

THE CONTROL OF OFFICE DEVELOPMENT IN
CENTRAL EDINBURGH, 1959-1978

(VOLUME TWO)

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Chapter 7

Office Development in Central Edinburgh 1959-1978

Introduction

Having considered the formulation of the office restraint policy we now turn to examining its implementation. This chapter simply seeks to describe what development has taken place and what development has been proposed but resisted by the local authority. This is by no means an easy task with the data available. Therefore, wherever relevant, the limitations of the data have to be discussed.

As can be seen from Figures 7.1 and 7.2, there has been an enormous amount of land changed to office use in central Edinburgh since the Second World War. Together, the figures show large increases in the amount of land in office use in the West End of Edinburgh, the eastern end of the New Town and some major areas of office growth in the areas to the south of Princes Street. However, as we shall see, the area to the north of Princes Street has remained the principal focus for office use.

The history of office development will be viewed in five, four year periods. These periods have been chosen as the best approximation to conventionally defined periods of boom and slump in office development in Edinburgh (see Barras, 1979, and Catalano and Barras, 1978), but which are also equal sized time intervals. In each period the type and distribution of offices built and refused permission will be examined.

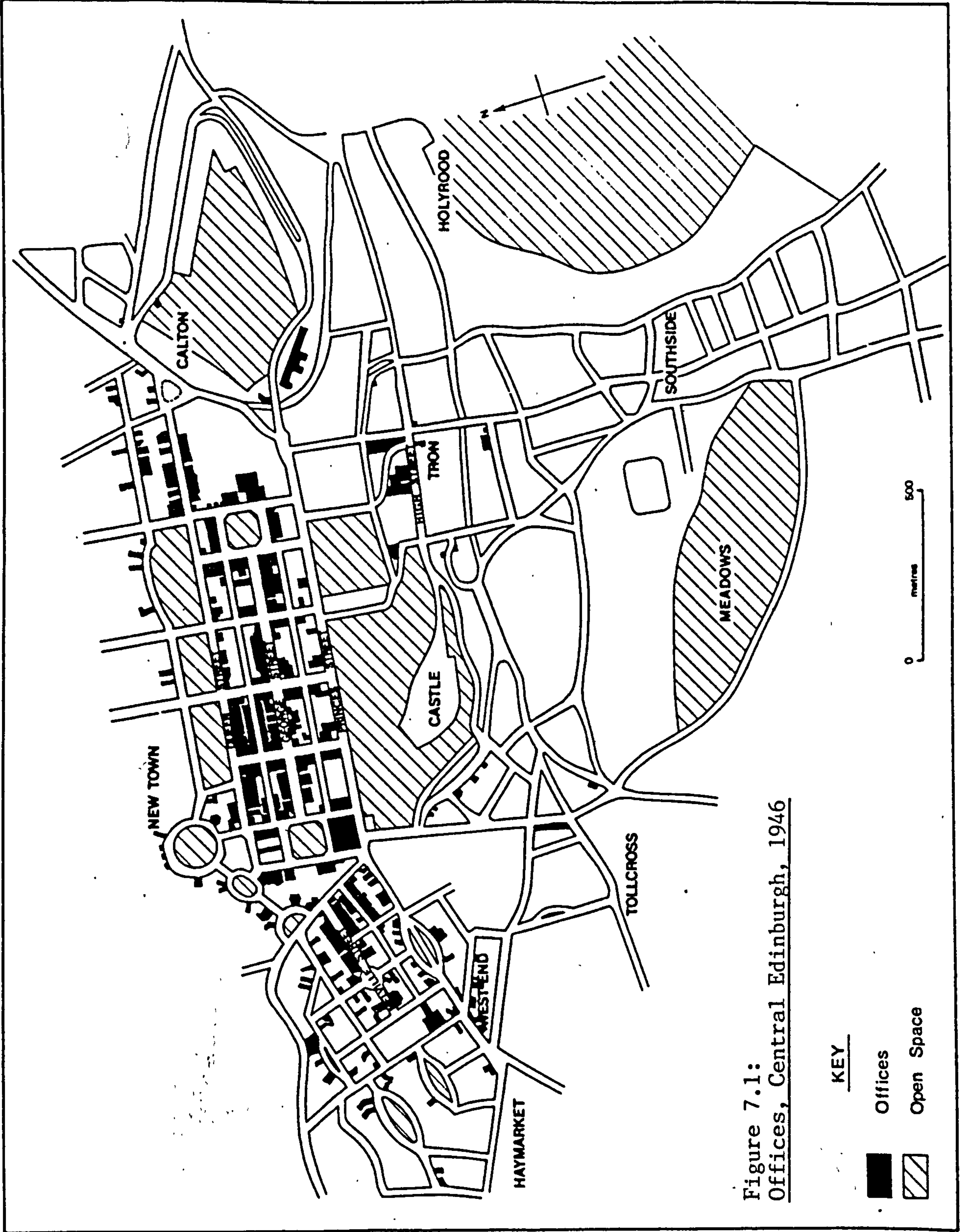


Figure 7.1:
Offices, Central Edinburgh, 1946

KEY
Offices
Open Space

0 500 metres

Source: Abercrombie and Plumstead (1949)

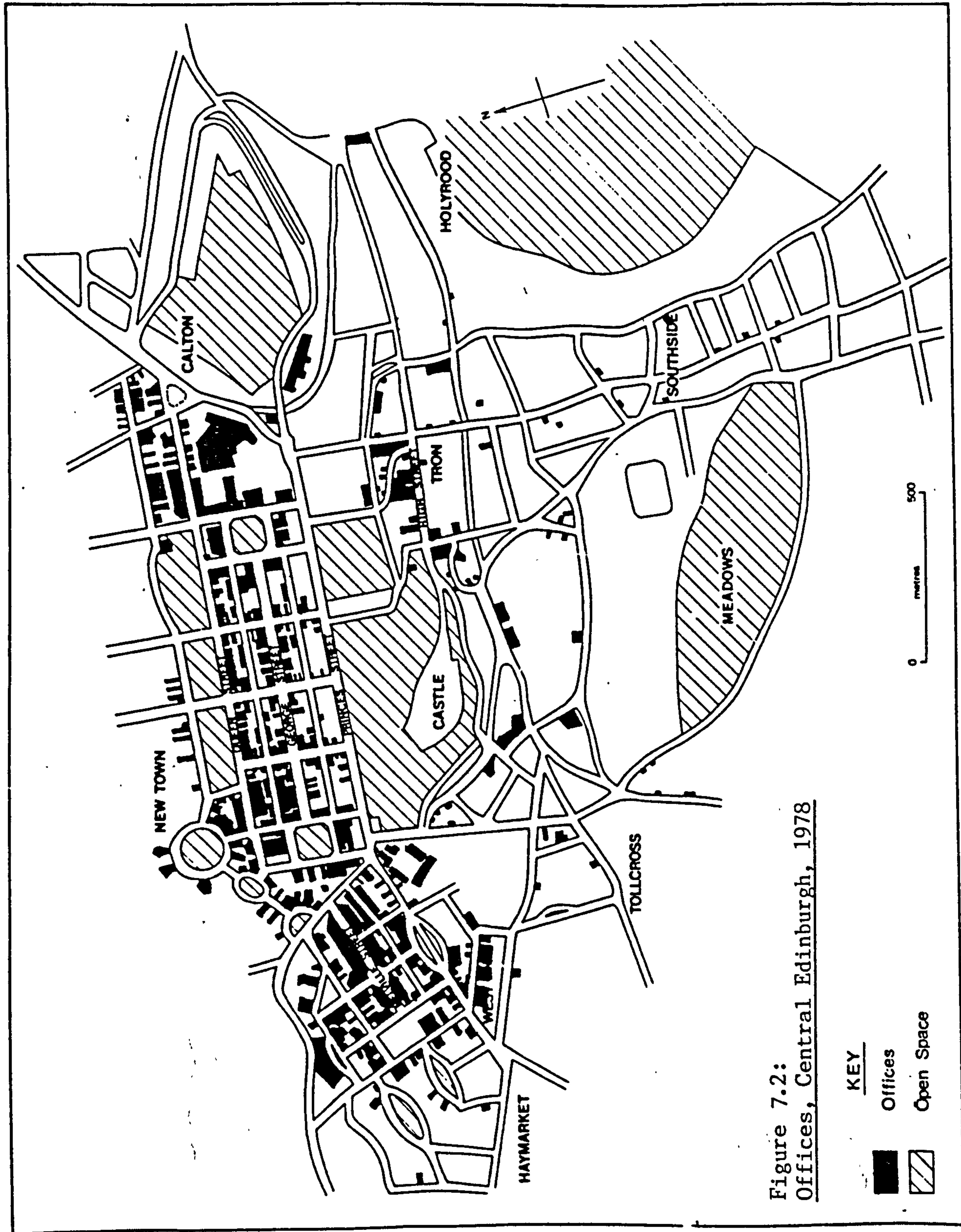


Figure 7.2:
Offices, Central Edinburgh, 1978

Source: Adapted from Turner, (1978)

Problems of Data

As with most social research, one of the major problems encountered in preparing the following chapter has been the collection of accurate data. Since most data are collected to facilitate the study of known problems, new questions must either be tailored to meet available data or new data sets need to be assembled. The latter case applies to this thesis. Most of the data required to assess implementation was readily available, but was lodged in several different data sources (local authority valuation rolls, planning register, local press and estate agents reports etc.), none of which were computerised. Hence, collection required much laborious cross-referencing. The variables for which data were collected and the sources from which they came are listed in Appendix 6.

It was considered advantageous to group applications into time periods in order to examine more clearly the data for long-term trends. The slow transformation of the process of property development in a central city location requires study over a long time in order that the magnitude of changes can be more fully appreciated. Therefore, a twenty year study period has been taken in order that changes in the types of applicants for office development, and changes in the development process itself, could be examined more fully.

Catalano and Barras (1978) divided their data into four five year periods to illustrate 'boom and slump'. However, by examination of the data in Edinburgh, it was established that the divisions suggested by Catalano and Barras were not wholly appropriate to Edinburgh.

Therefore, this chapter uses the slightly different time division of five four-year periods. The regularity of the division of the study period allows statistical comparisons of different time periods.

One of the major problems encountered in this thesis was the collection of data on the floor space of office developments. The planning records of City of Edinburgh District Council contained some computerised data relating to recent developments over the last six years of the study period. The size of other new developments had to be traced through the planning register and, where necessary, checked with literature produced by local estate agents, the local press at the time of development and the work of a limited number of previous researchers (Freeman, 1970, Clyne, 1973, and Smith, 1978). However, as will be seen, a significant element in the growth of offices has been the change of use and refurbishment of existing properties. The planning authority has no publically available data on the size of these applications. Neither the planning authority nor the local authority valuers would allow the present author access to files on individual applications. It was therefore necessary to devise a method for estimating the floor space of such developments.

The method adopted was one which drew on the available data on property size and the Local Authority Valuation Rolls. Adverts placed in "The Scotsman" newspaper and "Business and Finance in Scotland" over a period between 1976 and 1979 (when a business property feature was run), data collected from the leading estate agents in the city and data from field work in the central area, were all collected

together to give information on the size of approximately 150 office properties throughout central Edinburgh. The corresponding rateable value for these properties in office use was then noted for 1979. In this way the rateable value per square foot could be calculated for each of the 150 properties involved. Since the rateable value of any property is based on the location, use and condition of the property (which combines to form an estimate of the rental potential of a property upon which the rateable value is based) then properties in similar locations, in similar uses and in a similar condition could be expected to have a similar rateable value per square metre. Hence, by calculating the rateable value per square metre for properties of known size it was possible to estimate the size of similar office properties by reference to their rateable value .

Apart from these practical problems, there are also conceptual problems in trying to use data on planning decisions to assess the implementation of a planning policy. For data on development control to simply and directly reflect the level of implementation of policies

1. The method was only used where adequate information was not in existence. For estimation purposes most of the city centre was divided into five small areas and for each small area an average rateable value per square foot for offices in long-established built structures and new developments was constructed. A similar operation was also carried out separately for Princes Street, George Street and Queen Street. Hence, the size of any development for which data was not available could be estimated by knowing its type and its address. Data for redevelopments was usually available and therefore most of the estimates were carried out on changes of use. Pilot tests on known developments indicated that the method was reasonably accurate and there is no doubt that the regularity of Georgian architecture in the First New Town area of Edinburgh is important in this respect. Pilot tests did not seem to show any regular biases in the method and, since the majority of estimates were for small properties, the general picture is thought to be representative of the true situation.

in a plan, at least four basic assumptions would have to be made.

They are that:

- (a) all pressures for development, however slight, entered the formal planning process through becoming planning applications;
- (b) all the pressures for development are made irrespective of the content of the plan. (i.e. the plan and planning applications are mutually independent);
- (c) all the decisions made on the "expressions" of development pressure are based solely on the policies in the plan;
- (d) and all policies have single, simple and clearly identifiable aims.

McNamara and Healey (1984) have shown that all of these assumptions are difficult to defend. Many pressures for development are halted after the initial, informal contact of the developer and the local planning authority. Developers, especially in city centre areas, are very conscious of the content of a plan document and in the case of strict restraint policies, may simply believe it unlikely that any application would be approved. As a consequence, they may not apply. This effectively means that the plan and its implementation are to some extent controlling development before applications are even submitted.

Once a formal application has been made to the local planning authority, it is simply unrealistic to conceptualise the development control procedure as one where a list of rules is produced and a decision is then "read off". Policies are rarely unambiguous or "water-tight" (see Kingsbury, 1982) and development is often

considered on many more scores than simple planning grounds (e.g. jobs created). In other words, as was stated in Chapter 3, the control process is to a large extent discretionary (Underwood, 1981b, Harrison, 1979) and, as such, data pertaining solely to decisions made can prove difficult to interpret. As a result, it is not possible to say straightforwardly that a policy was or was not effectively implemented by simply looking at data on development control. Further evidence, from case study applications, appeal decisions, interviews and plan inquiries has to be assembled in order that the findings from development control records can be interpreted. (This material is presented after the analysis of decisions in Chapter 10).

However, the above critique of development control data does not render it useless since it remains the only data source to help answer² the type of question being asked in this thesis. If double counting is removed, then it forms a good statistical base for starting to examine policy effectiveness. It has been used in many rural areas (Anderson 1981, Joyce 1977, Blacksell and Gilg 1977, Preece 1979, Brotherton 1982) and urban fringe areas (McNamara and Elson, 1981, Healey et al., 1982) to view restraint policy, but to the author's knowledge this thesis is the first thorough analysis of development control records in the city centre.

2. A common procedure for gaining planning permission is to submit an outline application to establish the principle of a certain type of development on a site and then follow this with a detailed application, which obtains approval for the actual building to be developed. Obviously, if both applications are counted then the level of development will be grossly over estimated and, therefore, double counting must be removed before analysis.

Apart from the conceptual problems mentioned above there are also many practical problems concerned with data relating to how much development has been refused planning permission. One major problem is to assess, in absolute terms, exactly how much development has been refused. For example, how does one compare how much development has occurred over a period of time with how much has not? Obviously, the method of estimating the size of developed properties by rateable value and location cannot work in the same way for developments that did not occur. For large new developments that were refused, data exists in the planning register (and newspapers as a last resort), but this is not the case for small changes of use or smaller redevelopment. An estimation procedure has been established for such methods .

3

3. In the case of changes of use that were actually refused one cannot compare the land use after development (office) of the developed property with properties of known size in similar use. Therefore one is forced to try and estimate the size of the property by examining pre-development uses. This is more easily shown by example.

In 1959 two adjacent houses had rateable values of £73 and £69. In 1972 one house was converted to office use. In 1975 developers applied for planning permission to develop the other house for office use but were refused permission. The resultant rateable values were £730 and £138 respectively for office and house. Clearly, in terms of the questions we are asking, the two properties can only be compared before the development took place. If the size of the converted property is known to be 250 sq.m. then the amount of refused space can be estimated as $(69/73 \times 250)$ sq.m., using the rateable value before development.

Using known sizes only, rateable values were taken for a particular year, 1959, for accepted and rejected office applications. Their predevelopment uses were noted and as a result sixty estimates were made. 1959 was chosen in an effort to take the properties back as close as possible to their original condition. Without the embellishments of later alterations, properties could be more accurately estimated.

Although there are bound to be small errors by this method, there seems to be no alternative; the errors are probably small and there is no reason why they should be skewed to one particular side of the real figure.

It has been the present author's convention in organising data to assemble all the refusals given to one applicant on one site. This then establishes a "composite application". The final local authority decision on the application determined which data set (permissions or refusals) the composite application was placed in. If the final decision was an approval then the pressure for development was deemed successful. If a refusal resulted, then the composite application gives at least an approximate estimation of the hidden pressure experienced for development. In this way permissions and refusals have some comparable base. It is acknowledged that problems still remain.

Before proceeding, two further practical problems should be noted. Firstly, in the case of the submission of outline applications for planning permission for large office developments, only a vague address is given by the applicant and the basic purpose of the application is to establish the principle of development. In the list of refused applications there are seven new developments upon which decisions have been made for which there is no possible means, without access to local authority files, to gauge the size of development proposed. These developments are submitted by English Property Companies (three), a Scottish Insurance Company (one), a bank (one) and two were submitted by unclassifiable applicants.

