the movement it spawned were crucial precursors to the town planning movement in Britain.
>
> (Ward, 1994)

Howard published his 'theory' of the Garden City in 1898.[2] This was based on the notion that a planned decentralised network of cities would present an alternative to the prevailing Victorian system of urban concentration. The Garden City was created on the development of four key principles. First was the finite limit to development: each city would grow by a series of satellites of 30 000 population to a finite limit of around 260 000. A central city of 58 000 would provide specialist land uses like libraries, shops and civic

functions. Each satellite would be surrounded by a greenbelt. Second, 'amenity' would be of fundamental importance so that open space and landscaping would provide valuable recreational and aesthetic benefit. Third, this pattern of development would create a topography based on the notion of a 'polycentric' (many-centred) social city with a mix of employment, leisure, residential, and educational uses within close proximity. Finally, all land would be under 'municipal control', so that the appointed Garden City Company would acquire land, allocate leasehold interests and collect rents. Initial capital to create the company would be raised from the issuing of stocks and debentures. In effect a development company would be created that would be managed by trustees and a prescribed dividend would be paid (a percentage of all rental income to the company). Any surplus accrued would be used to build and maintain communal services like schools, parks and roads. Howard's theory has been encapsulated as a kind of non-Marxist utopian socialism (Miller 1989) seeking at the time a reform of land ownership without class conflict.

Such a theory was itself derived from a combination of sources, in particular the concept of land nationalization in the late nineteenth century. This involved the creation of social change through land ownership. Further, Howard was affected by the aesthetic ideas of socialists such as William Morris and the 'model communities' of Victorian philanthropists such as Sir Titus Salt (Saltaire, Bradford 1848–63), George Cadbury (Bourneville 1894), William Lever (Port Sunlight 1888), and Sir Joseph Rowntree (Earswick, York 1905). All these projects conceived the notion of the utopian industrial suburbs to improve the conditions of the workers. Saltaire was noted for its communal buildings (schools, institute and infirmary), Bourneville its extensive landscaping and large plot size, Port Sunlight for its good-quality housing, and Earswick for its spacious layout.

In 1903 Howard embarked on the development of Letchworth in Hertfordshire, with Welwyn Garden City to follow in 1920. A Garden City company was established and remains today. The town plan showed a group of connected villages, linked to a civic centre and separated from an industrial area. The concept of 'planned neighbourhood' was born.

> Letchworth was probably the first English expression of a new town on a large scale.
>
> (Smith-Morris 1997)

Two architects previously employed at Earswick, Raymond Unwin (1863–1940) and Barry Parker (1867–1947) added design to Howard's theory, producing a medium-density (30 dwellings per hectare) low-cost cottage housing in tree lined cul-de-sacs (a layout first created at Bourneville). The vernacular design exhibited strong Arts and Crafts influences of William Morris (1834–96), C. F. A. Voysey (1857–1941), Richard Norman Shaw (1831–1912) and Philip Webb (1831–1915). Morris had viewed 'the home as a setting for an enlightened life and projected its virtues outwards to embrace community' (Miller and Gray 1992). Arts and Crafts architecture emphasised the picturesque, using gables, chimneys and reviving traditional construction, including timber framing. Raymond Unwin developed the 'local greens' (or

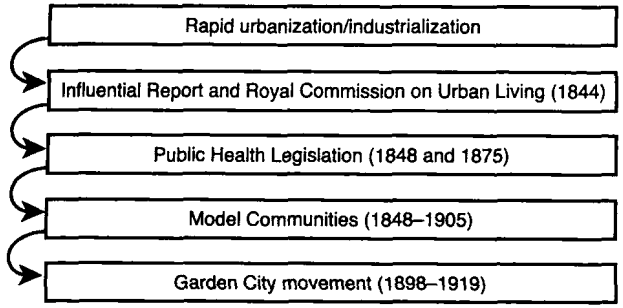

Figure 1.1 Development of the Garden City.

village greens) and cul-de-sacs used in Letchworth and also in Hampstead Garden Suburb.

Other schemes were to follow, notably Wythenshawe (Manchester) and Hampstead Garden Suburb (North West London). Howard had taken the rudimentary public health legislation of 1848 and 1875 and produced the 'master planning' of an entire area, based upon design innovation, affordable housing, mixed use, and social ownership. Such principles are of great importance today as government policy sets out to engender an urban renaissance. A summary of developments leading to the establishment of the Garden City movement is set out in Figure 1.1.

