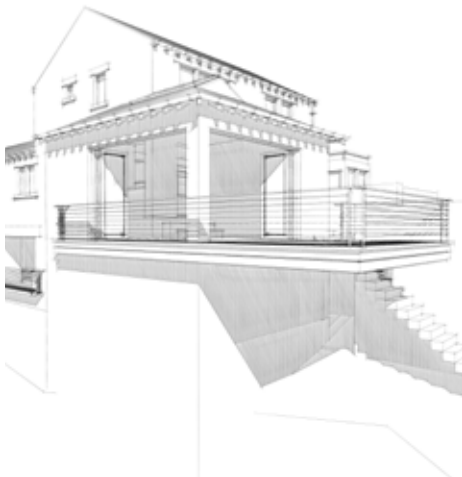


3D Renders of proposed ONE17 Residential Project

THIS MONTH : YOU GET WHAT SOMEONE ELSE PAYS FOR

Amongst the many things that have been happening at One 17 this month, I have spent an interesting few days giving evidence as a witness at a public planning inquiry. Anyone attending such an event for the first time could be forgiven for thinking they had entered the wrong room by mistake. As one such attendee said to me afterwards, "It's called a public inquiry, but it's pretty difficult for a member of the public to follow what's going on."

The proceedings closely resemble those in a court of law without a jury and there are strict protocols for the participants to follow. The inspector is effectively the judge. The two parties in dispute will be represented by a legal team, which is invariably led by a barrister.



There will be opening statements setting out the cases for the 'prosecution' and the 'defence'. Each side will then call witnesses to support their case. The witnesses, usually experienced professionals in their particular fields, will each deal with a quite specific aspect of the overall case. They will have worked on written versions of their evidence for several months before the inquiry and this evidence will have been submitted in advance to both the inspector and the other party.

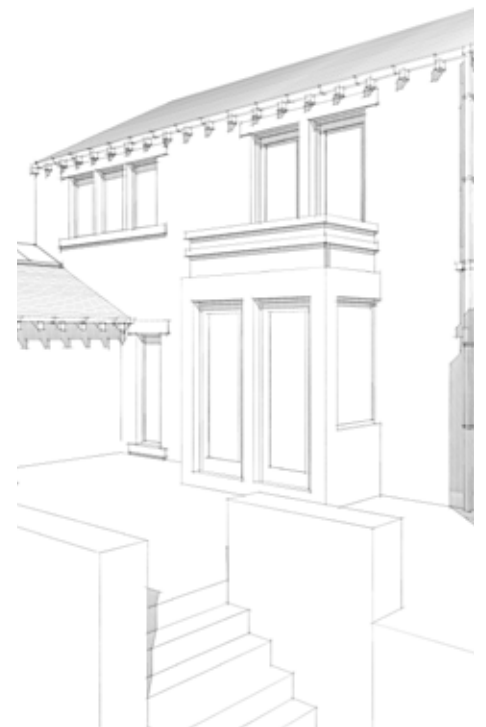
The barrister will examine his or her own witness (known as 'examination in chief') after which the opposing barrister cross examines the witness and does his best to discredit the case the witness has made. The party of the first part – *sorry, forgot where I was for a moment* – the first barrister can then re-examine the witness, doing his best to counter the points which the opposing barrister believes he has made. The inspector also has the opportunity to put questions to the witness. And so it goes on.

