

Mayor's New Planning Powers

Giles Dolphin, Head of Planning Decisions at the GLA, explained how the new planning system will work at a London Forum Open Meeting held on 2 April. Stephen Thornton reports

Mr Dolphin attempted to assuage the fears expressed by many in the large audience about the new system. Previously, the present Mayor had looked at 1500 cases, and had taken Mr Dolphin's advice on all but three. The new system would mean only a relatively small number of cases would be called in. It was also not true that the present Mayor had an uncritical love of tall buildings – a number of schemes had not seen the light of day.

At the beginning of his presentation, Mr Dolphin set out the agenda:

- Changes to the referral criteria
- Revised stage I – consulted by the Borough
- Revised stage II – Council can propose, Mayor can direct refusal
- New stage III – Mayor can take over an application
- Representative hearings
- Applications from outside an area that can affect that area
- Local development schemes
- General conformity

He would not be discussing the decisions the Mayor has taken.

Changes to the referral criteria: a reduction in the size of residential schemes from 500 to 150 units would mean the Mayor would consider about 30-40 extra applications per year. Members wondered how the Mayor would find the time to look at these properly. There would be about 12 fewer applications per year considered from the City, where the size had increased from 30,000 to 100,000 sq m, and the height from 70 to 150 m. The height limit for buildings adjacent to the Thames remains at 25 m. Applications for the following developments would now be referred:

- Bus/coach depots of more than 0.7 ha and 70 vehicles
- New waste facilities, and loss of existing ones
- Green belt buildings of more than 1000 sq m
- Residential developments which depart from the Development Plan

Revised Stage I: Under the new Stage I, a statement of compliance with the London Plan would be made within six weeks. The comments would be standardised, and the pre-application discussion would be used. The Mayor would avoid giving a definitive view, and avoid commenting on matters not of more than local importance.

Revised Stage II: This includes all applications that were referable previously – about 300 per year, with decisions within 14 days. The Mayor had three options: to take no action, to refuse, or to take over – a new option. The Mayor cannot take over applications from bodies such as Thames Gateway or ODA, nor can he delegate a decision.

Revised Stage III: Policy tests will be applied, but it is not clear how they will turn out, for example will new homes have priority over railways? Mr Dolphin said he would be cautious about advising the Mayor to take over an application, as it would be open to legal challenge. Whether a Borough had achieved its targets would influence whether applications would be taken over. Affordable housing targets were the most onerous – only two Boroughs are achieving the target of 50% affordable housing. If an application is taken over, the Mayor also becomes responsible for related matters such as conservation.

Representative hearing: Seven days' notice will be given of a meeting which the public can attend and make oral representations. The Mayor wishes to match the best Boroughs on this. In reply to a question, Mr Dolphin confirmed that Groups can offer views on whether the Mayor should take over an application. There is a 14-day time limit; correspondence should be copied to Mr Dolphin. All representations at Borough level must be sent to the Mayor, who must take them into account. The procedure will be kept under review, and is likely to change.

Discussion: Mr Dolphin was asked how the Sub-Regional Frameworks fitted in. He replied that some will have to be re-done.

There will be flexibility, for example in the Supplementary Planning Guidance on housing, where in some areas there is a need for more 3/4 bedroom accommodation for social housing.

Mr Dolphin was asked whether there was enough evidence of the need for increased powers. He replied that the need resulted from, for example, 'nimby' refusals from Councils of unpopular but necessary facilities such as waste disposal. In housing, there was a need for higher density, but not a big increase overall, in reaction to population growth.

A questioner quoted examples where his Council had refused two applications, and there had been appeals against the Mayor's view. Was there a mechanism to take account of the Inspector's view? The answer was that the Mayor was supposed to take a strategic view, and now must take local aspects into account as well.

A member questioned the effect on heritage boroughs - would the Mayor direct the Planning Inspector? Mr Dolphin pointed out that the Mayor may not instruct the Inspector, but can tell him if the local development document is appropriate. If a group believes that their Borough does not have a good development plan, they can make direct representations to the Mayor.

In conclusion, Mr Dolphin said that people should be vigilant, since there was a threat of the loss of the planning system itself.

Mr Eversden gave thanks for a most interesting and thought-provoking presentation.