The key principles upon which the 'model communities' of late nineteenth- and Garden Cities/suburbs of early twentieth-century England were based are set out in Table 1.1. When considering the density as displayed (dwellings per hectare), it is worth comparing these data with the 1875 by-law figure of 25 dwellings per hectare and the post-war norm of between 15 and 20 dwellings per hectare. Historically, housing densities have fallen progressively over the last 125 years or so. What is perhaps most interesting is that they have fallen from the Victorian city where overcrowding prevailed to the low-density postwar suburbs of volume (i.e. mass-market) housebuilders. In other words they have fallen from the insanitary to the inefficient. Up to 2000, new housing layouts were wasteful in their use of land. By comparison Letchworth and Welwyn Garden City, as originally built, involved densities in excess of 30 dwellings per hectare yet maintained a leafy environment in which open spaces and amenities predominated. Much can still be learnt from examination of environments like this in the building of pleasant medium- to high-density housing without the need for a return to the high rise schemes of the 1960s.

So at the beginning of the twentieth century a series of urban planning experiments pointed the way forward. A statutory system lagged very far behind. The first town planning legislation (the Housing, Town Planning, etc. Act 1909) introduced 'town planning schemes',[3] which allowed councils to plan new areas, mostly for future urban extensions or suburbs – although a poor take-up resulted in only 56 schemes being drawn up in the first five years (by 1914). Yet in the inter-war years '. . . the town extension policies which

Table 1.1 Principles of early town planning

Place	*Years*	*Size*	*Housing or population*	*Density (dwellings per hectare + key features*
Bourneville	1895–1900	133 hectares	313 houses	• Density = 24 dwellings/hectare • Provision open space + sunlight to dwellings
New Earswick	1902–1903	61 hectares	24 cottages	• First scheme designed by Parker and Unwin
Letchworth	1903–1933	1546 hectares	5000 population	• Density = 30 dwellings/hectare • Open layout of roads + houses • Cottage design of red tiles + rough cast bricks
Welwyn Garden City	1920–1934	1000 hectares	10 000 population	• Density = 30–35 dwellings/hectare • Distinct neighbourhoods
Hampstead Garden Suburb	1907–1914 & extension of 1920–1930s	96 hectares	120 houses (by 1908)	• Density = 20 dwellings • Parker and Unwin design • Enclosed spaces to create village atmosphere • Use of closes + cul-de-sacs

had been embodied in the 1909 Act were now being implemented on a vast scale' (Ward 1994). Further legislation was enacted in 1919 with the Housing, Town Planning, etc. Act. This legislation incorporated a series of design space and density standards recommended by a government committee the previous year (the Tudor Walters Report) that importantly endorsed a housing model based upon Garden City densities of 12 houses per acre (30 per hectare). The Act imposed a duty on all towns in excess of 20 000 population to prepare a town planning scheme, albeit that take-up was again poor.

The 1930s witnessed a rapid growth in private speculative development on the urban fringe. Four million dwellings (some estimates are as high as 4.3 million) were constructed in the inter-war years, peaking at over 275 000 in 1935 and 1936 alone. Of all inter-war dwellings, 58 per cent were built by private speculators. By the 1930s the 'erosion' of land from agricultural to urban use stood at some 25 000 hectares per annum. This boom contains lessons for the present day. Such a volume of development was itself spurred on by a combination of factors. Social and economic trends involving a low cost of living (the 1930s depression suppressed prices to the benefit of those in employment). Interest rates were low and personal finance was made available in the growth of the newly created building societies. Cheap labour and building costs were combined with a social preference to buy one's own home. Expanding public transport infrastructure and cheap agricultural land on the urban fringe (Ward 1994) made suburban development a reality for developers and a saleable commodity for urban workers. This heady

combination of factors led to rapid suburban growth. While the 1909 and 1919 Acts were powerless to really thwart this trend (many town planning schemes of the time merely served to assist suburbia by reserving road lines into the suburban area), it would be unfair to conclude that inter-war suburbia was 'unplanned'. As Ward (1994) argues, the early planners assisted in what was, in most part, an orderly pattern of development. A new landscape was created, with dormitory suburbs built at low densities of around 12–15 dwellings/hectare and relying less on a community infrastructure and more on home-based leisure and newly available consumer durables like radios and motor cars. Indeed, as suburbia grew so did private car ownership, as people became more isolated from shops and services and thus more dependent on private transport.

This pattern of development presents a powerful lesson for the present. Property development has an inextricable link to town planning. In the 1920s and 1930s vast tracts of agricultural land were lost to housing because development factors (finance and costs) were combined with planning ones (new infrastructure). Inter-war suburbia may be viewed as inefficient in its use of land, giving rise to low-density, mostly residential development. A stark parallel can be drawn with the present-day challenges confronting the planning system, in which 3.8 million dwellings are required (between 1996 and 2021). This amounts to a similar number to the 4 million dwellings delivered during the inter-war years of the 1920s and 1930s. Such inter-war suburbia covered an estimated 360 000 hectares, at a prevailing average density of 12 dwellings per hectare. The Urban Task Force led by Lord Richard Rogers countenanced the spectre of replicating such a model when dealing with current housing needs, thereby resulting in an additional urban area for England over the next 20 years the size of the West Midlands conurbation (Urban Task Force 1999).