Secondly, there was also the problem of changing terminology amongst the planning profession and in planning practice. This is of particular importance when considering changes of use and

refurbishments. The term "refurbishment" was not used regularly in the planning register to describe developments until the 1970s. However, six major changes of use (over 1,000 sq.m) were refused by City of Edinburgh before 1970. Such large land use changes might have required structural alterations within the building and would therefore technically constitute refurbishments. However, the records do not call them refurbishments and therefore they have been kept in the present author's data set as changes of use. Again, access to local authority files would have solved this recurring problem. Hence, we can see extensive problems in using this sort of data for analysing decision-making related to office development. Despite these problems, this data has facilitated a detailed study of how much development has occurred and the decisions made regarding office development. The rest of this chapter forms a description of how much was built, when and where. The political decision-making is reviewed in more detail in the following chapter.

General History of Office Development, Central Edinburgh 1959-1978

Between January 1959 and December 1978, approximately 440,000 m² (4.6 million sq.ft) of new office space was completed in central Edinburgh⁴. A seventh of this total is accounted for in two extremely

4. Statistics given on sizes of developments refer only to those developments known to have been carried out after permissions had been granted. The reason for this stems from the amount of data available to the researcher being such that only the sizes of completed developments could be estimated. Data on the actual size of development existed for about 65% of all applications; estimates have been used for the rest. Despite all efforts, the data was so poor that ninety five cases proved impossible to estimate. However, using evidence on who the applicant was, and possessing information in the average size of developments put forward by such applicants, it was possible to estimate how much development was included in this figure (87,000m²). the following (contd below)

large developments (Argyle House, 26,291m² and St. James Centre, 30,565m²) between the mid-1960s to the 1970s.

As Chapter 4 illustrated, developments are of two main forms, namely those requiring the demolition of the existing buildings and those which do not. If the latter category is sub-divided into those requiring substantial internal modifications (refurbishments) and those which do not (changes of use), then three different processes of office development can be seen to operate simultaneously. Figure 7.3 illustrates the annual variations in three different types of development in central Edinburgh over a twenty year period for the year that the permission was granted. A three year moving average has been used to smooth out the annual changes.

It is immediately apparent that the three curves do not vary together and that each type of development has its own distinct history. Not surprisingly, in terms of their sheer magnitude, redevelopments (or new developments) can be seen to dominate the provision of new office space throughout the study period. From the period of growth in the early 1960s, there is a decline until about 1967 when the trend is reversed. Large additions are made until 1972 but after this time

4. contd.

tables are based on the data that was available and could be relied on to be reasonably accurate. These problems affect the description of the levels of office development in central Edinburgh, but not the key questions relating to the decisions made on proposals by the local planning authority. Dates given in tables refer to the year of application rather than the year of completion for which data would be extremely difficult to collect, especially for smaller developments.

5. Their inclusion in tables often hides as much as it reveals. Therefore, where appropriate, tables and figures will be shown with and without these two developments.

there is decline until 1975. A levelling off of development at about 4,000 sq.m per annum illustrates the low level of redevelopment occurring in the final years of the study period.

Notable features are the wavelength of approximately five years for redevelopments and the size of the differences between peaks and troughs shown by the graph⁶. It is also noticeable that, towards the end of the study period, the drop in redevelopment is partially compensated by a major increase in the amount of refurbishment occurring. Indeed, in the last few years of the study period, refurbishments produced twice as much office space as redevelopment. Therefore, in addition to the general slowing down in the rate of development, we can note a discernible change in the form of development process towards the end of the study period.

In general terms there are no obvious cycles in the graphs for changes of use. Rather, there is a slow growth in such activity until the late 1960s, followed by a slow, irregular decline until the end of the study period. At its peak in the late 1960s, this form of office development (which in practice is composed of a large number of small developments) was producing twice as much office space as redevelopment. In the midst of the irregular decline there is a minor peak at about 1973 when, in common with almost all types of land development, it was affected by the property boom. The decline from

6. It should be noted that the two big developments, both occupied as government offices were initially permitted at times when the level of activity was low. This reflects the findings of Barras and Catalano (1975) and C.D.P. (1976) that in periods of little activity, developments for "safe" tenants become relatively more attractive.

this minor peak corresponds to declines in the other two forms of office development. Only the refurbishment process shows a recovery before the end of the study period.

Refused Development in Central Edinburgh, 1959-1978

Over the same period (1959-1978) approximately 95,000 sq.m of office space, applied for through the formal planning system, was refused. This represents over a fifth of the total floor space applied for.

Before analysing individual time intervals within the study period for refusals, it is desirable to describe the overall levels of demand (with regard to all the difficulties outlined above) through time for the three different types of development. Figure 7.4 indicates that pressures for changes of use did not peak until the boom period of 1971-1974 although, owing to the much greater levels of refusal in the 1970s, completed changes of use actually permitted, peaked in the late 1960s.

Figure 7.5 shows the existence of a 1971-1974 boom period very well (72,000 m²). If the St. James Centre and Argyle House are omitted, then the boom periods of the early 1960s and early 1970s are readily distinguishable.

Both Figure 7.4 and 7.5 indicate that the rate of refusals for developments rose dramatically in the 1970s, lasting through the boom period until the end of the study period. No major developments listed as refurbishments were refused by City of Edinburgh and,

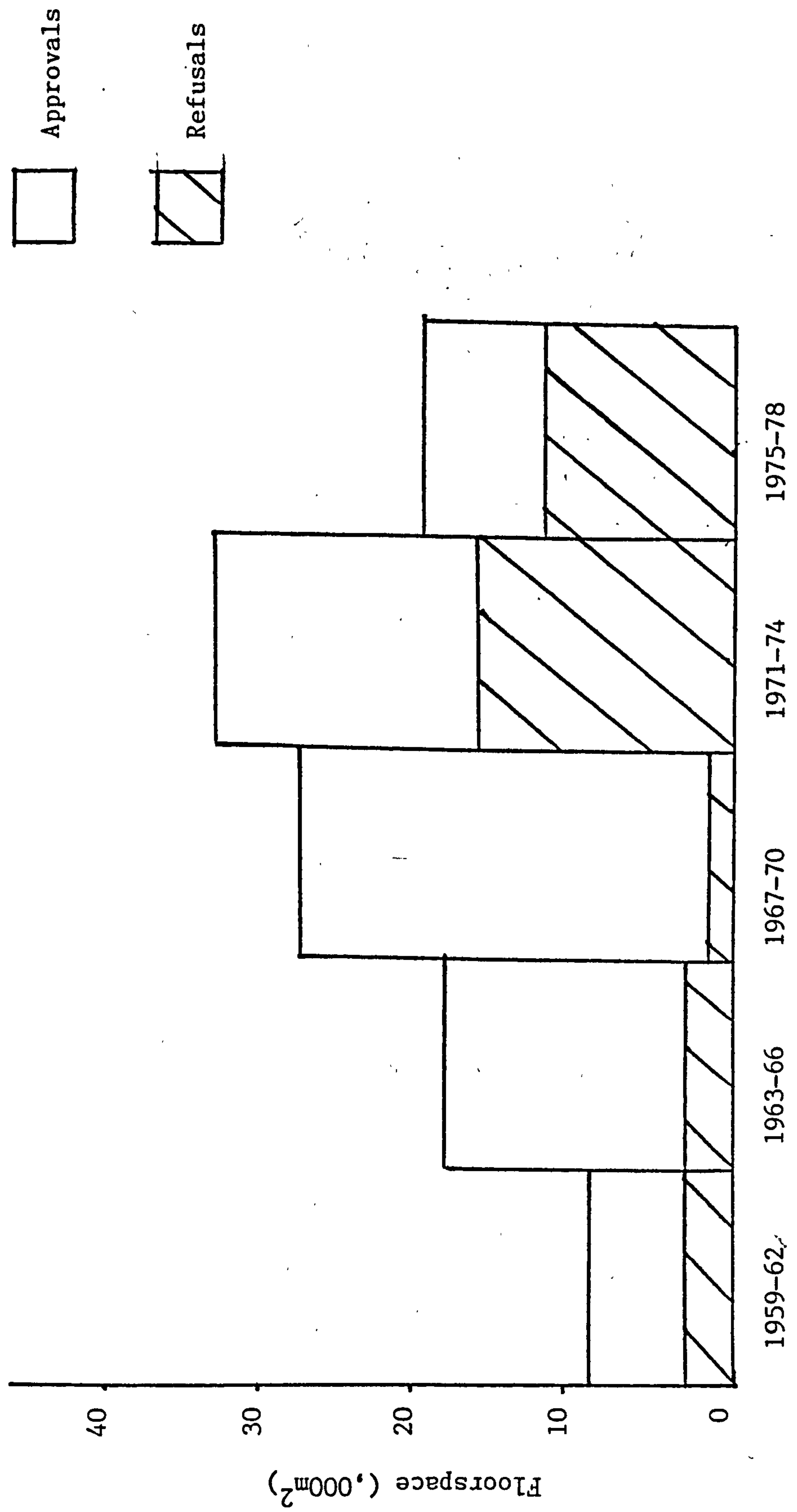


Figure 7.4: Total Demand for Changes of Use

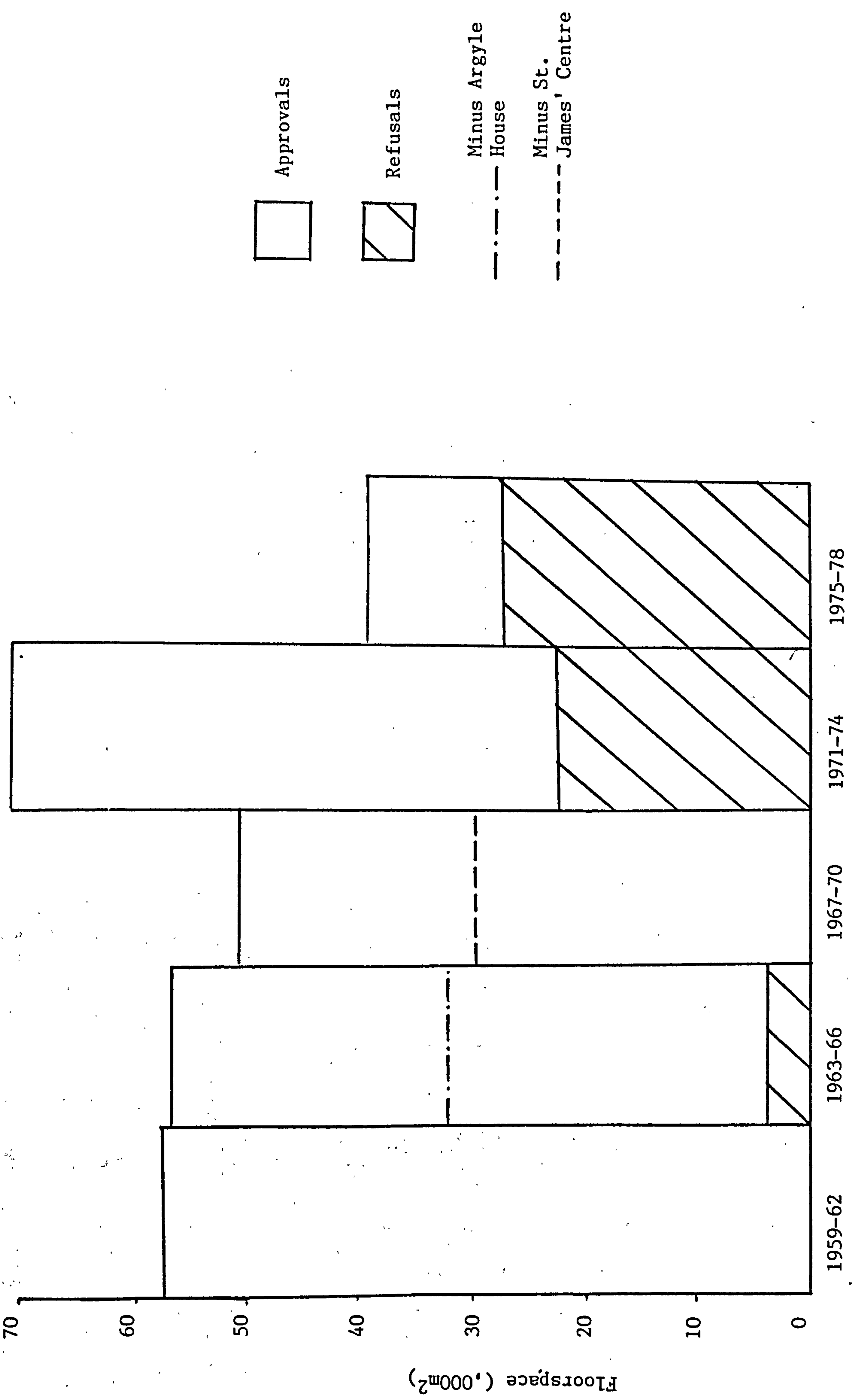


Figure 7.5: Total Demand for Redevelopments

therefore, their history remains that shown in Figure 7.3. Hence, we can note that many more office developments were being refused in the latter half of our study period than in the first half. The following sections attempt to view the position more closely for each time period as a prelude to examining the implementation of the office restraint policy in more detail.

Office Development, 1959-1962

It can be seen from Table 7.1, that the predominant form of office development in this first time period was redevelopment. For reasons already explained, refurbishments can be considered to have been negligible.

Type of Development	Floorspace approved (m ²)	Percentage of Floorspace Approved (%)
Redevelopment	58,035	87.9
Refurbishment	-	-
Change of Use	6,481	9.8
Other (large extensions)	1,478	2.2
Total	65,994	99.9

Table 7.1: Forms of Office Development: Central Edinburgh 1959-1962

Figure 7.6 shows that these new developments were spread throughout the central area but with a concentration in the St. Andrews Square area (11,520 sq.m or approximately 20% of all new development in the time period). There were some minor redevelopments in the West End, to the west of the First New Town, and three quite sizeable new

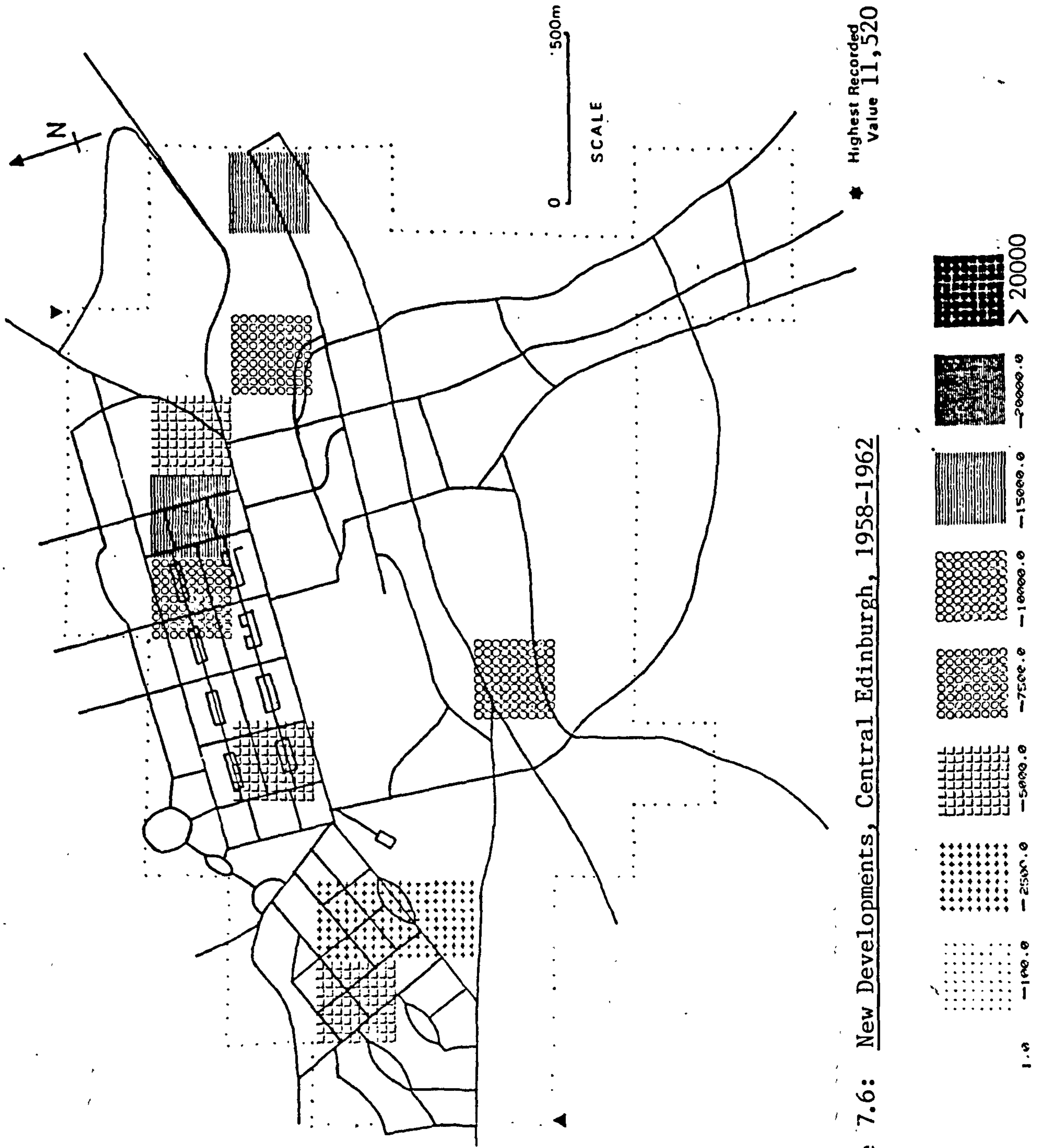


Figure 7.6: New Developments, Central Edinburgh, 1958-1962

developments to the south of the Princes Street-Shandwick Place axis.