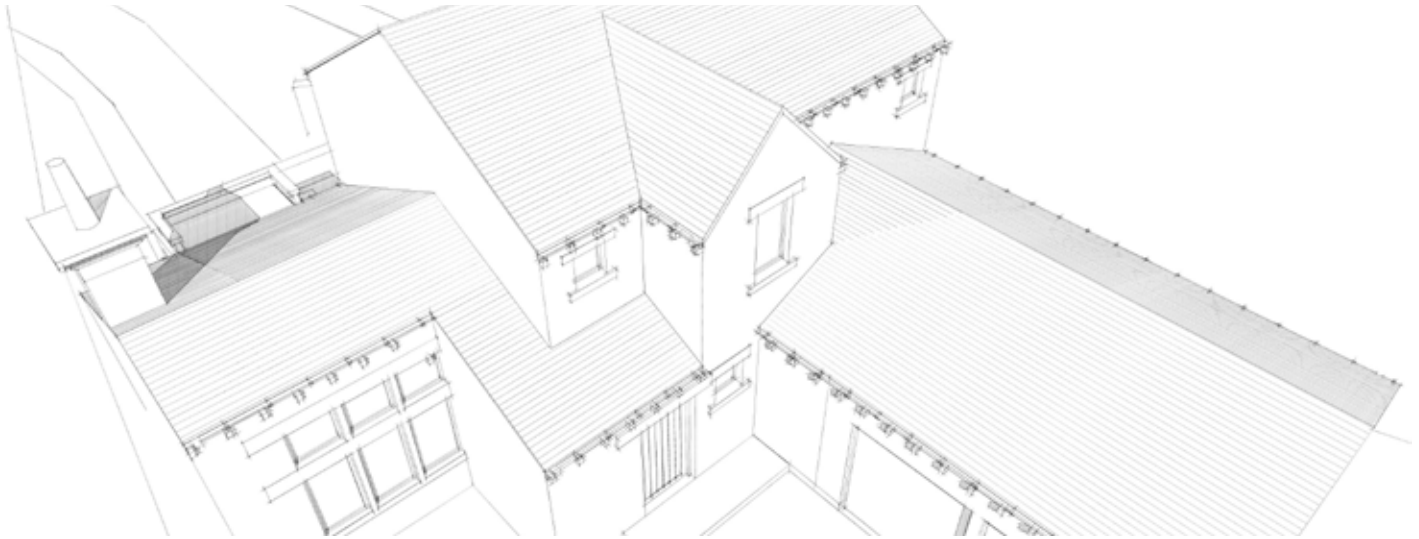
If a witness is unlucky enough to be on the stand when a break in proceedings is called, say for mid session refreshments, he or she must not converse with anyone on the matter of the inquiry during that time.

Although this may sound somewhat arcane, there are good reasons why

such a procedure has evolved and part of the intention, if not necessarily the effect, is to give transparency to the whole process.

Not only do the 'professionals' get to have their say in a public inquiry; so do members of the public. Individuals wishing to speak make this known to the inspector and at a particular point in proceedings they will be invited to the stand to make their points.





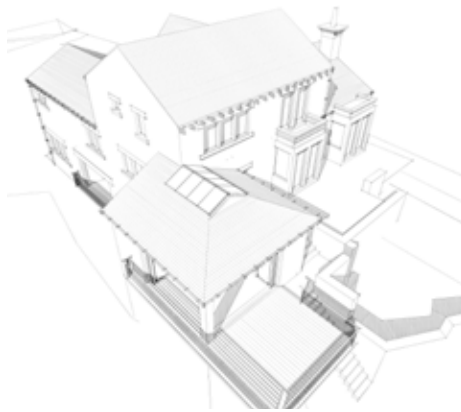
For me this is often the most interesting part of an inquiry. A member of the public speaking at an inquiry may be questioned by the legal teams of either side or by the inspector. These exchanges can tell us a good deal about how well the lay person has grasped not only the essence of the arguments involved, but how well they understand the legal framework within which planning applications, decisions, appeals and inquiries are conducted.

As far as I can tell, even individuals with a passionate interest in buildings, townscape and urban design seem to lose sight of a fundamental truth about development in this country: we only get to deal with the buildings (or perhaps more accurately the planning applications for buildings) that someone is willing to pay for. But then being willing to pay to build something gets you nowhere if it falls foul of the planning system.

There are endless examples of individuals, interest groups, self-appointed spokespersons and pressure groups responding to planning applications by asking 'why can't we have this?' And 'why can't we have that?'

Well we perhaps can, but not unless someone is first of all prepared to pay for doing so and if what they want to build is also acceptable to the planning system. The someone with the money may be the government, it may be an individual, it may be a commercial organisation. But the simple hard

fact is that the built environment we get is composed of what someone is prepared to fund that can also obtain planning approval.



What is your favourite building, your favourite street, your favourite church, chapel, mosque, synagogue, whatever it may be? For that matter, what is your least favourite? They only exist because someone was prepared to pay for their construction and the planning system accepted them. To take a planning refusal to appeal and perhaps to a public inquiry is a massive exercise, involving delay and significant expense. As a client you have to be pretty passionate and determined to go that far.

In architectural circles, one of the most notorious examples of passion clashing horns with the system occurred in London back in the 1980's. Lord Peter Palumbo, sometime Chairman of the Arts Council, and a man not without resources, was also a passionate admirer of the work of modernist

architect Mies van der Rohe. His admiration extended to a proposal to erect a building of Mies' design in the City of London at No.1 Poultry, opposite Mansion House Square.

It was refused planning approval and despite many years and shelling out countless thousands of pounds in legal fees, Palumbo eventually accepted defeat and instead commissioned James Stirling, another heavyweight architect (in every sense of the word) to design a different building for the site. Have a look at it next time you are in the City (**see below**). Love it or loathe it, it's only there because of the coincidence of two factors: a willing client and the approval of the planning system.