The work of Le Corbusier provided a radical departure from the Garden City or indeed the inter-war suburban model of development. His work was influential in two principal areas. First, he developed the concept of 'open-plan' housing based upon a series of linked spaces. Second, he developed an urban plan (his 1922 scheme) that radically challenged the arcadian low-density cottage and Garden City layouts of Howard, Parker and Unwin. This 'city for 3 million people' comprised skyscrapers of 50–60 storeys separated by parkland and ringed by Green Belt (an idea taken from Howard), and criss-crossed by a grid of roads that fed into an elevated urban 'motorway'. Such principles were applied to central Paris (the Plan Voisin) in 1925, comprising 15 apartment dwellings of 20 storeys, resulting in high-density living per block and around 60 dwellings per hectare (although the vast expanses of encircling parkland reduces the overall density). This urban vision for Paris was not realized and many of his urban redevelopment plans for Rio de Janeiro, São Paulo, Antwerp, Stockholm, and a second (1937) scheme for Paris travelled no further than the drawing board. His most significant implemented schemes comprised several high-rise apartment blocks (the Unité d'Habitation) in France and Berlin and the creation of the new city of Chandigarh in India. Perhaps less tangibly he also influenced some inter-war and post-war British architects in their fashionable adoption of high-rise architecture (such as at Roehampton in South West London). Yet

as Smith-Morris (1997) reports 'sadly most of the other examples, some 384 towers built in Britain between 1954 and 1974, were cheap partial imitations of Le Corbusier's ideas, with devastating consequences'.

The urban vision promoted by Le Corbusier is, therefore, in stark contrast with that of Howard. It is easy to misinterpret his work. Le Corbusier is erroneously associated with the many failures of post-war high-rise flats. His ideas promoted a concept of well-designed, mixed-use, high-rise living (each block combining community functions like schools and roof-top recreational space) within spacious urban parkland. Each block would be orientated to achieve maximum natural light, in order to increase the sense of spaciousness. What followed was a poor copy of that concept. In England such post-war high-rise building was often of poor construction, badly designed and located. Each block was confined to residential use only and often housed the most inappropriate residents for such a lifestyle, such as families with children. Ironically these tower blocks replaced low-rise housing as politicians embraced high-rise as a 'quick fix' solution to the rehousing of many inner-city communities. Yet the stigma so rightly levelled at these schemes should not detract from the fact that medium- to high-rise development still has a role to play in modern urban planning. The Urban Task Force (1999) themselves countenanced medium-rise urban redevelopment. The key issue as acknowledged by the Task Force is the use of mixed use/ownership urban space to create a well-designed and 'connected' urban place. The quality of design promoted by Le Corbusier is therefore of much relevance even if his ideas for civic renewal (such as the comprehensive demolition and rebuilding of central Paris) amount to no more than megalomania.

The work of a number of other key figures must also be acknowledged in providing orientation to the challenges of the present. Patrick Geddes (1854–1932), through his book *Cities in Evolution* (1915), promoted the idea of 'survey–analysis–plan', in effect the gathering of physical, economic and social survey information as the basis of devising all planning policy. Today it is vital that planning decisions are based upon a full grasp of all relevant information. Clarence Perry (1872–1944) developed the notion of a 'neighbourhood unit' (in 1939) as first introduced by Howard, in which a series of locally based functions (schools, community facilities and shops) are grouped within new housing layouts to create an identity and neighbourhood. This model has been widely copied ever since and is perhaps best illustrated in Milton Keynes (developed 1967 to 1992), where the neighbourhood unit provides the foundation stone for the construction of an entire new town. Walter Groupius (1883–1969) promoted high-rise housing, linked by walkways, to provide maximum light and air to each residential unit. Groupius was instrumental in the Bauhaus School of Design in Germany, which collectively developed higher-density mixed-use apartment blocks that included community facilities (such as public open space) and sought to separate pedestrians from traffic (by use of raised walkways). Provision of mixed uses is key to the creation of sustainable communities.

The Second World War provided the necessary genesis for the modern planning system, in respect of both physical reconstruction and the desire for more control to be exercised by government. This post-war land-use agenda

was formulated during the war years with the publication of three influential reports. First, the Barlow Report (1940) on the regional distribution of population and employment, followed two years later by both the Uthwatt Report on the role of compensation and 'betterment'[4] in any planning system and the Scott Report on protection of the rural economy and countryside. Each report would bear fruit in the future in the form, respectively, of regional policy, taxation of development profit, and protection of national parks, the countryside and green belts.