Figure 7.7 shows that changes of use in this first time period have a different spatial distribution to that of new developments with the West End being the main focus. Indeed, changes of use are the predominant form of development in that area, being more important than the redevelopment. In the other parts of the central area the general lack of activity is very noticeable, especially when contrasted with later time intervals. There is some activity at the west end of George Street, and some at the very northern edge of the central area with only one minor development in the whole of the South Side.

With the preponderance of new office space being generated through new development, it is not surprising to find that the total development picture (Figure 7.8) resembles that for redevelopment (Figure 7.6). The total picture shows development pressures occurred at both the east and west ends of the First New Town and the West End, with outlying redevelopments in the South Side. Much of the development in St. Andrews Square, was due to the relocation of the administrative offices of insurance companies from Princes Street. The time period as a whole was quite active. Indeed, if Argyle House and the St. James' Centre are not considered, this period would have been the second most active four-year period in the entire study period.

The rate of refusal in this time period was very low indeed (Table 7.2) with only one in every twelve applications being refused. All of

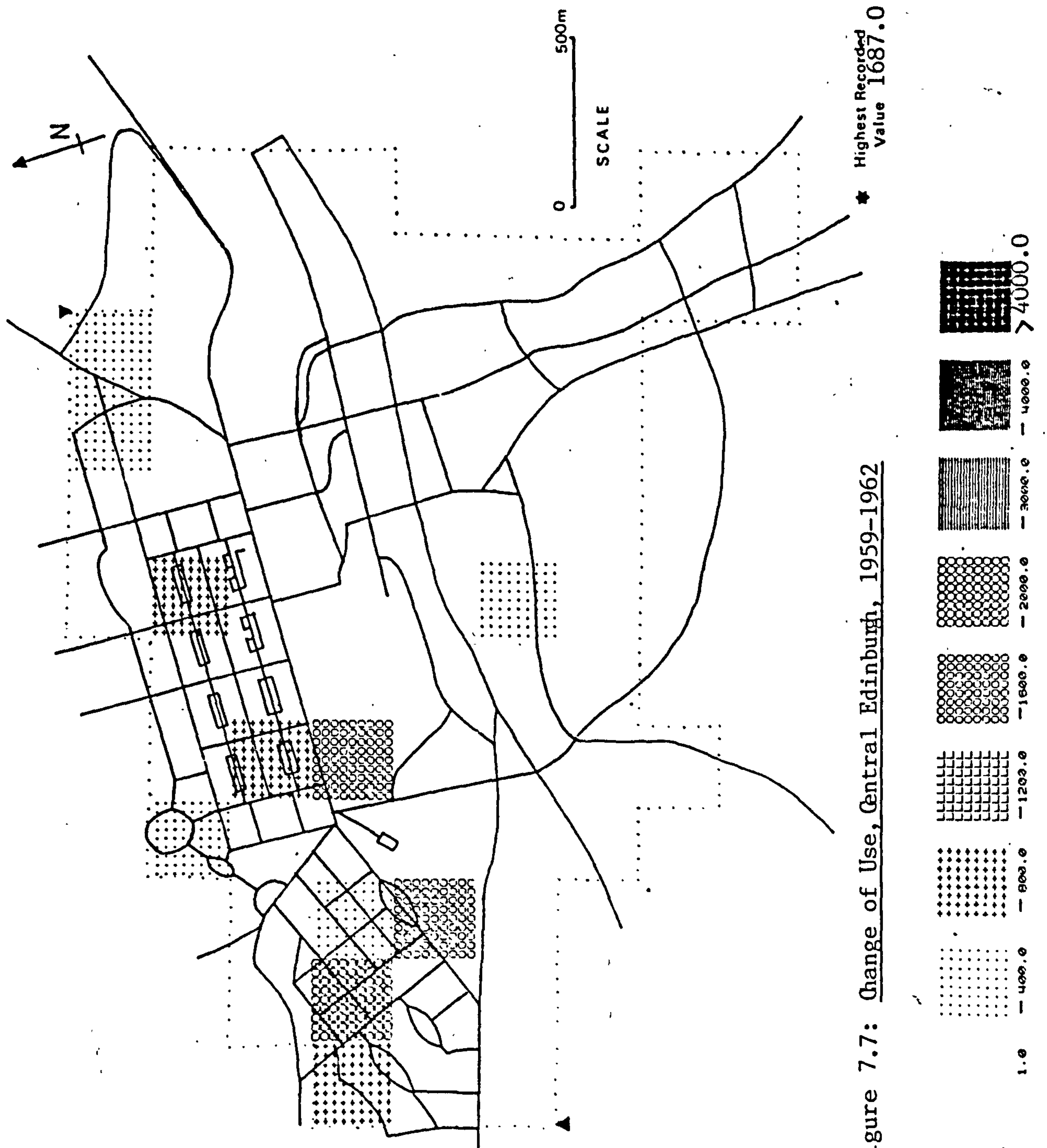
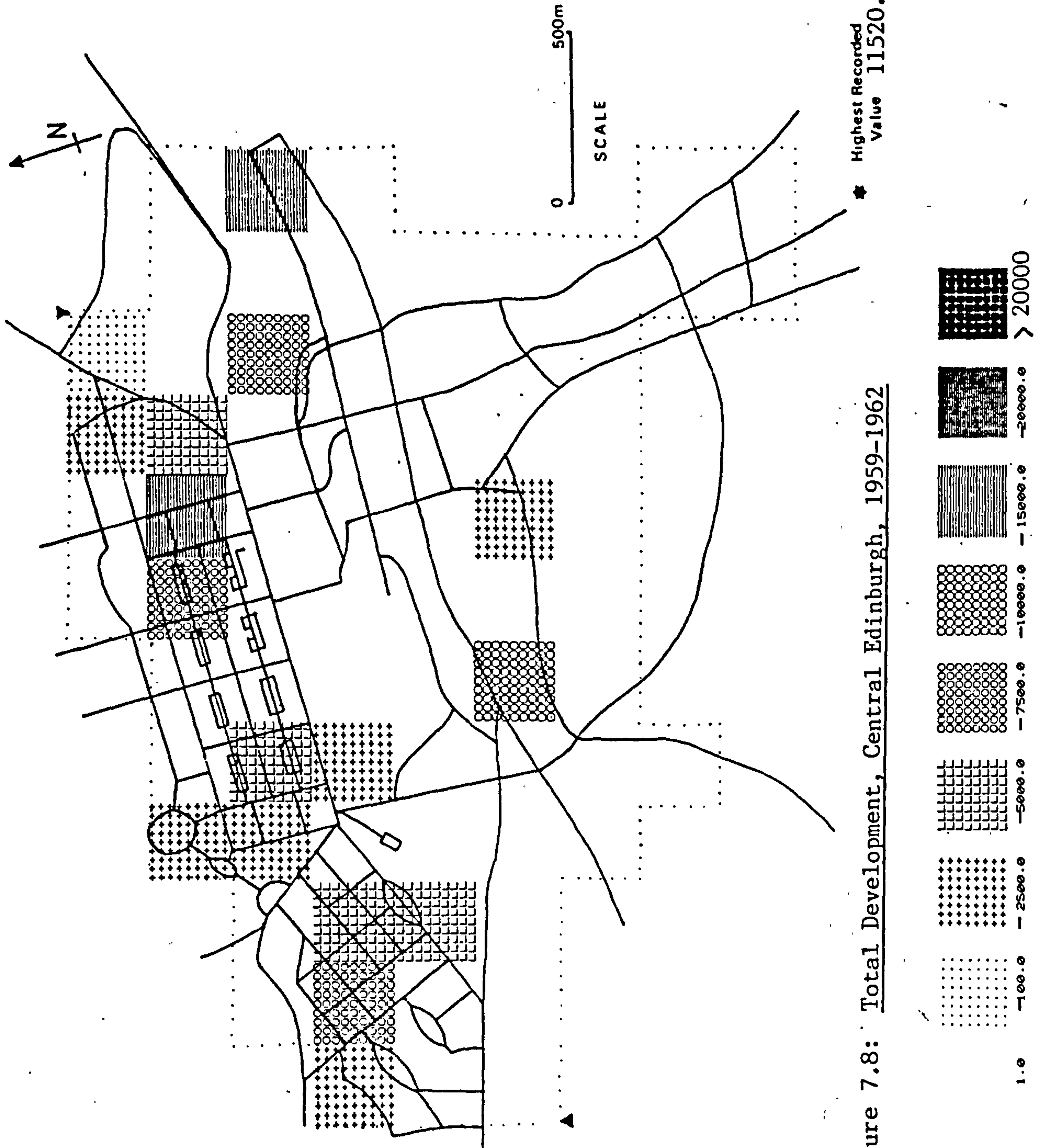


Figure 7.7: Change of Use, Central Edinburgh, 1959-1962



the refusals were issued on changes of use. These figures do not infer laxity in controlling development by the local authority since the redevelopments were not then contrary to any formal policy and the emphasis at that time in the city was on growth and evolution.

Permitted Development	65,994m	2
Refused Development	3,552m	2
Total Demand	69,546m	2
Per cent Floorspace Refused	5.1%	
Per cent Applications Refused	8.3%	
Per cent of Refused Space which was Change of Use	100% (n = 9)	
Per cent of Refused Space which was Redevelopment	0%	

Table 7.2: Control of Office Development, Central Edinburgh 1959-1962

Figure 7.9 indicates that the refusals were all related to changes of use in residential areas. The area to the west of Palmerston Place and a few locations on the northern edge of the central area were protected from office development. This is consistent with the existing restraint policies of the time which were designed to protect residential areas from incursions by office developments and resist the loss of residential units in the central area.

Office Development 1963-1966

Table 7.3 demonstrates the extent to which the decision to build the massive Argyle House distorts the statistics for this period. Argyle House, located close to Tollcross (West Port) accounts for over 40% of the total amount of office space permitted in this period which was

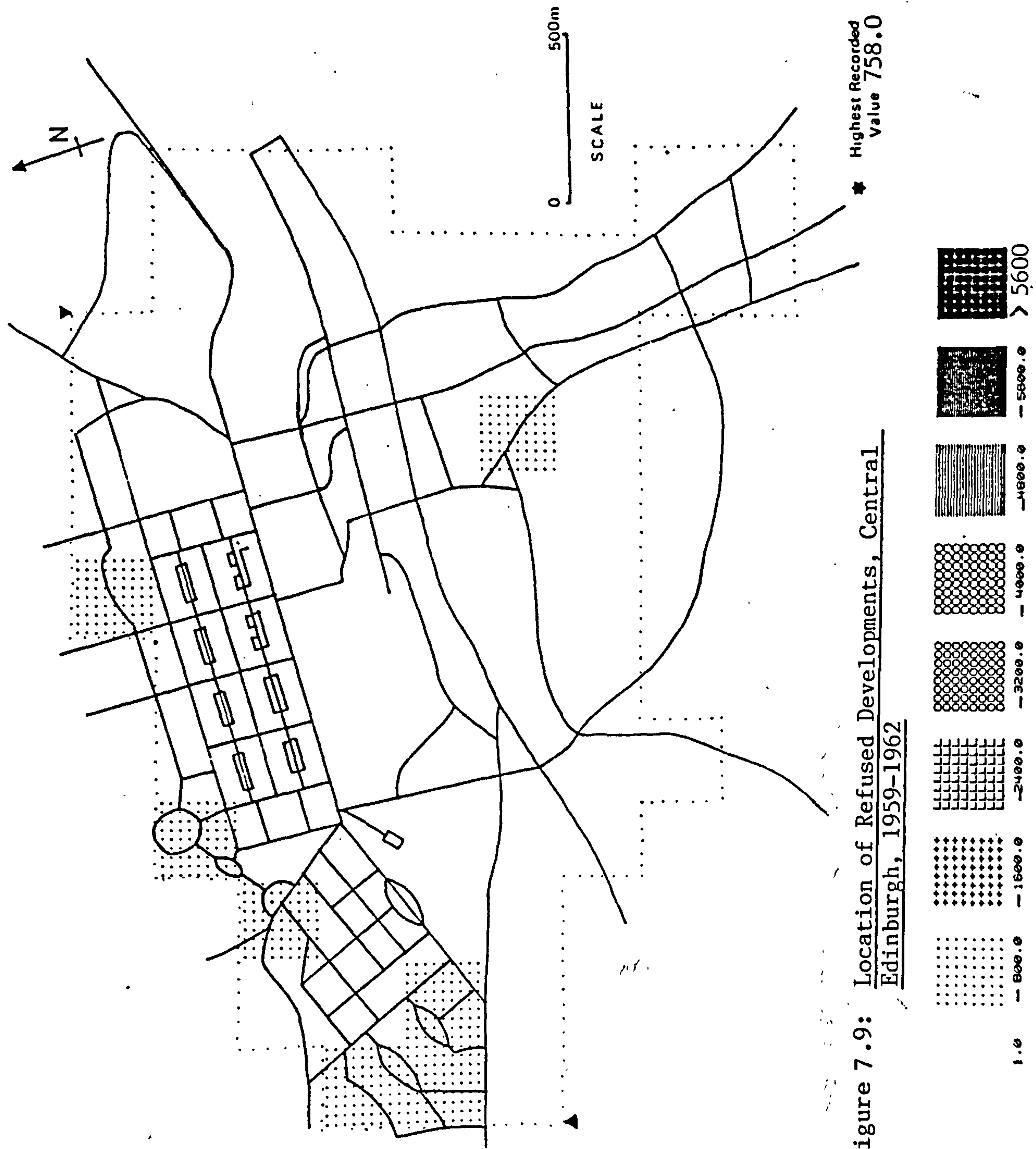


Figure 7.9: Location of Refused Developments, Central Edinburgh, 1959-1962

finally completed. As such, it masks all other trends. If is taken into consideration without qualification then this time period reveals an overall growth in office development. However, if Argyle House is omitted one can identify a drop in the general amount of development, representing primarily a reduction in the level of redevelopment occurring. In contrast, changes of use, as a form of development, have more than doubled⁷. Refurbishments are noticeable for the first time as a form of development.

Type of Development	Floorspace Approved (m2)	Percentage of Floorspace Approved (%)	Percentage minus Argyle House
Redevelopment	53,709	75.5	61.1
Refurbishment	1,131	1.6	2.5
Change of use	15,718	22.0	35.0
Other (large extensions)	598	0.8	1.3
Total	71,156	99.9	99.9

Table 7.3: Forms of Office Development: Central Edinburgh 1963-1966

Figure 7.10, shows only two major redevelopments in the whole of the central area in this period of lower development activity. Importantly, both of these major developments are in the environmentally less valued South Side. Both are now occupied by

7. This is in tune with the national picture which identifies this period as one of slow and steady growth in office space (see Chapter 5).