A number of key developments in the creation of the current system can be traced to the 1945–51 Attlee Labour Government. Three 'towering' pieces of legislation were enacted in the New Towns Act 1946, the Town and Country Planning Act 1947 and the National Parks and Access to the Countryside Act 1949. A new era was heralded. In this era planned decentralization of new towns was to be peppered around the major conurbations of England. Comprehensive control was imposed over the right to develop land and recreational access to the countryside was assured by the formation of National Parks and Areas of Outstanding Natural Beauty. New legislative mechanisms were set in place to implement this legislation. Key amongst these was the 'New Town Development Corporation' who were vested with sweeping power to 'acquire, hold, manage and dispose of land and other property'. Subsequently 28 such New Towns were built between 1949 and 1970. Further, the 1947 Act introduced development planning (to establish land-use blueprints) and development control (consent required to build on or change the use of land). The 1947 Act, in effect, took away the private landowner's right to develop land (which was reasonably unfettered by the 1909 and 1919 Acts) and replaced it with the need to obtain planning consent.

Such legislation remained largely untouched for the remainder of the century. After the watershed of the millennium the Government heralded in a reform of the system that would affect widespread change. Following such reforms the central question to address would be whether or not the key foundations of 1947 would be undermined, namely the role of the state (i.e. government) in the regulation of property development.

Reforming the planning system

In December 2001, the Secretary of State for Transport, Local Government and the Regions (whose responsibilities were passed to the Deputy Prime Minister in May 2002) announced a major review of the planning system in England and Wales. The current system was considered to be 'complex, remote, hard to understand and difficult to access' (DETR 2001). Local Plans (i.e. locally produced planning policy) were deemed to be overly complex, often inconsistent with regional or national policies, too lengthy, inflexible in content, and slow and expensive to produce. A new framework was required. Development Control (the process by which decisions are made on planning applications) was considered slow and highly variable in speed measured across councils, as well as being unresponsive to the needs of business/investment and the community. A fundamental change in culture was required. While the Secretary of State upheld the guiding principles of

'good planning', he felt that the present-day system was failing to deliver this in that it was slow, obscure (at times) and, notwithstanding much formal consultation with the public, it failed to engage communities, leaving them 'disempowered'. Such criticisms were directed at achieving fundamental structural change. Yet the government was not proposing to alter the public (i.e. state) regulation of private property interests. As such, the government implicitly rejected the case for private land-use planning (Pennington 2002) but argued that many principles built up since 1947 needed drastic review. The Secretary of State felt that the public needed to be more 'engaged'. Such a critique was not unique. Five years earlier, Lord Nolan, in his report into Standards in Public Life (1997), reported that 'Public satisfaction with the planning system does not seem to be particularly high'. The government set out, in the 2001 Green Paper, to make the system more open and engaging (to the public), flexible (in production of local planning policy) and faster (in speed of determining planning applications). Further, a new ethical framework, governing the conduct of councillors, was put in place (operative since May 2002) and a 'best value' regime was established seeking continuous service improvement (operative since April 2000).

Direction of the 'reformed' planning system

Since the publication of the 2001 Green Paper it has become evident that the 'system', i.e. the procedures involved in the determination of an application, will be the subject of much change during the period 2003 to 2007 (as new planning documents are rolled out and reforms in the Planning and Compulsory Purchase Act 2004 are enacted). Alongside this the policies the system is vested to deliver (i.e. sustainability) are themselves rapidly changing to accommodate a more environmentally aware agenda. In assessing the most likely direction of future reforms, both will be considered.

In policy matters, the most significant issue has been the promotion of an 'urban renaissance' (Urban Task Force 1999). This aspiration is by no means an easy one. Past drift away from urban areas (especially amongst more affluent groups) alongside the creation of 'bland' car-dependent environments in suburban or fringe housing developments and out-of-town retail and campus-style office/business parks, must be reversed. Standards of urban development and design require significant improvement and the private sector must be encouraged (and supported) to recycle urban land that may be derelict, vacant and even contaminated. A reassessment of policy priorities was thus required; otherwise existing urban areas would sprawl further. Such an option would be not only environmentally unacceptable but also politically damaging as local people expressed their fury at seeing new development envelop the countryside by voting local politicians out of office. New development is nowadays viewed as something inherently bad, giving rise to the acronym NIMBY (not in my backyard). To compound matters further, as of 2000 700 000 homes were empty in England, of which 250 000 were vacant for in excess of one year (Urban Task Force 1999).

The Urban Task Force gave a great deal of consideration to the physical and (urban) design means by which the planning system may 'repair' the city. Four issues were identified for consideration. First, that past reliance on rigid

planning standards stifled creativity. Adherence to highway standards (such as road widths and radii and visibility at junctions) predominated in post-war urban layouts and this 'roads first, houses later' priority produced bland civic design. Streets should be seen as places and not transport corridors. Second, the Urban Task Force promoted the notion of a 'compact city', to foster both sustainability and urban quality. Sustainability would be achieved by linking urban density to a hierarchy of urban centres/local hubs providing shops and services within well-connected public transport and walking routes. An appropriate integration of density and the 'connected compact city' will reduce the reliance on the car. Third, it should be acknowledged that density alone is not an indicator of urban quality, although it is an important factor. The Urban Task Force argued that higher densities (and not necessarily high-rise developments) contribute to urban sustainability. Previously in England half of all land used for housing has been at prevailing densities of 20 or fewer dwellings per hectare, equating to 54 per cent of all land used providing just one quarter of all housing units completed (DETR 1998a). Not only is this form of housing highly inefficient but it is no longer a viable means of providing housing when confronted with the dual priorities of satisfying 3.8 million units while stemming the annual flow of people who continue to leave urban areas and protecting the urban hinterland. Finally, greater attention should be paid to urban design, to facilitate mixed-use/mixed-tenure development and to foster sustainability. Good urban design will repair past mistakes and make cities more attractive places to live. The London Plan of 2003, produced by the Mayor of London, is the embodiment of this vision in its strategic attempt to accommodate population growth of 700 000 in the capital by 2016 while making London a sustainable world-class city.

A year after the Urban Task Force reported its findings, the government issued an Urban White Paper (DETR 2000b). This document laid down a vast array of policy initiatives dealing with the social, economic and environmental dimensions of urban life. The government took forward many ideas to promote the recycling of urban land, the improvement of urban design and architecture, and the employment of taxation and fiscal policy to encourage developments in deprived areas, to name a few. New thinking was emerging in many quarters, ranging across the private sector, regeneration agencies and the research community.

The Urban White Paper estimated that (as of 2000) 58 000 hectares of brown-field land is vacant, derelict or available for redevelopment and that 'more becomes available every year' (DETR 2000b). Indeed the White Paper (which by definition signals forthcoming legislation) set out a series of strategies. Much attention was devoted to bringing brown-field sites and empty properties back into use. A number of strategies were deployed including taxation (reform of VAT and tax breaks for conversions of property into residential use) and land assembly (creation of a national land-use database to monitor brown land across England). Between 50 000 and 200 000 hectares of land was estimated to be contaminated in England. The White Paper proposed tax relief for the clean-up of contamination, promoted new technologies of remediation and the creation of a database of such land and the nature of its contamination. Additionally it heralded the

creation of 12 new 'urban regeneration companies' (such as Liverpool Vision or Sheffield One) to create local partnerships between public and private sectors in an attempt to bring greater levels of investment to such areas. By way of example, Liverpool Vision published an urban design appraisal of central Liverpool, in 2002 which identified a series of physical 'townscape' improvements to create urban spaces and places. A series of new cultural quarters and squares would be created to improve the 'sense of place' and encourage investment to bring residential and commercial (re)development back into the city core. Interestingly, Liverpool city centre contains the highest concentration of listed (i.e. heritage) buildings outside London but lacks any centrally located park or major public space.

Another important policy area was that of the mixed-use and mixed-ownership 'Urban Village' (also sometimes referred to as 'new urbanism'). A concept originally devised by private sector developers in the early 1990s, the Urban Village set out to raise urban density and to mesh different land uses within close geographic proximity and within buildings (Urban Village Group 1995). Such new pockets of development could be 'retrofitted' into existing urban areas, connecting and revitalizing neighbouring areas.

Research published by the DETR (in 1998) similarly looked at ways of realizing the potential of urban areas. This could be achieved by 'nodal' development (or 'ped-shed') that made people less reliant on private car use and served to make cities more attractive places in which to live. The node or ped-shed created an urban 'module' in which a node (bus/tram/train stop, shop, school, play space or park) is located within a walking distance of 5 minutes or 500 metres radius of a cluster of dwellings. A consequence of this model (similar to the Garden City in many ways) is the fact that residential environments are built to higher densities and of a human scale (on a medium rise not exceeding three or four storeys) to sustain shops, public transport, schools, and amenities. The chosen layout gives priority to urban design because careful use of urban public spaces can physically 'knit' these land uses together. By way of example, one key urban design principle deals with 'permeability' or pedestrian choice across the environment (Bentley *et al.* 1985). A permeable urban village, module, ped-shed, or node, call it what you like, will by use of pedestrian access increase the linkage to the node and thus promote less reliance on the private car, especially for short distances.