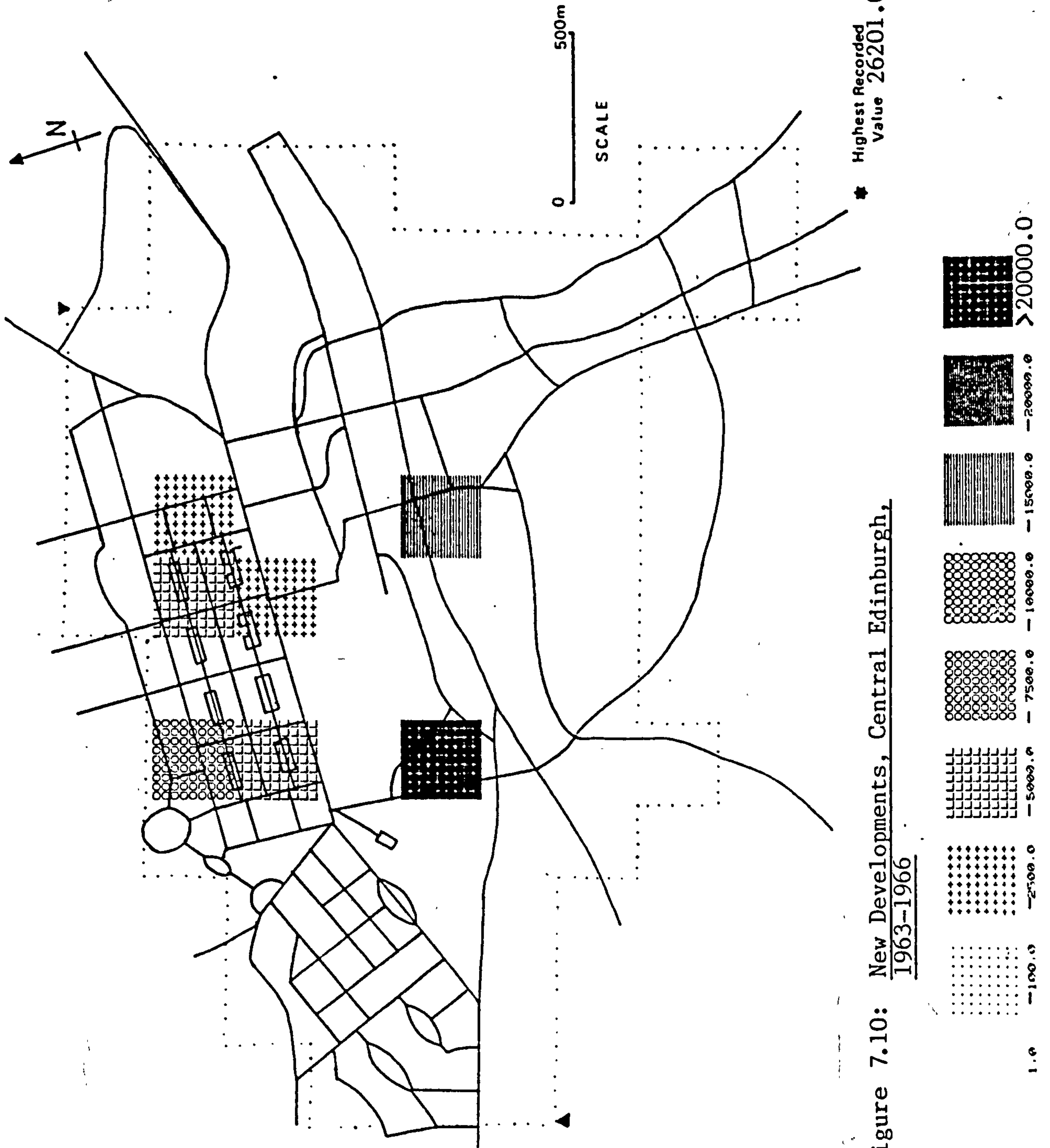


Figure 7.10: New Developments, Central Edinburgh, 1963-1966

government offices . This difference in the scale of redevelopment between the area to the north and to the south of Princes Street should be noted. Indeed, only one major development is seen in the First New Town, on Queen Street. Otherwise there is a low level of activity.

Figure 7.11, contrasts markedly with that for redevelopments showing a general spread of changes of use throughout the whole of the West End and First New Town. The lack of redevelopments in the West End contrasts markedly with the very high level of change of use activity there in this period. The overall pattern shows that the pressures for development were succeeding in residential areas. Along the northern and western edges of the central area (comprised mainly of Georgian residential terraces), changes of use were being permitted. Interestingly, Charlotte Square, the historical centre for the small office in Edinburgh, remains untouched by development pressures. This was largely because the area was already dominated by offices and it was the adjacent areas which were put under pressure by lawyers, advocates, small service businesses and the like seeking accommodation. As in the previous period, the South Side did not experience much pressure for changes of use.

Hence, when the total picture is considered (Figure 7.12), the pattern of development in this period was one of widespread change of use to the north of Princes Street and two major redevelopments to the south.

8. Argyle House is now a major headquarters for the Department of Health and Social Security, the other (Melbourne House) is the headquarters of the Lothian Regional Council.

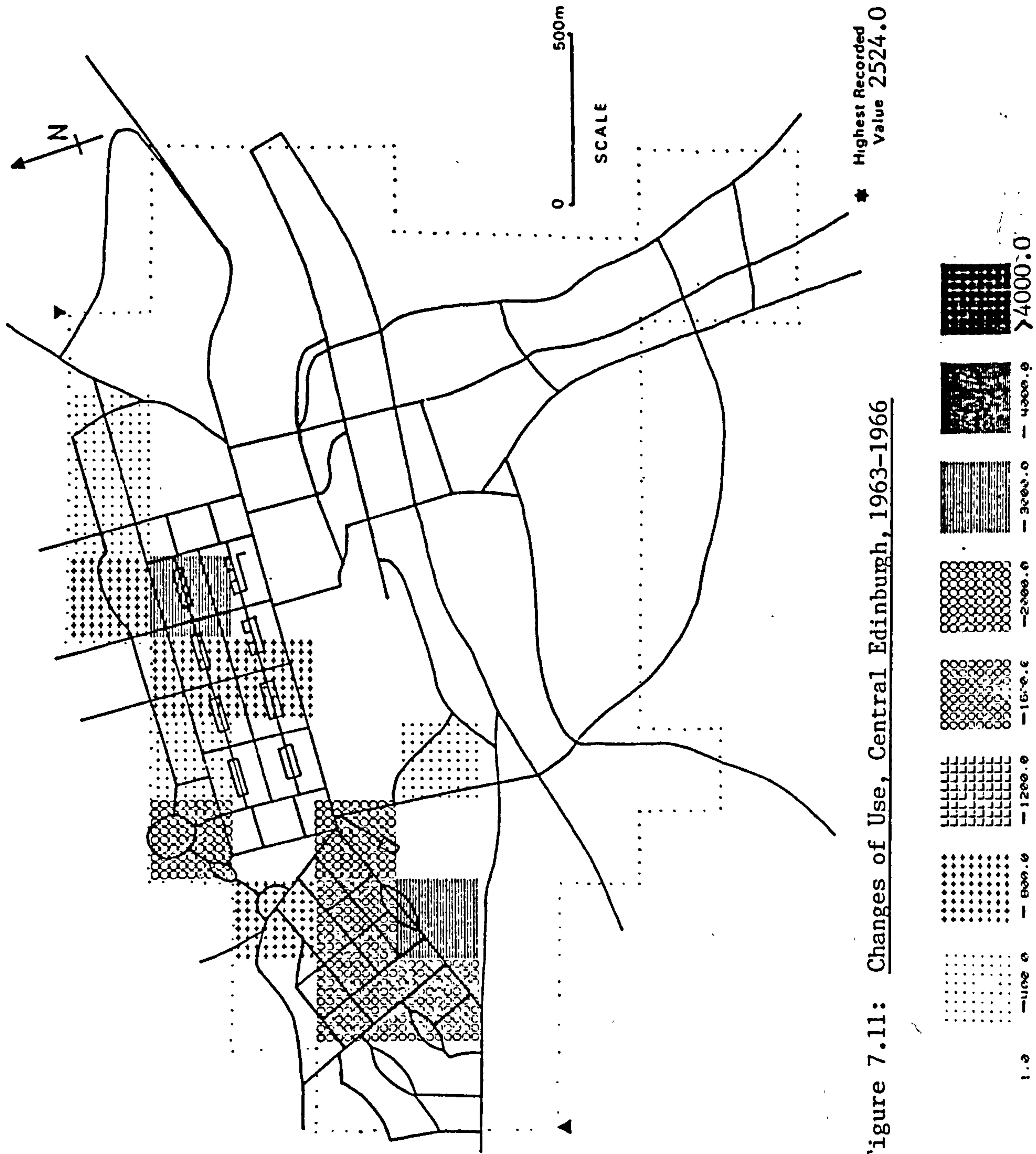


Figure 7.11: Changes of Use, Central Edinburgh, 1963-1966

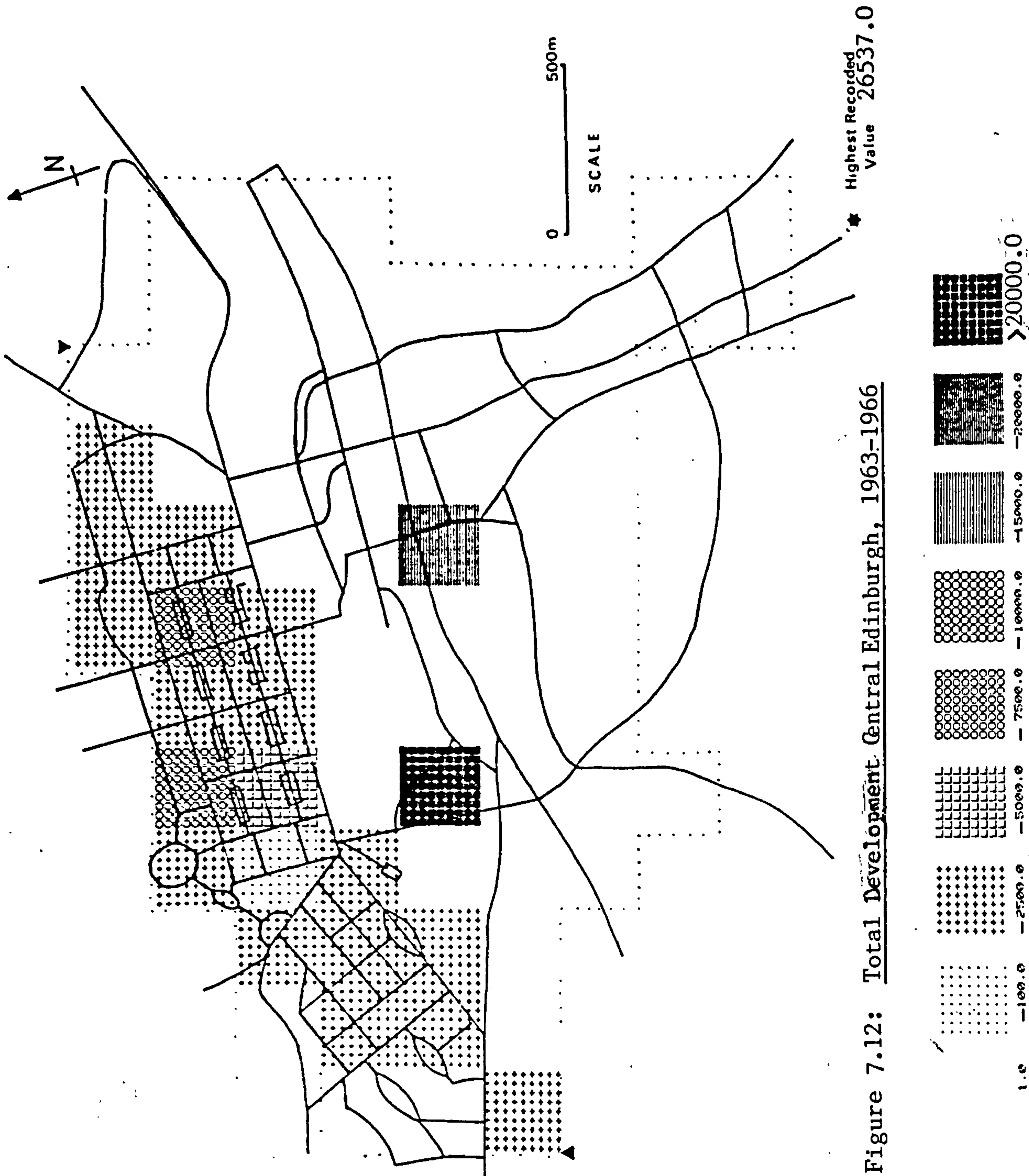


Figure 7.12: Total Development Central Edinburgh, 1963-1966

The spread of pressure for changes of use shows that the whole of the northern half of the central area was of interest to the small developer and businessman and that the area was capable of satisfying their demands for accommodation.

		(Minus Argyle House)
Permitted Development	71,156m ²	44,866
Refused Development	7,582m ²	7,582
Total Demand	78,738m ²	52,448
Per cent Floorspace Refused	9.6%	14.5%
Per cent Applications Refused	20.5%	
Per cent of Space Refused which was Change of Use	48 (n = 13)	
Per cent Space Refused which was Redevelopment	52 (n = 2)	

Table 7.4: Control of Office Development, Central Edinburgh 1963-1966

Table 7.4 shows that the rise in the level of change of use development was only resisted to a limited extent by the local planning authority. In absolute terms the amount of floorspace refused was very similar to the previous time period but in percentage terms (with the lower rate of development), the level of overall floorspace refused has risen. Some of this was owing to the refusal of two new developments, ^{which} when taken together, almost equalled the total amount of space in the thirteen refused changes of use.

Figure 7.13 shows the distribution of the refusals. Very little restraint is exercised to the east of Palmerston Place (see Figure

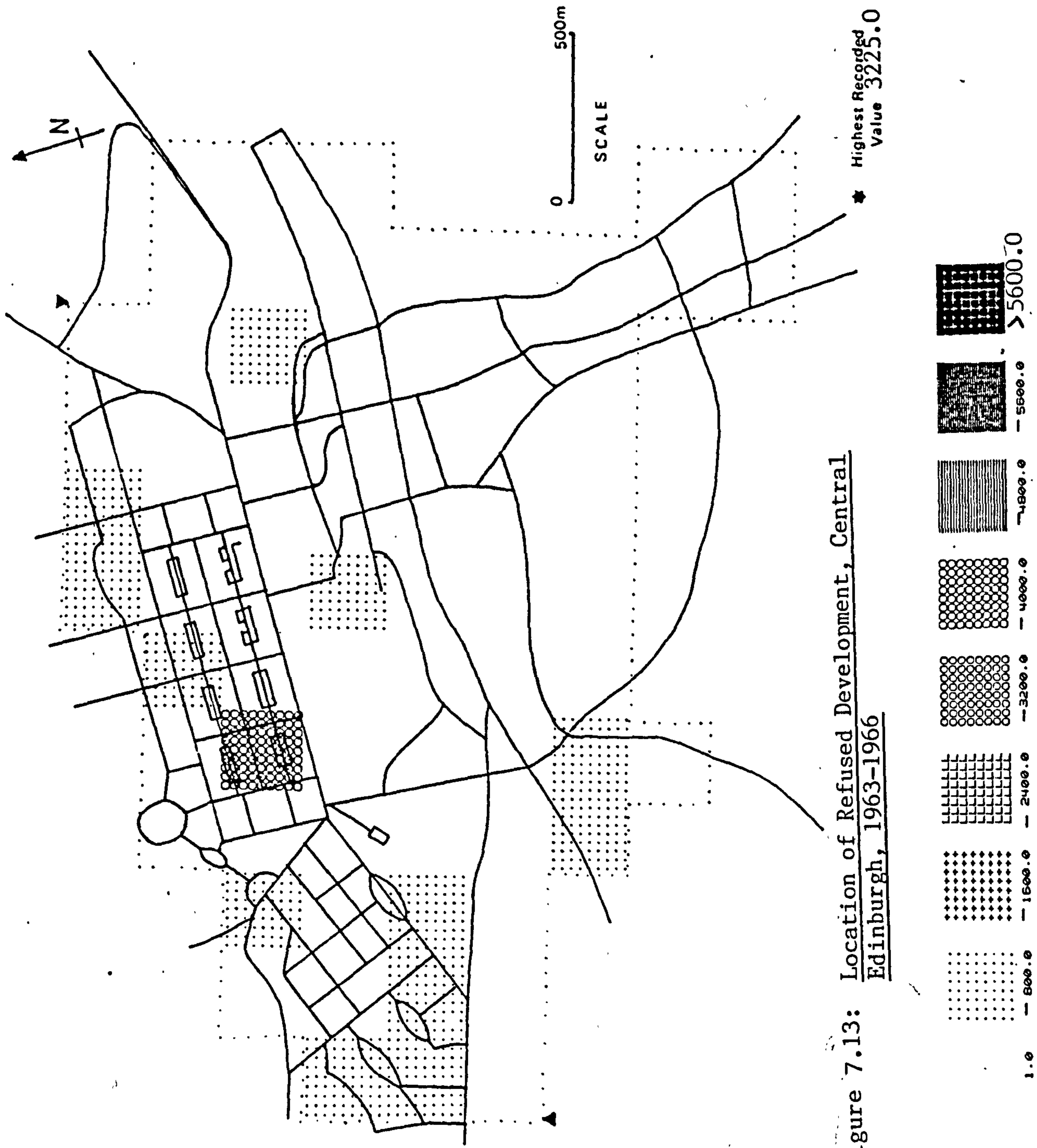


Figure 7.13: Location of Refused Development, Central Edinburgh, 1963-1966

6.1) where, as Figure 7.11 has already established, the pressures for developments were quite high. However, the defence of the residential area to the west of the Palmerston Place axis is shown to have continued. Very little restraint was exercised in the Moray Place area, whereas there was a low level of restraint along the northern edge of the central area. Occasional refusals can be seen to the south of Princes Street, though all are small. Indeed, the only major refusal lies at the east end of George Street. The general pattern was, therefore, still one of a low level of restraint on development to protect residential areas from change of use to offices.

Office Development 1967-1970

The statistics for this period are, like the previous period, distorted by the existence of one major redevelopment. The St. James' Centre⁹ forms the single largest office block in central Edinburgh representing nearly nine percent of all office space developed in the entire twenty year period under study.

It is impossible to say what the impact of such a development was on general office development in central Edinburgh since, as Chapter 6 noted, it was catering for an expansion of government activity. The most likely effect was to depress the market slightly, since a potential major office user was taken off the "demand" side of the equation¹⁰.

9. See Chapter 6 for a brief history of this controversial development.
 10. This is most certainly true for the retail element of this major development, leading to an oversupply of retail space and some shopping areas became quite delapidated (e.g. South Bridge).

Bearing in mind the effect of the St. James' Centre, the statistics in Table 7.5 still reveal an underlying trend of a decreasing amount of redevelopment being permitted. Whilst, in keeping with the trends in development until this time, developments retaining existing built structures became more important in both absolute and relative terms. Indeed, if the St. James' Centre is omitted from consideration then "change of use" was the single most important form of development in central Edinburgh in this period, doubling in importance for the second consecutive time period. Refurbishments can also be seen to have become relatively important, representing fourteen percent of total development.

Type of Development	Floorspace Approved (m2)	Percentage of Floorspace Approved (%)	Percentage minus (St. James' Centre)
Redevelopment	51,189	58.4	36.1
Refurbishment	8,219	9.4	14.4
Changes of Use	27,864	31.8	48.8
Other (large extensions)	352	0.4	0.6
Total	87,624	100	99.9

Table 7.5: Forms of Office Development, Central Edinburgh 1967-1970

The distribution of redevelopments in this period is shown in Figure 7.14. As can be seen, there was a clearly defined focus for the limited amount of activity that did occur. The most developed area was, of course, the old St. James' Square, which was virtually

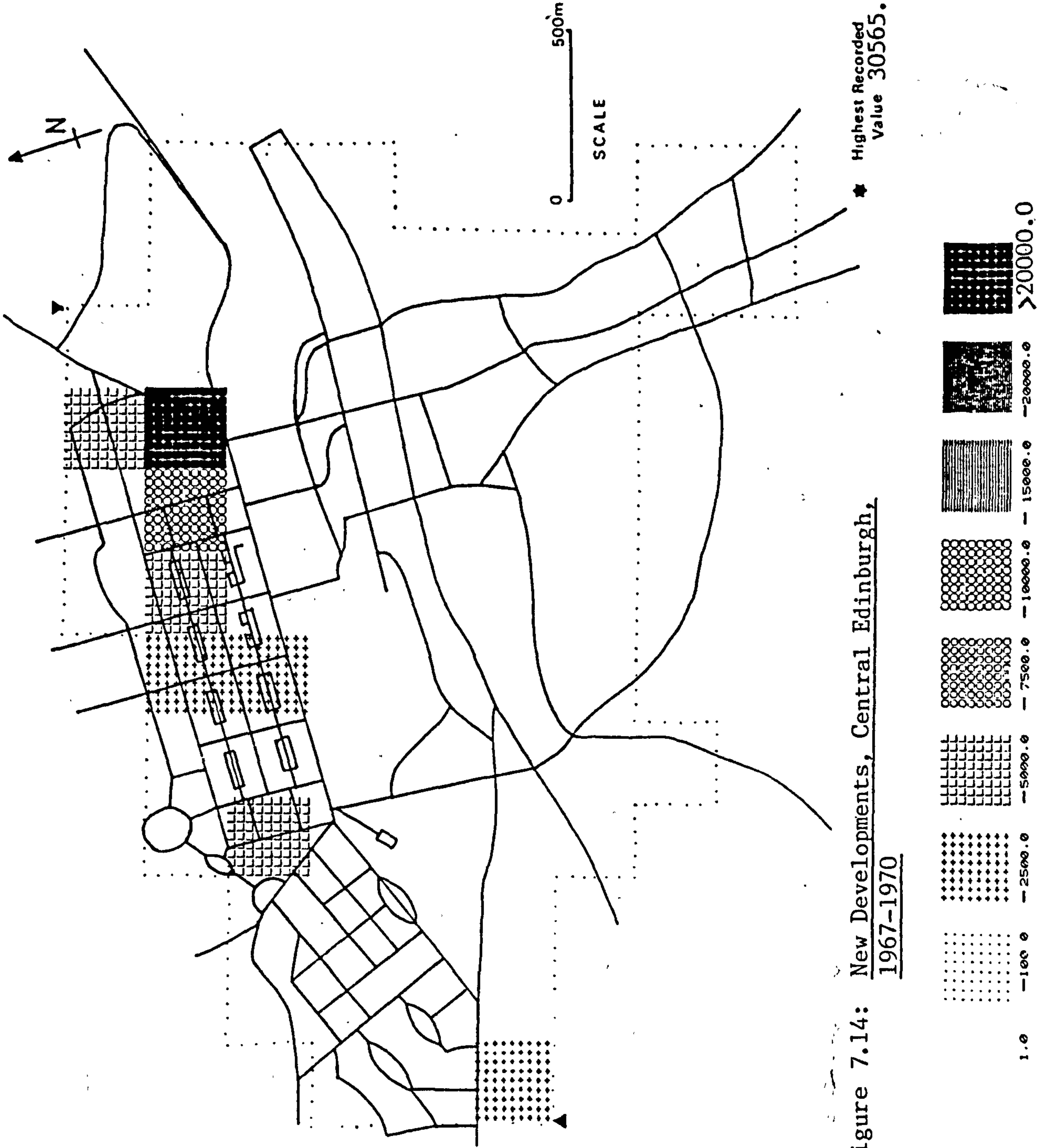


Figure 7.14: New Developments, Central Edinburgh,
1967-1970

obliterated by the new developments. Adjacent to it, in St. Andrew's Square and in the area between Queen Street and George Street (Thistle Street), there was some activity. There was virtually no development activity other than this, with the exception of two small redevelopments.

Figure 7.15 again reveals the lack of interest shown by developers for changes of use in the South Side and the general interest shown by them in the area north of Princes Street. The general level of development is higher than that shown in the previous time period, with the most outstanding focus of development being along Palmerston Place in the West End. There was over 15,000 sq.m. of refurbishments and changes of use developed in the West End. This represents over half the total change of use for the whole twenty year period under study. Much of this was from residential property. Extensive change of use development also continued along the northern boundary of the central area. This was especially the case in Abercrombie Place which is close to the large offices of St. Andrew's Square. Charlotte Square is again unaffected by this increased level of activity.

The general impression in this time period is one of a "wave" of pressure for development moving out from Charlotte Square during this and the previous time period. This indicates that developers were having to settle for sites further and further away from the prime areas around Charlotte Square, because of reduced numbers of available properties.

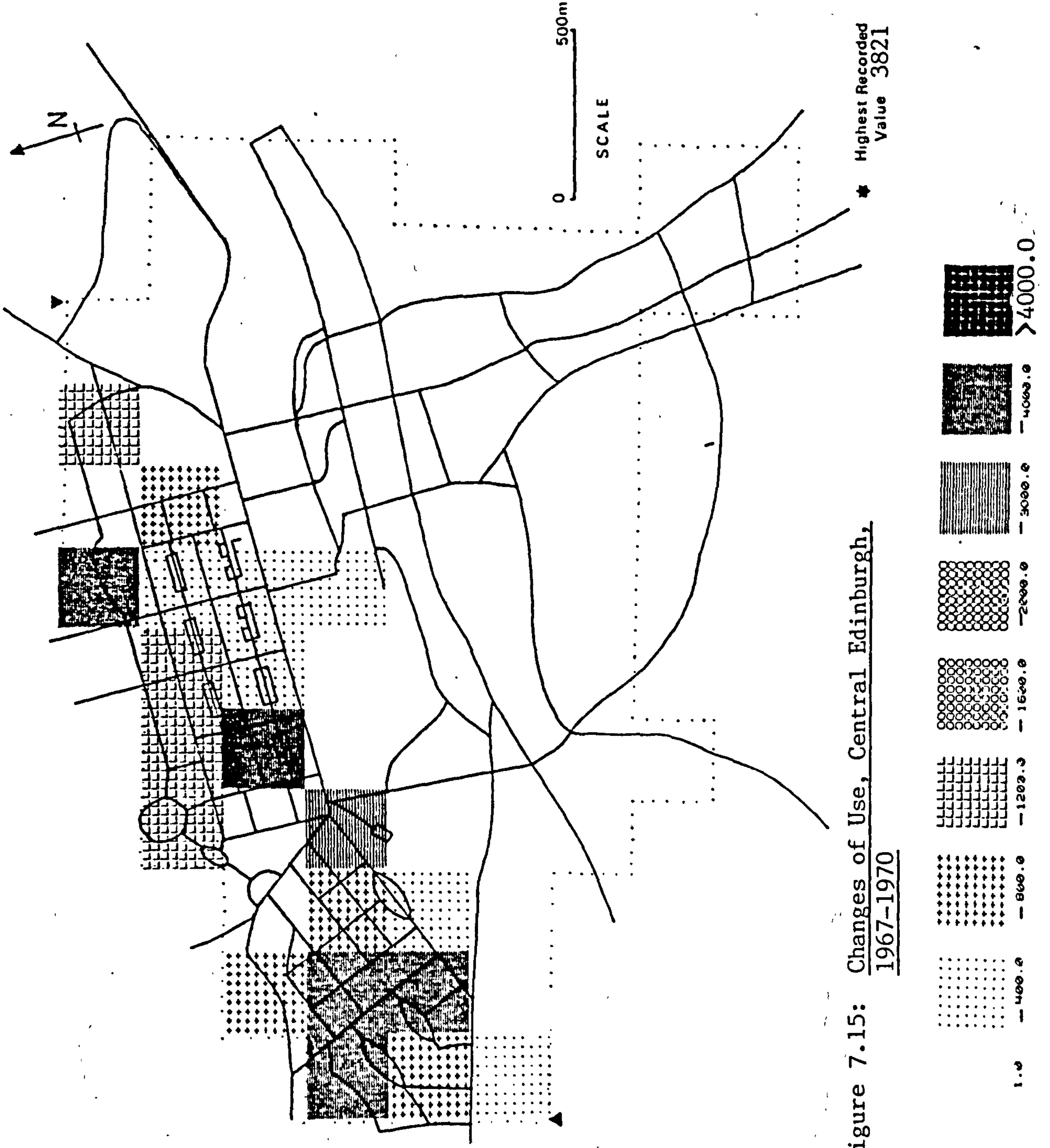


Figure 7.15: Changes of Use, Central Edinburgh, 1967-1970

Figure 7.16, indicates that, in general terms in this period of steady growth, there was a general spread of development activity throughout the northern half of the central area. In absolute terms, the massive new developments at the eastern end of Princes Street and George Street, are revealed as the major focus for growth, but the really remarkable feature is the continued growth of development activity retaining existing buildings.

Chapter 6 has described this period as one in which debates about the effects of new development on central Edinburgh were reaching a peak. However, Table 7.6, shows that no single redevelopment project was ultimately refused in this period. The overall rate of refusal is very low, representing only 3% of the total floorspace applied for. Over 27,000 sq.m of property were converted by change of use to offices in this period whilst only 2,000 sq.m were refused.

		(minus St. James' Centre)
Permitted Development	87624m ²	57,059m ²
Refused Development	1,998m ²	1,998m ²
Total Demand	89,622m ²	59,057m ²
Per cent Area Refused	2.2%	3.4%
Per cent Applications Refused	10.4%	10.5%
Per cent of Space Refused that was Change of Use	100% (n=8)	
Per cent of Refused that was Redevelopment	0%	

Table 7.6: Control of Office Development, central Edinburgh 1967-1970

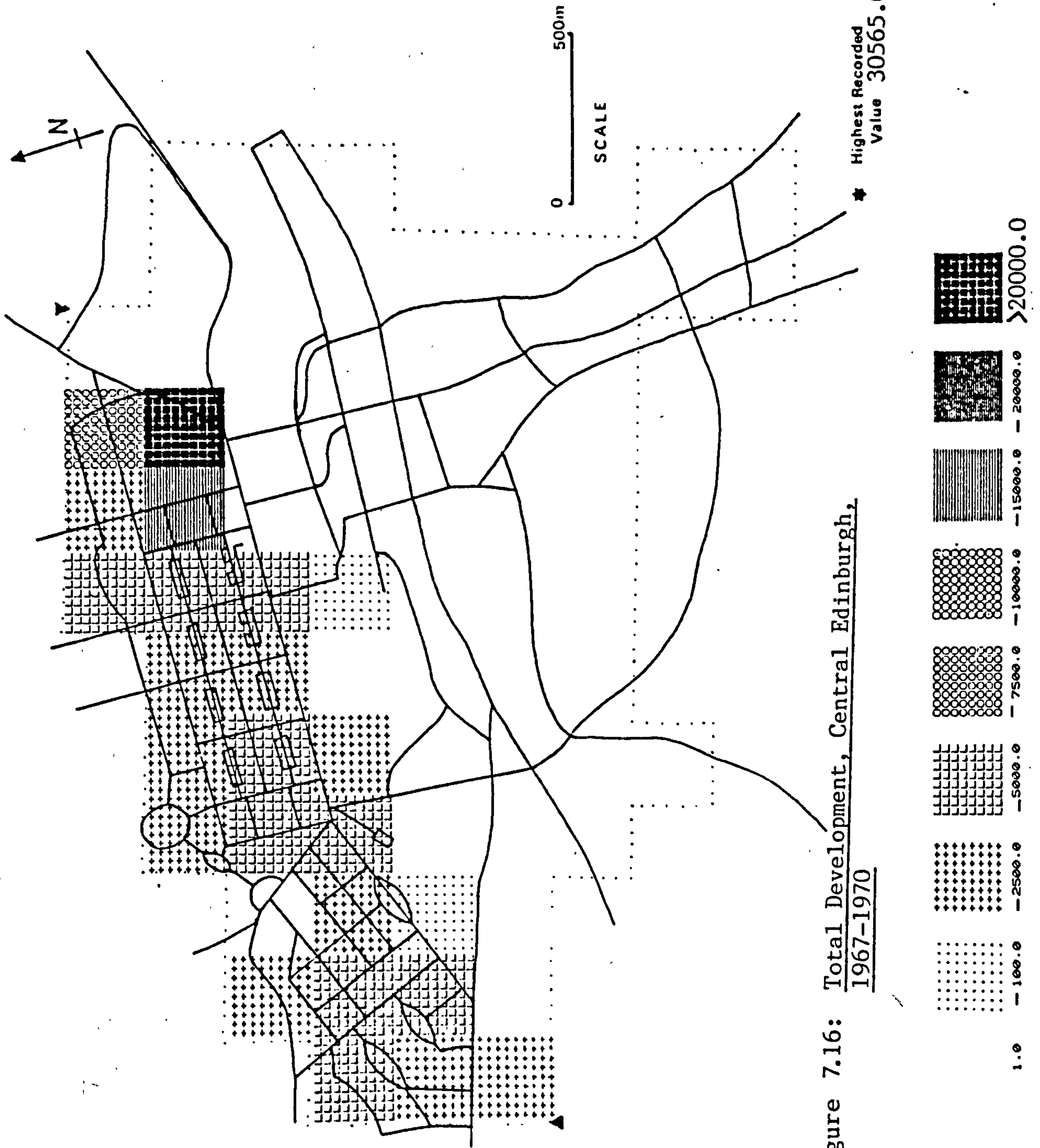


Figure 7.16: Total Development, Central Edinburgh, 1967-1970

This evidence indicates that the local planning authority was still only responding in a limited way to the mounting public pressures to curb office development in the late 1960s. Figure 7.17 shows the very low level of refusal is almost entirely focussed on the peripheral residential areas. The main emphasis of restraint was therefore still to protect residential areas from office development. Yet, even in areas to the west of Palmerston Place, refusals were limited.

Office Development 1971-1974

This time period was shown in Chapter 5 to have been a boom period for property development in Britain when money was made available to developers to press ahead with development projects. Table 7.7 suggests (and Chapter 9 demonstrates) that in Edinburgh it was probably the large developers that took most advantage of the improved credit facilities since, in absolute terms, redevelopments doubled their importance from the previous period (if the St. James' Centre is omitted from consideration). In overall terms, this period is the busiest in the entire study period for non-comissioned redevelopments.