Government policy has, since 2000, become increasingly aware of this new policy agenda. Statements of national planning policy (in Planning Policy GuidanceStatement) and 'best practice' reports (e.g. *By Design*, issued by DETR in 2000g) have set out to raise the quality of design, reduce car parking provision and increase residential density. Past adherence to rigid planning standards in locally based planning policy is to be discouraged in an attempt to promote innovation. A much applauded example is the Poundbury development on the edge of Dorchester in Dorset. On land owned by the Duchy of Cornwall and under the direction of master planners such as Leon Krier, HRH the Prince of Wales created a sustainable urban extension with reduced parking (1.1 places per dwelling), raised density (40 per hectare) and relaxation of 'back-to-back' distances between dwellings. Poundbury has become the physical manifestation of a new approach in

which much previous planning orthodoxy was ditched in favour of innovation in design. Further, the Prince of Wales and others (Wates 1999) have promoted new techniques of 'stakeholder' participation, in which members of the local community, developers, planners, and other interested groups sit down to devise plans and strategies for such developments through interactive workshops (The Prince's Foundation 2000). This often referred to concept of 'Planning for Real' represents a radical departure from traditional consultations involving letters sent to neighbouring occupiers seeking comment on a planning application.

Contemporaneously with this new approach, the Commission for Architecture and the Built Environment published research (2001) that challenged many previously held ideas on the cost of 'quality' urban design. The work set out to quantify what was meant by quality in urban design and to appraise the financial consequences of pursuing such provision in new development projects. After analysing a series of case studies the researchers concluded that

> Gradually, the case is being made across the development industry that good urban design brings better value.
>
> Good urban design does add economic value . . . high quality urban design is attractive to key sections of the rental, investment and owner/occupier market, who are prepared to pay extra for better quality design.

By way of example, one of the case studies dealt with Barbirolli Square in central Manchester. This involved a one-hectare redevelopment of former railway land to create a cultural and office district with a concert hall, two office blocks and a café/bar. A public space was created, linking and opening up a former canal basin. The site was considered by the researchers to be reasonably well connected and created '. . . a new landmark gateway to Manchester' (CABE 2001). Subsequently, the offices have commanded high rents and an economic 'ripple effect' is evident, in which new restaurants have opened up in the surrounding area.

Similarly, to build in a sustainable way is also viewed as a matter of commercial advantage for the developer, as reinforced by another research project published by the RICS Foundation (2002).

A new policy agenda has therefore emerged in town planning, directed at achieving both better design and more sustainable development. Over the last four or so years, practitioners and students have had to assimilate vast quantities of new policy, 'best practice' documents and research findings. Such material has come thick and fast. The challenge ahead is to create a new planning system able to deliver this policy effectively.

Turning to consider procedural matters, the 2001 Green Paper and the Planning and Compulsory Purchase Act 2004 led the way in establishing a blueprint for the future direction of the planning system. Alongside these key documents the government issued an array of new consultation papers dealing with the future of planning obligations (2001), the Use Classes Order (2002) and protection of heritage (2003). The government was intent upon seizing the moment and introducing an array of new initiatives.

Planning obligations, sometimes colloquially referred to as 'planning gain', refers to the practice of developers contributing (in cash or kind) towards infrastructure necessary to facilitate their development. Traditionally this system has been used to finance roads and other physical infrastructure as generated by planning applications (such as open spaces, schools and sewerage facilities). More controversially, albeit in the minority of cases, it has been used for matters unrelated to the development in question. The government was perhaps swayed into action by the Nolan Report, which reported the perception that this amounted to 'planning permissions being bought and sold' (*Standards in Public Life* 1997). Even if erroneous, this perception is damaging because it is harmful to public confidence in the system. The consultation paper argued in favour of scrapping this negotiated system in favour of standardized set tariffs. Public comment on the consultation paper endorsed this idea. These tariffs would be prescribed in local planning policy. When submitting planning applications, developers would see in 'black and white' the tariffs to be levied towards infrastructure (such as the total or partial cost of a road, school or children's play space necessitated by the development) (DETR 2001). This system represents the government's preferred reform, other options being stoutly dismissed in the consultation paper. Reform is to be rolled out between 2004 and 2006.

New systems of plan monitoring and production will also be introduced in the present decade. Government will seek a reduction in the volume of both nationally and locally produced planning policy and will create streamlined 'Local Development Frameworks and Documents' that involve more flexible (by virtue of being frequently updated) statements of local planning policy objectives. These will replace the current somewhat cumbersome system of Structure/Local/Unitary Development Plans produced by local authorities (since the early 1990s). Regional planning policy will be given more 'teeth' as a Regional Spatial Strategy is prepared by elected Regional Assemblies. County Councils will lose their strategic planning responsibilities from 2004.