Type of Development	Floorspace Approved (m2)	Percentage of Floorspace Approved (%)
Redevelopment	49,562	61.9
Refurbishment	11,518	14.4
Change of Use	19,024	23.7
Other (large extensions)	-	-
Total	80,104	100

Table 7.7: Forms of Office Development: Central Edinburgh 1971-1974

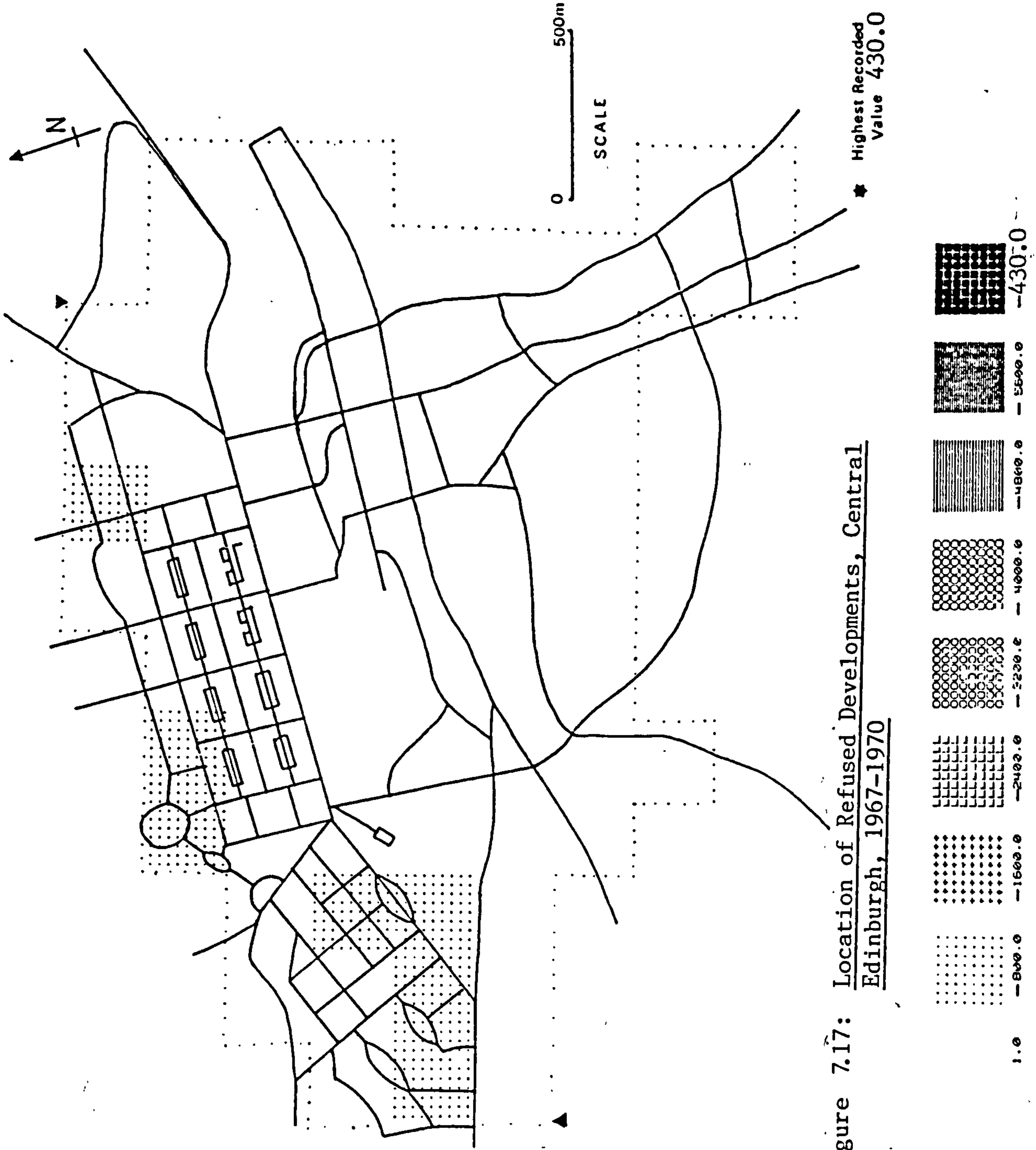


Figure 7.17: Location of Refused Developments, Central Edinburgh, 1967-1970

Refurbishment continued to be important although, because of the general rise in development activity, its percentage of the overall total remained exactly the same as that for the previous period (14.4%).

Possible reasons for the decrease in the overall amount of changes of use are that:

- (a) the demand for such offices had generally been "soaked up" through the increased levels of such development in the early period;
- (b) the new developments were providing modern office space for let;
- (c) the increased activity in the land and development markets had pushed up the price of the land dramatically, meaning that the small developer was less able to buy property with office potential(11);
- (d) the local planning authority was beginning to halt such development in line with their policy to protect the level of residential properties in the central area(12).

A combination of (a) and (c) is most likely since there is only limited evidence to suggest either (b) or (d).

Although there has been an upsurge in new development in this period, Figure 7.18 reveals that such activity was not concentrated, as before, in the First New Town. Major developments were experienced in the South Side, the Haymarket area and at the eastern end of Princes Street. Within the First New Town itself there were only a few, very small, new developments. It should be also noted that the greater

11. See Chapter 9.

12. This is tested in Chapter 8.

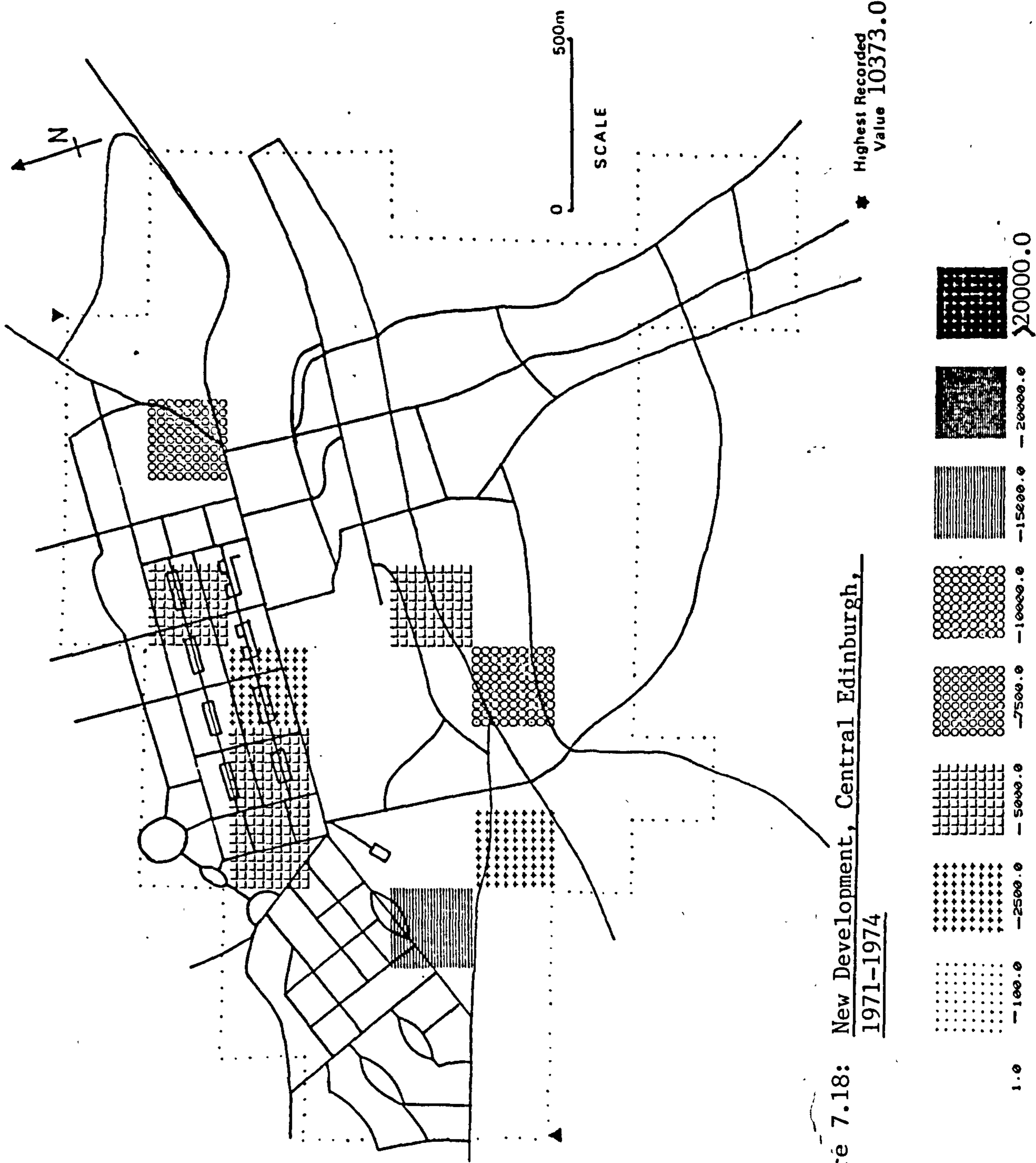


Figure 7.18: New Development, Central Edinburgh, 1971-1974

financial support for developers in this period appears to have led to a resurgence of interest in developing more peripheral areas like those in the South Side (i.e. more speculative ventures).

Figure 7.19 shows that, for changes of use, this highly active period in fact represents a "retrenchment", in spatial terms. The overall rate of this type of development was lower than the previous period but, in conjunction with this, the more central areas experienced a far higher proportion of the activity. (For example, there is little pressure to the west of Palmerston Place in the West End, whereas in 1967 to 1970 this was a major focus). The major areas in this period were in close proximity to the existing foci of office activity (St. Andrews' Square, Charlotte Square and George Street which connects them). As Chapter 9 reveals, changes of use in this time period were very much influenced by speculative developers from outside Edinburgh. Such developers were mainly interested in prime properties. This would help to explain the retrenchment to more central areas. It also represents a change in the type of developers performing changes of use, namely that the local businesses developing residential properties in the late 1960s for their own use, were generally replaced in this time period by outside speculative developers.

Because of the very different spatial distributions for new development and changes of use, the map of total development shows a spread of developments (Figure 7.20). St. Andrews' Square, the prime focus of office activity had virtually been developed before this period of high activity and therefore remained largely unaffected

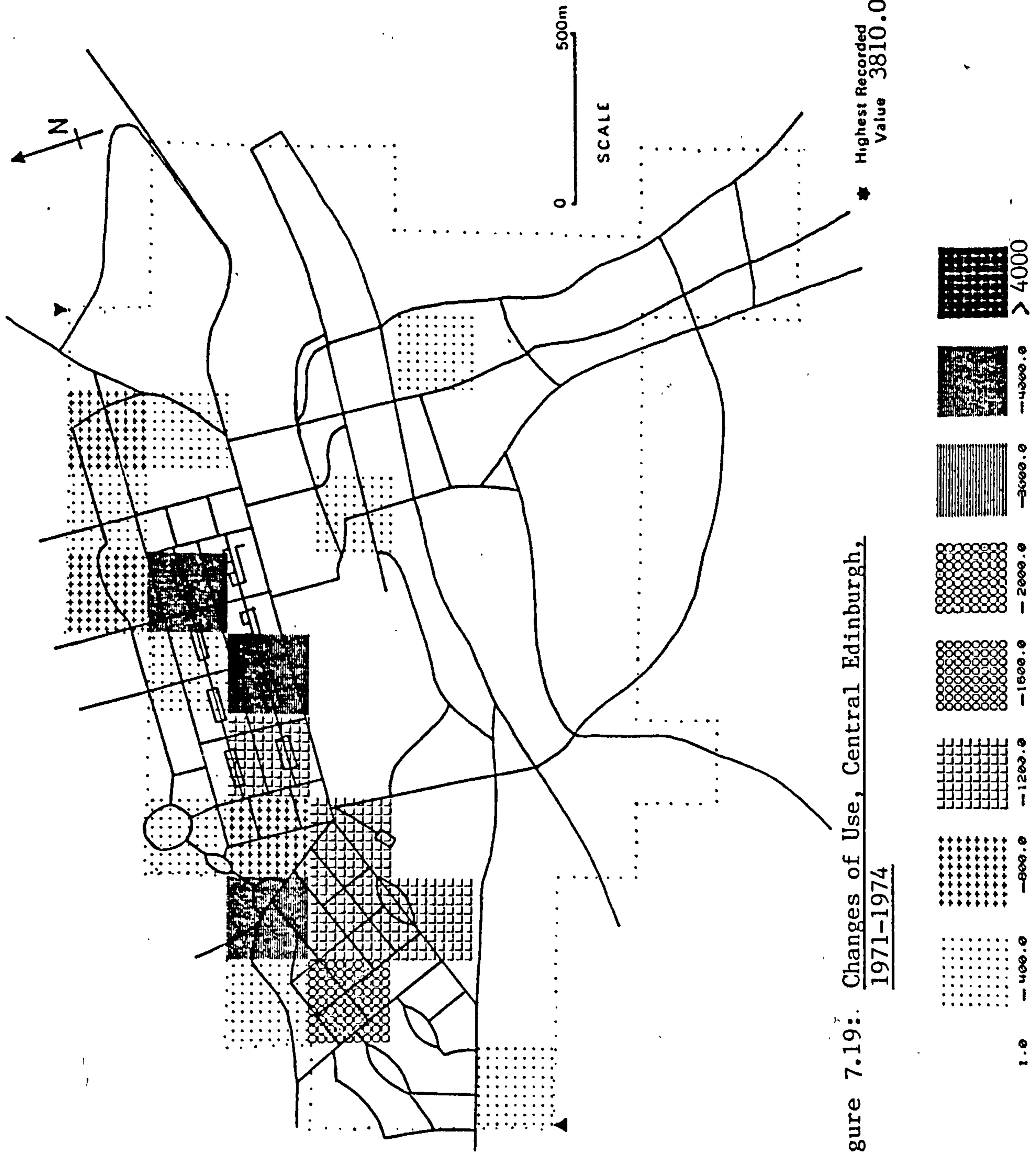
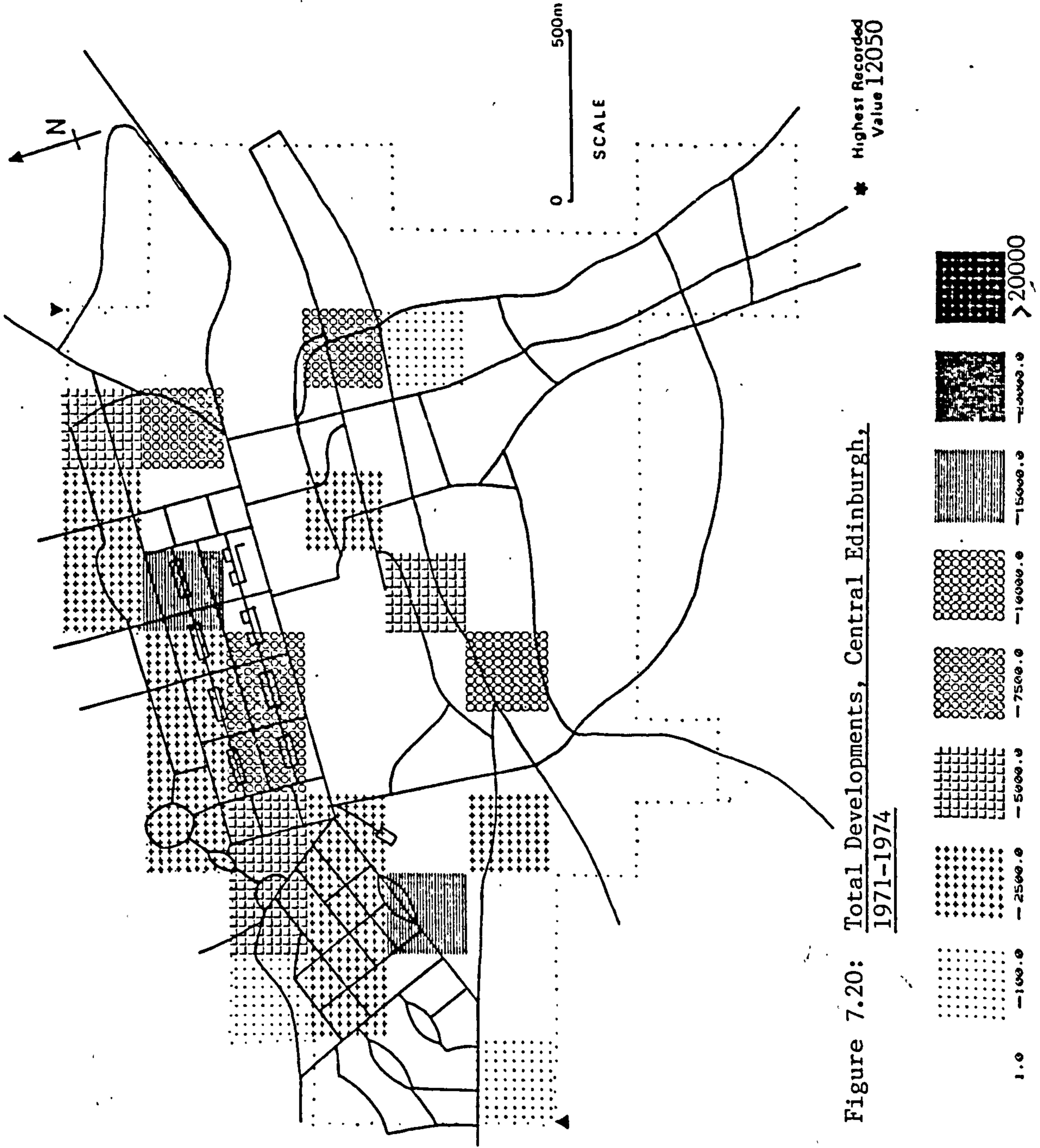


Figure 7.19: Changes of Use, Central Edinburgh, 1971-1974



(although one proposal was refused). Otherwise, the pattern remains as before with a general spread of changes of use (mainly) in the northern half of the central area, with new developments in parts of the southern half of the central area.

Table 7.8 indicates the greater pressure which was placed on the local planning authority to release sites for office development in this boom period. As can be seen, the demand for the right to develop offices in central Edinburgh ran at over 30,000sq.m of office space per annum (equivalent to one St. James' Centre every year). However, as Chapter 6 illustrated, this was also the period when the public pressure to resist development was particularly vocal, when concern for Edinburgh's architectural heritage was at its peak, and when the local planning authority's transportation plan was generating public fury.

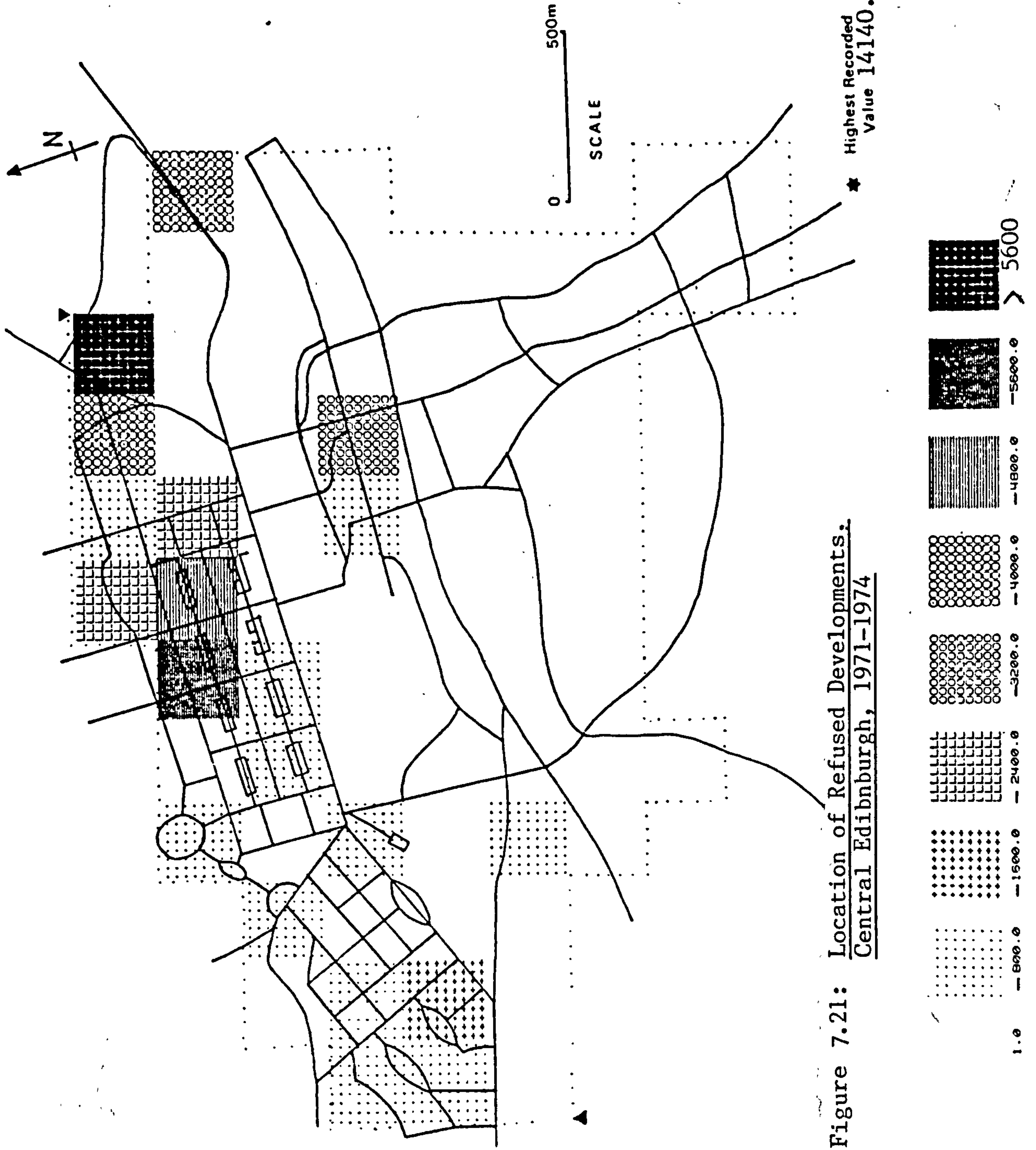
Permitted Development	80,104m ²
Refused Development	41,964m ²
Total Demand	122,068m ²
Per cent Area Refused	34.9%
Per cent Application Refused	32.1%
Per cent Space Refused that was Change of Use	43.8% (n=25)
Per cent Space Refused that was Redevelopment	56.0% (n=8)
Per cent Area Space Refused that was Refurbishment	0%
Other (extensions)	0.2%

Table 7.8: Control of Office Development, Central Edinburgh, 1971-1974

Table 7.8, shows that 35% of all the floorspace applied for was

refused. The rate of refusal can therefore be seen to have risen dramatically from the low level of the late 1960s. (In fact, 16 times the rate of refusal for the previous time period). This jump in the rate of refusal had two main sources. Firstly, it would appear that public opinion against office development, and local authority hesitation over (and the likely failure of) the transportation proposals, was forcing the local authority to refuse more developments, even before the policy was formally introduced in 1973. Secondly, there was also a much higher level of speculative development occurring resulting in higher levels of development pressures being expressed through the formal planning process than in previous periods. Applicants with relatively secure access to finance were looking for sites and placing speculative applications before the local planning authority to test their reaction. This situation is markedly different to that where applicants with a definite plan for the long-term use of a site, feel some local responsibility as far as architecture is concerned (see Chapters 6 and 9) and negotiate with the local planning authority to establish a mutually agreeable proposal. Thirdly, there was a minority Labour administration in power between 1972 and 1974 which may have been less sympathetic to developers proposals.

Figure 7.21 shows that the main area where pressure was resisted was around St. Andrews' Square and at the southern end of Leith Walk, where over 14,000 sq.m was refused in one grid square (representing a third of the total floorspace refused in this period). Streets running between Princes Street and Queen Street (Hanover Street,



Frederick Street) and the eastern end of George Street, all saw major developments refused in this period. The West End and other, predominantly housing areas, saw many smaller changes of use refused. Major development proposals in the South Side and at eastern edge of the central area (Abbeymount) were also refused. It is noticeable that, again, no refurbishments were ultimately refused.

Office Development 1975-1978

This time period saw a general collapse in the national property market. However, Table 7.9 shows that this was only partly reflected in Edinburgh. The overall amount of development in this period was half that of the previous period¹³.

Type of Development	Floorspace Approved (m2)	Percentage of Floorspace Approved (%)
Redevelopment	12,457	26.1
Refurbishment	25,712	53.0
Change of Use	9,636	20.2
Other (large extensions)		-
Total	47,805	100

Table 7.9: Forms of Office Development, Central Edinburgh 1975-1978

The reduction is readily visible in the redevelopment form of development which, between 1975-1978, was only a quarter of the amount

¹³. Only a very small part of this was due to permissions being issued late in the period and not being completed, as completions since 1978 checked in 1980.

experienced in the previous period. Changes of use returned to the low levels of the early 1960s and it was only the refurbishment form of development that increased in absolute terms. Therefore, not only was there a palpable decline in the rate of development activity in this period, but the type of development being undertaken changed dramatically. This growth in refurbishment was very much in line with the aims of office restraint policy described in the previous chapter.

Figure 7.22 shows the distribution of refurbishments in this last period. As can be seen, all the refurbishments took place either in the First New Town or selected parts of the West End. However, the most noticeable feature is that the refurbishments occurred mainly in those parts of the First New Town where properties were sufficiently large to accommodate wholesale internal restructuring, could attract reliable tenants and were prime sites capable of leading to rents at a sufficiently high level to guarantee a satisfactory return for refurbishment. Less suitably located or ^{less} prime properties cannot facilitate such a return. Hence, it is the larger properties of George Street and the southern halves of Castle Street, Hanover Street and Frederick Street, running south to Princes Street, that proved most attractive for this type of development. Much of this development was related to an increased interest in the Scottish economy from English and foreign banks (also see Chapter 9) at a time when the establishment of a Scottish Assembly and the potential of North Sea Oil were keeping the office market alive.

The low level of new development activity is revealed by Figure 7.23.

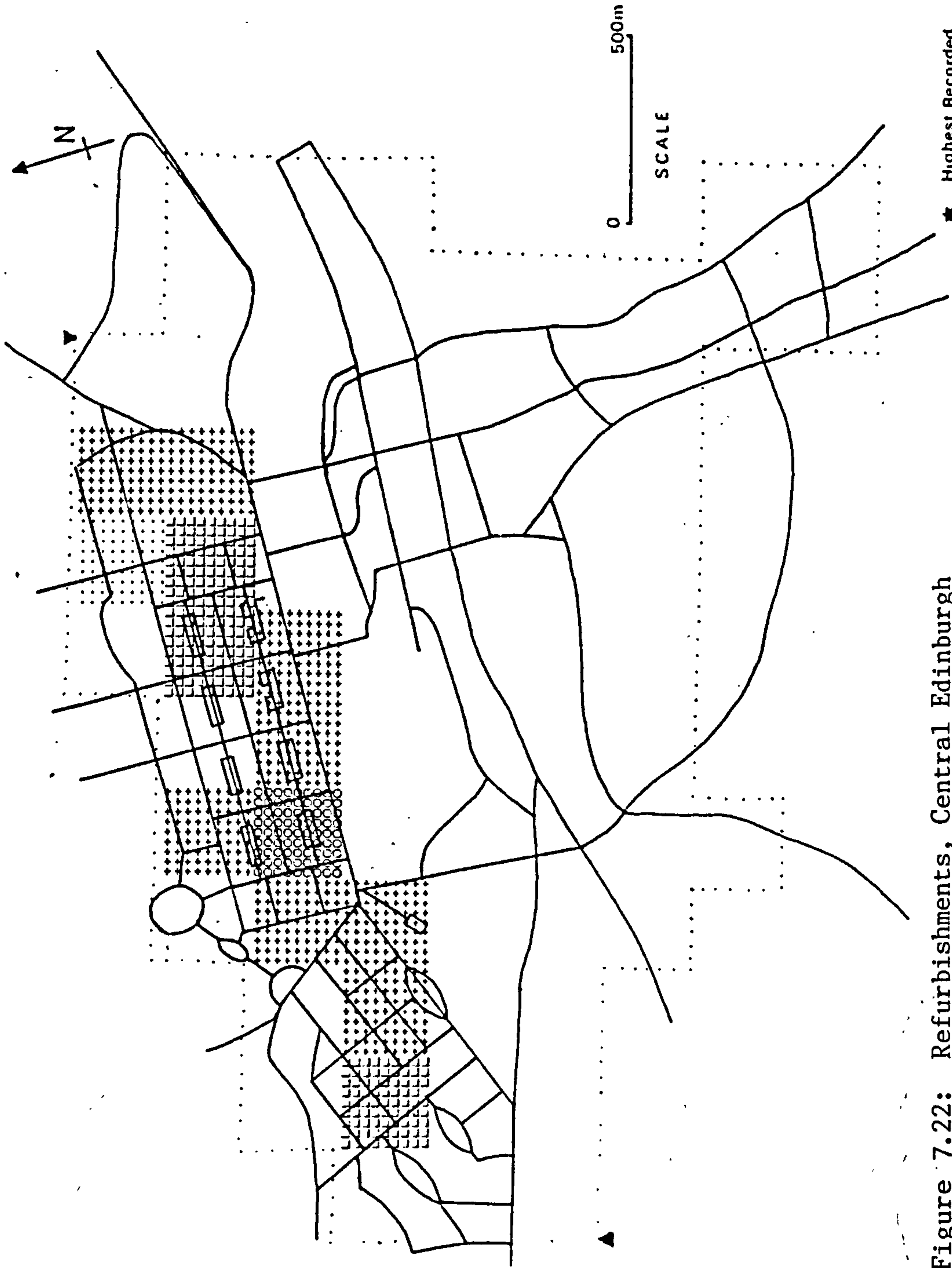
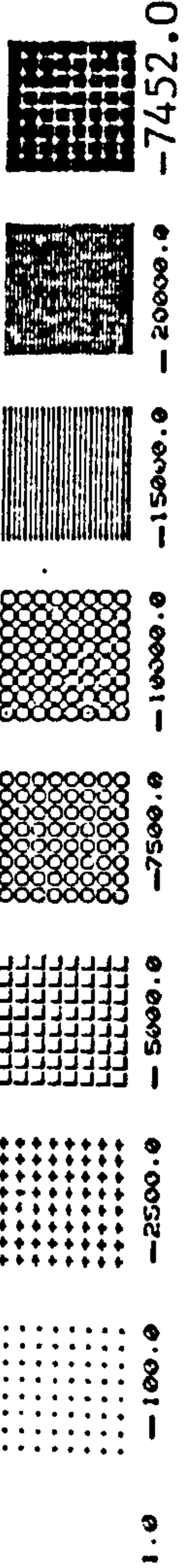


Figure 7.22: Refurbishments, Central Edinburgh
1975-1978

★ Highest Recorded Value 7452.0



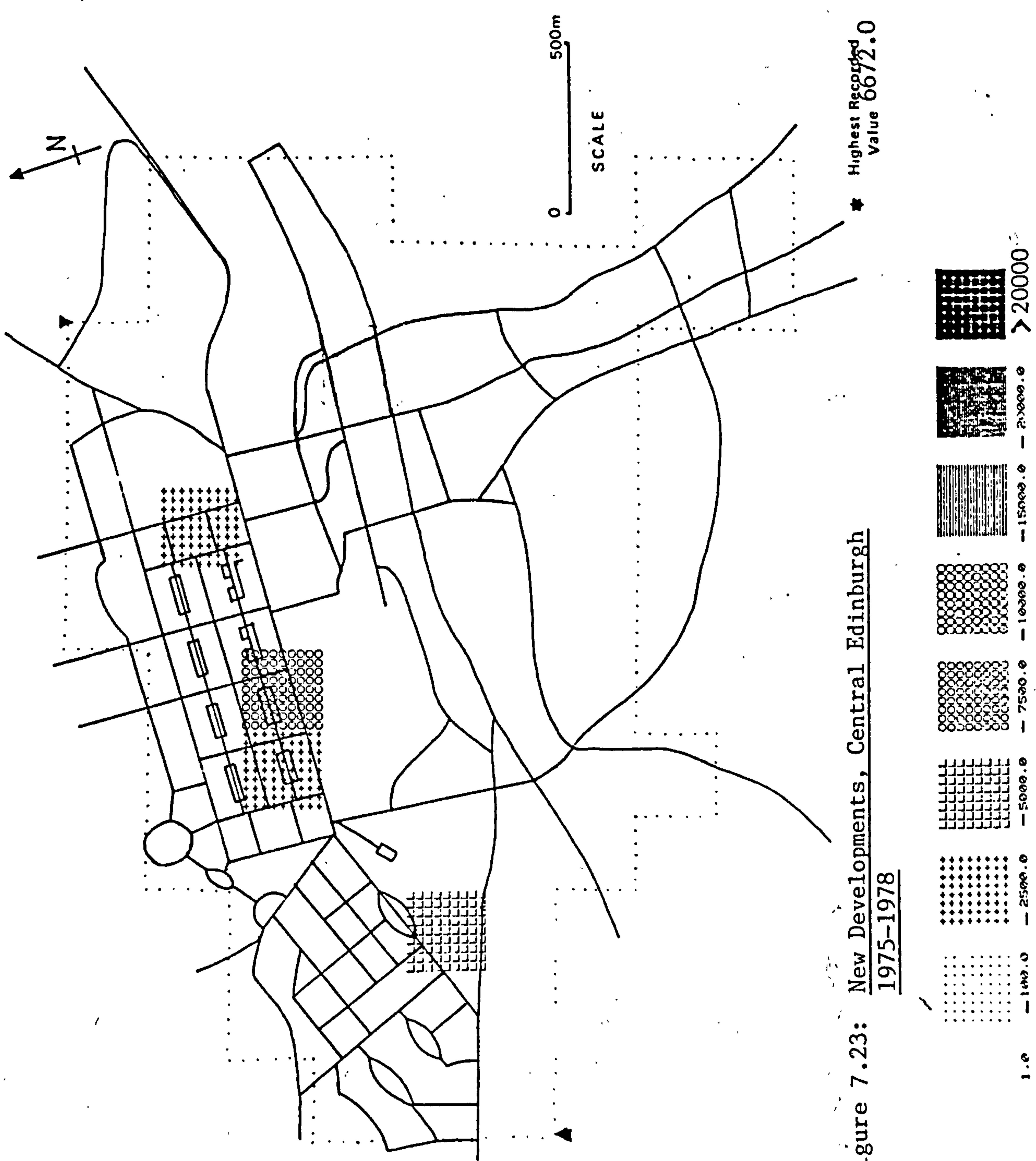
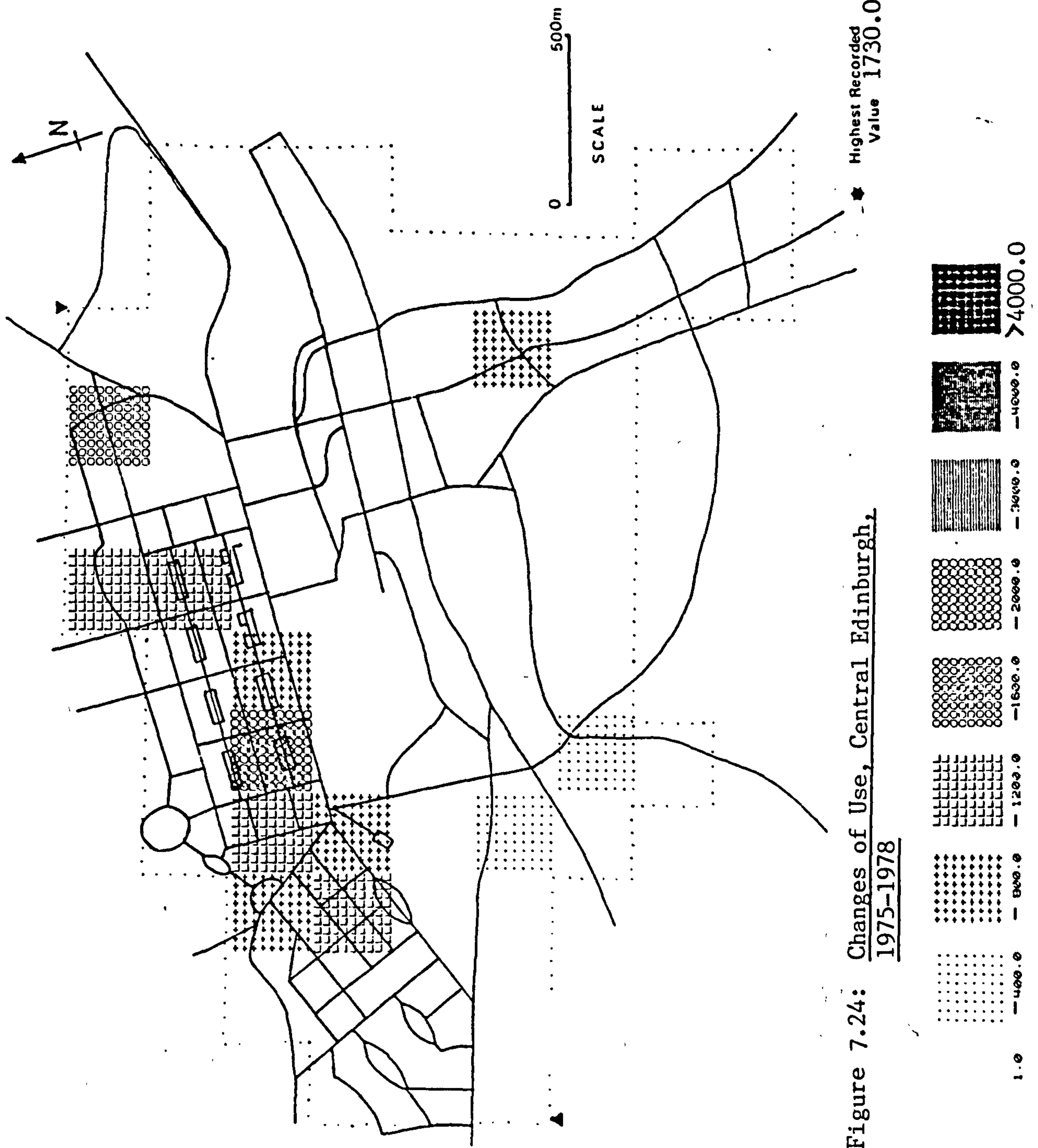