It is intended that the speed of processing planning applications will be increased as fewer applications go before the elected planning committee for their deliberation. Conversely, the public will become more involved as 'stakeholders' as new participation techniques are introduced. One of these, 'Planning for Real' (mentioned above, p. 16) seeks greater community involvement in the design of planning applications (Wates, ibid.). The principal objective is that people become more engaged in the formulation of projects/development proposals and feel less cut off from the system. The existing model involves the public principally in that they are 'consulted' on a planning application, i.e. they are permitted to respond to advertisements about a planning application. This provides them with one solitary avenue for voicing opposition to be considered by the local planning committee. Certain initiatives by bodies like The Prince's Foundation (2000) and a number of local authorities have set out to enable the public to become more pro-active in their dealings with the planning system. Yet the government's aspiration that as few as 10 per cent of all applications go before the (locally elected) planning committee (to save time) are, arguably, contrary to the principles of participatory democracy.

The proposal (of December 2001) that objectors will not be able to appear and be heard before a Local Plan (to become the Local Development Document) Inquiry challenged one of the tenets of the 1947 system, namely that the public may participate in just about every stage of the planning process. It is often forgotten that the planning system is built on a democratic base. Any attempt to change or possibly erode this foundation will be viewed with suspicion and many planning pressure groups criticized the government for countenancing an arguably undemocratic threat to civil rights. Friends of the Earth (in a press release 12 December 2001) deemed the proposal to take away the right of the public to be heard in this way as the . . . 'biggest removal of rights ever seen in the British planning system'. In fairness to the government, their 2001 consultation paper proposed that such democratic and participatory input be dealt with at an earlier stage, in effect the local community getting involved in formulating the policies as opposed to commenting on them when formally published. Nevertheless, this concern demonstrates the strength of comment involved and sensitive nature of this important issue. The bulk of the 16 000 objections submitted against the Green Paper dealt with this issue. Seven months later (July 2002) the government dropped the idea.

While not explicitly stating as much in their reasoning behind this change of position, the government must have been mindful of the new legislative protection over rights of participation and consultation that followed the enactment of the 1998 Human Rights Act (operative from 2000). Any reforms to 'streamline' decision-making by diminishing this democratic right would have collided with such legislative protection. Inevitably the system will become more litigious as individuals and groups mount legal challenges to planning decisions and actions on the ground that their human rights have been infringed. The Planning and Compulsory Purchase Act 2004 creates the new system. The government announced with this new legislation that it was still committed to the 'plan-led' system. In other words, while the titles and content of planning documents would change, there would still be a presumption in favour of the 'plan' (or whatever it is to be called) when determining planning applications. The new system will be rolled out over a three-year period from 2004 to 2007 and greater emphasis than previously will be placed upon regional spatial planning.

To study planning and its relationship to property development presents many challenges. One of the most demanding of these is that of remaining conversant with the vast amount of documentation cascading from national and local government. Combine this with the volume of proposed reforms to the system and the enormity of the task soon becomes apparent. The Urban Task Force itself identified the importance of built-environment courses in creating inter-disciplinary graduates:

> The main emphasis should be on broader-based courses that bring the skills together with a strong emphasis on problem-solving and multi-professional teamwork.
>
> (Urban Task Force 1999)

The Task Force listed studies in property finance, urban design, environmental planning, and urban management as being key foundations for all

built-environment education. The inter-disciplinary and indeed multi-disciplinary nature of planning and development makes for exciting times ahead when applied to the task of achieving sustainable development and/or reviving our urban environments. The planning system, vested with the responsibility of delivering this change, is itself the subject of review and reform. While sustainability is the key issue, we must not lose sight of the issues of democracy and public participation, which have been the hallmark of the 1947 system. Future reforms must deliver sustainability (i.e. in the control of out-of-town and low-density housing), but must also maintain public confidence through adequate consultation and participation.

Part Two

Urban planning organization

2 Policy and implementation of urban planning

Since 1948 a highly regulated system of land-use control has been gradually introduced by successive legislative reforms. Today, the implementation of urban planning controls is exercised under two distinct but interconnected subject areas, dealing first with the production of planning policies and then how those policies feed into the development control system, whereby decisions are made on individual planning applications. Both of these subjects form the bedrock of the planning system. Attention will be focused upon the context of planning policy, together with a detailed study of the processing of a planning application, including the formulation of the decision whether to grant or refuse such an application. Reference is also made to illustrative (but not exhaustive) case law on matters that constitute issues relevant to the determination of a planning application. The chapter is organized as follows:

- the development plan process
- the development control process.

The post-war planning system involving both the production and implementation of locally produced planning policy was first introduced by the Town and Country Planning Act 1947. All previous town planning statutes were repealed and the new legislation heralded the introduction of a major shift in public policy, from which we may trace the evolution of the current system. The new Act came into force on 1 July 1948 (the appointed day).[1] This legislation introduced the modern system as it exists today. The very need to apply for planning permission became nationalized. Private landownership would remain, but thenceforth permission would be required to change the use of buildings or to erect new structures. Planning policy would be prepared by local councils (city, district or borough) and county councils. Such locally produced policy would shape the patterns of development across the country. However, the overall organization of town planning would be the subject of a highly centralized system of control, whereby central government would determine the function of local government. As local government is responsible for the implementation of planning functions, this meant that the national government dictated the nature of town planning powers and their institutional structures. Today, central government departments, in particular the Office of the Deputy Prime Minister[2] (or Scottish Executive and Welsh Assembly [Planning Division]),

have responsibility for the policy outcomes of the planning system. The Office of the Deputy Prime Minister, Scottish Executive and Welsh Assembly (Planning Division) issue PPSs and Circulars containing the views of the Secretary of State on a wide variety of policy areas. These documents constitute important material considerations and must be taken into account in decisions on planning applications and appeals. Other government departments, notably the Department of Culture, Media and Sport and Department of Environment, Farming and Rural Affairs (DEFRA) also influence the system.

The Town and Country Planning Act 1968 introduced a significant reform to the system of plan preparation with the introduction of structure plans and local plans. The structure plan was to be prepared by a county council or the Greater London Council and was to comprise a statement of strategic and longer-term planning objectives such as major housing allocations or green belt identification. The local plan was to be prepared by the city, district or borough, providing a more detailed and short-term list of policies to be applied specifically to individual sites. The local plan would need to be in conformity with the structure plan, and with central government advice. At first, county councils were encouraged to incorporate economic and social, as well as land use, policies in structure plans. However, in recent years central government has sought to exclude wider social policy objectives in an attempt to emphasize land-use strategies. This stance has been followed by councils, although they have not excluded considerations of issues such as transport[3] and sustainable development.

The reforms of 1968 were subsequently consolidated into the Town and Country Planning Act 1971. This statute remained the principal planning statute until the introduction of new planning legislation in the Town and Country Planning Act 1990 and Planning and Compensation Act 1991. The only other significant statutory reforms introduced between 1971 and 2000 dealt with the delivery of the planning function in the reform of the local government structure. The Local Government Act 1972 created a new system in England and Wales (which came into force in 1974), except for Greater London, which had been reorganized in the early 1960s under the Local Government Act 1963 (which came into force in 1965). In Scotland similar reforms to local government structure were introduced by the Local Government (Scotland) Act 1973 (which came into force in 1975).

The reforms to local government structure are shown in Table 2.1. The reforms of 1973 and 1974 increased the number of local government bodies (counties and districts) from 177 to 454 in England and Wales (Redcliffe-Maud Report 1969), whereas in Scotland it reduced them from 430 to 65.[4] Across Britain new structure involved a two-tier basis whereby the county/region (metropolitan or non-metropolitan) would be responsible for strategic planning matters and the district or city council, and London boroughs would be responsible for day-to-day matters, especially dealing with planning applications. In the metropolitan areas of and surrounding Manchester, Liverpool, Newcastle, Sheffield, Leeds and Birmingham, a two-tier system of metropolitan counties and districts was established. The objectives of the Local Government Act 1972 and Local Government (Scotland) Act 1973 were to introduce reforms to simplify and streamline

Table 2.1 Local government, 1974–94

	39	County councils.
England	296	District and city councils.
(except Greater London)	6	Metropolitan councils
	36	Metropolitan districts and borough councils.
Greater London	Greater London Council	
	32	London boroughs.
	+	City of London (special status being excluded from local government reforms).
Wales	8	County councils.
	37	District and city councils.
Scotland	9	Regional councils and three island authorities.
	53	District or city councils.

the structure of local government and implementation of local services, including town planning controls.

Today that two-tier system has been replaced by a confusing mix of two-tier and single-tier structures, a consequence of reforms introduced in 1986 and 1995. In 1986 the Greater London Council and six metropolitan counties were abolished, with their powers being passed on to the London boroughs and the metropolitan district councils. Therefore, in each of these urban areas only one body would be responsible for the implementation of local government including the town planning function, so the London borough or metropolitan district would be responsible for both structure and local plan policy. Policy would reflect an amalgamation of both objectives and would be called a unitary development plan. In 1995 and following a widespread review of local government structure undertaken by the Local Government Commission for England, the Scottish Office and the Welsh Office, the government announced further reforms, whereby some county and regional councils would be abolished, with their powers passing to the districts. Again, these councils would be responsible for producing a unitary development plan.

During the late 1990s the government's appetite for further structural reform of local government remained undiminished. The creation of devolved government within the United Kingdom (the Welsh Assembly, Northern Ireland Legislative Assembly and Scottish Parliament) were not matched by elected regional government within the English regions, albeit that such reforms are anticipated by 2005.[5] Instead a high-profile reform of the government of London heralded a partial re-introduction of the Greater London Council with the birth, in 2000, of the Greater London Assembly (GLA) and a mayor for London. The mayor would take a strategic lead in a number of areas (transport, economic development, spatial development, sustainability and the environment), with the Assembly responsible for