Figure 7.23: New Developments, Central Edinburgh
1975-1978

Only four, minor, new developments took place in the whole of the central area. All of these developments would appear contrary to the policy of the local planning authority to try and halt new development in the central area. It should also be noted that, in this less active period, the South Side again appeared to be unattractive to developers looking to develop new premises.

Figure 7.24 shows a continuation of the retrenchment for changes of use seen in the previous period. Again, the area around Charlotte Square experienced the most changes of use to properties. As with refurbishment, the western end of George Street was the area experiencing most development, with some further development taking place around St. Andrews' Square. Unusually, there were three changes of use to offices in the South Side. None of these were commercial offices but were connected with the provision of public services in the area. The total picture reveals a very marked concentration of activity in the First New Town, with the western end of George Street proving the primary focus of office development (Figure 7.25).

Although this period represented a significant drop in development activity, this was far greater than the drop in development pressure. Table 7.10 reveals that the already high refusal rate experienced in the boom period of 1971 to 1974 rose to an even higher rate in this period. Nearly half of all the floorspace applied for (and the applications submitted) in this last period was refused planning permission. In total six major redevelopments were refused. This is interesting because this period represents a time when finance for



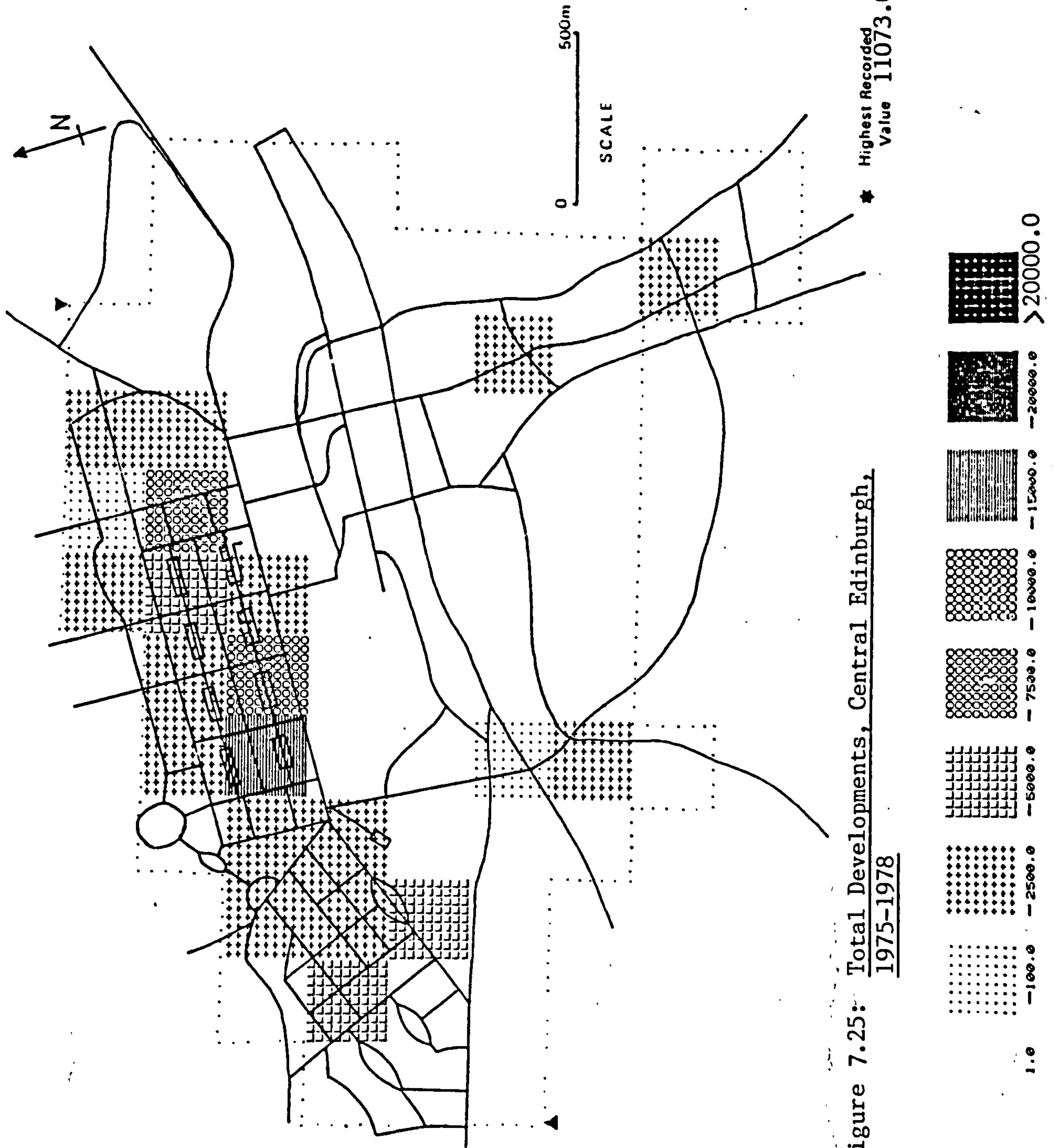


Figure 7.25: Total Developments, Central Edinburgh, 1975-1978

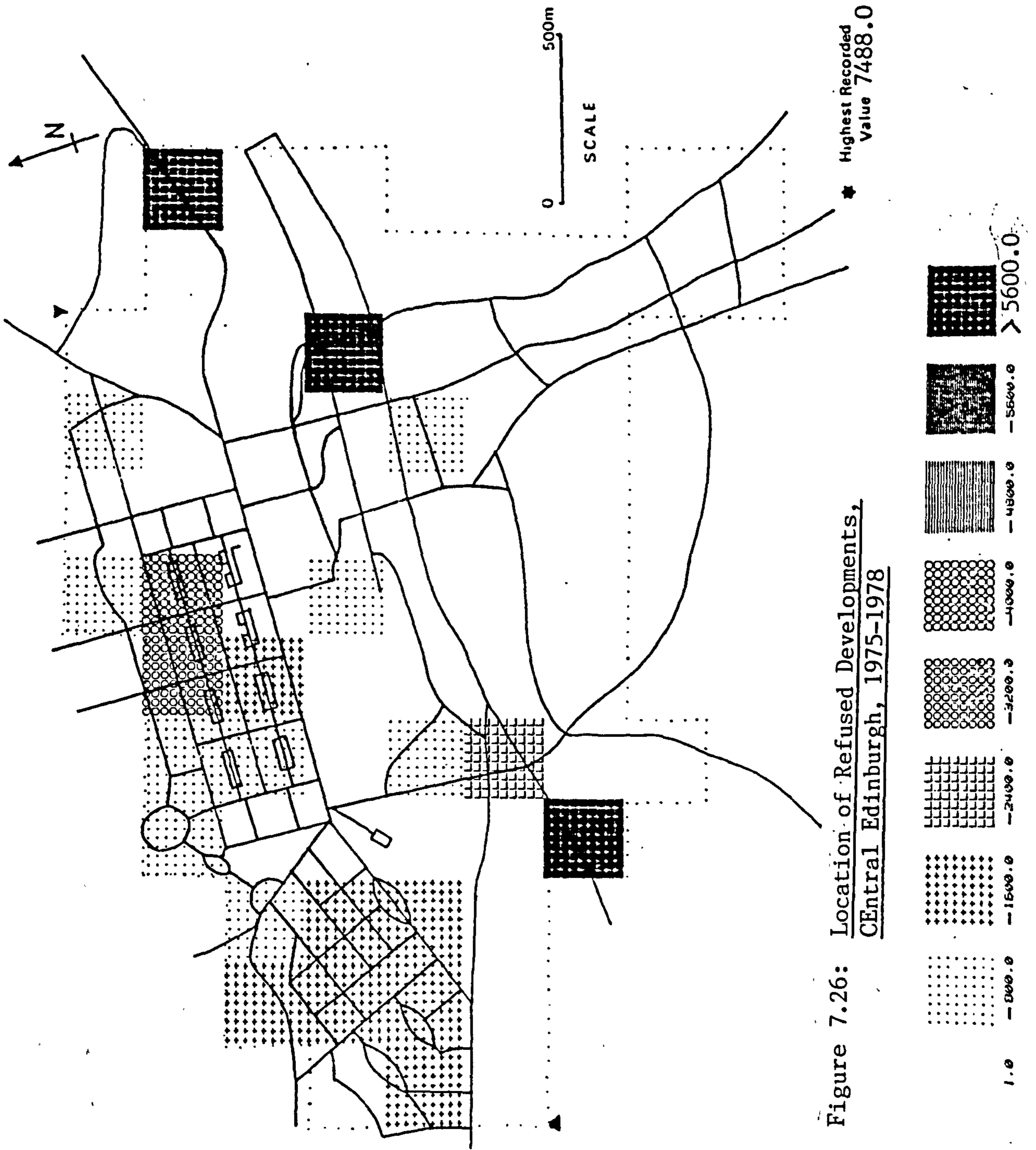
development property was not very easy to obtain after the property crash. It indicates that, the possibilities for development in central Edinburgh did remain much longer than was generally experienced in the rest of the U.K. These late pressures were resisted very strongly by the local planning authority.

Permitted Development	47,805m	2
Refused Development	39,538m	2
Total Demand	87,343m	2
Per cent Area Refused	45.2%	
Per cent Applications Refused	43.4%	
Per cent of Space Refused that was Change of Use	31.8%	(n = 35)
Per cent of Space Refused that was Redevelopment	67.4%	(n = 6)
Per cent of Space Refused that was Refurbishment	0%	
Other	0.8%	

Table 7.10: Control of Office Development, Central Edinburgh 1975-1978

Figure 7.26 shows that all the major redevelopments that were refused were located in the South Side. This represents the first major instance of the South Side being protected from office development. However, it must be noted that the major refusal, on the High Street, related to a very prestigious site on Edinburgh's most historic thoroughfare. The others were at crucial traffic junctions on the periphery of the city centre.

To the north of the Princes Street/Shandwick Place axis, there is a

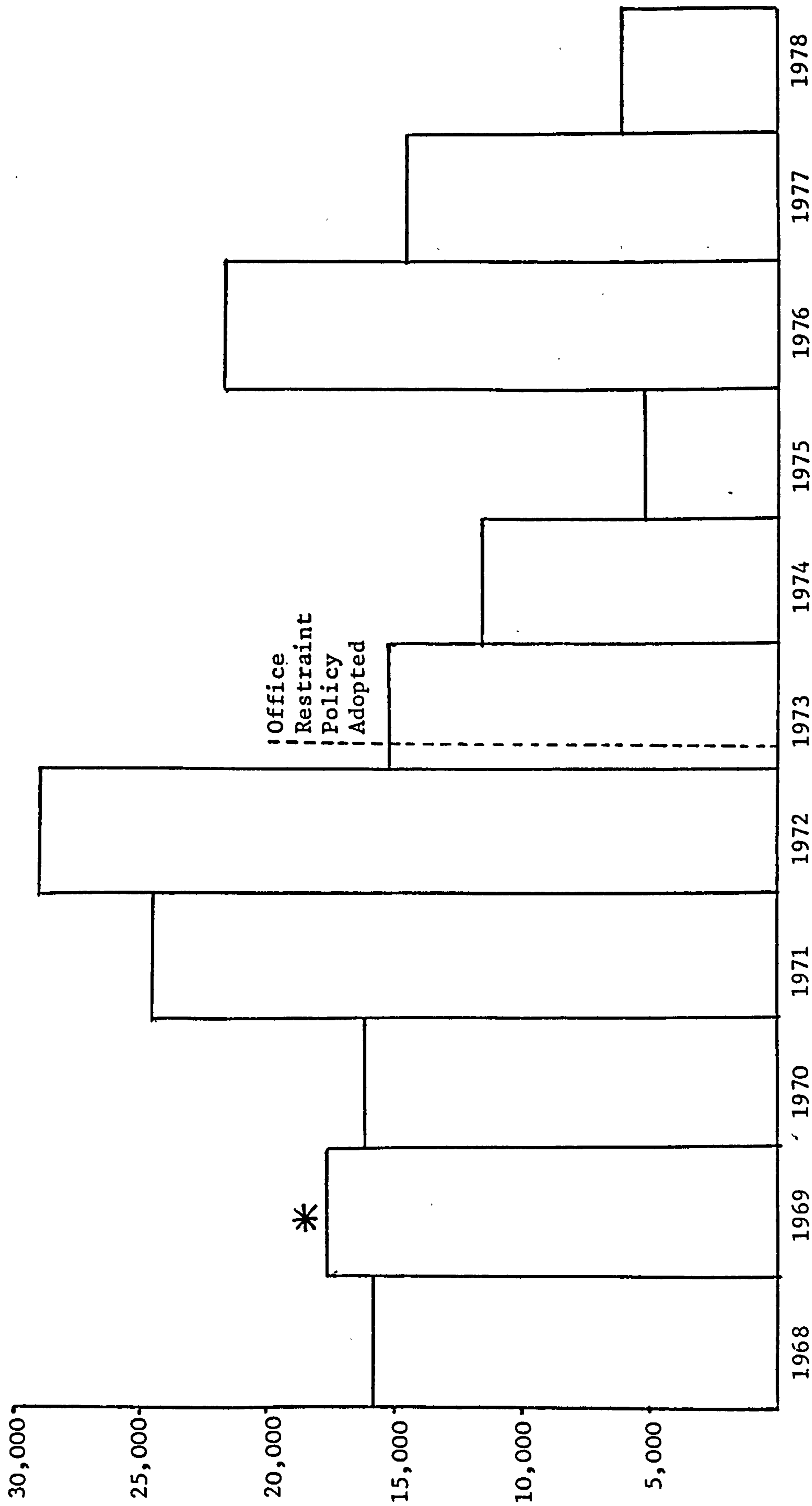


general spread of refusals. The West End, experienced a high level of restraint throughout its area. This could reflect the office restraint policy and the housing protection policies operating together (see the following chapter).

Conclusion

Given our interest in the impact of the office restraint policy, it is important to look at the period surrounding its adoption in greater detail. Figure 7.27 shows the level of permissions from 1968 to 1978 in the central area. There was a marked decrease in the level of consents from the time that the office restraint policy was adopted. This is particularly significant for 1973 when the property boom was reaching its zenith. The rapid decline in approvals in 1974 and 1975 is a combination of dropping demand and increased rates of refusals. The most significant feature of the period after the office restraint policy was adopted was the "mini-boom" of 1976 to 1977. As will be seen in Chapter 9, this was a period when both banks and other forms of office developer were interested in developing sites in central Edinburgh in connection with the possible economic spin-offs from North Sea Oil and, to a more limited extent, the prospect of a Scottish Assembly with limited legislative powers. By 1978, the levels of permissions were again very low.

The evidence from Figure 7.27 suggests that the office restraint policy was strictly implemented when first adopted in 1973. However, it could be suggested that the possibilities for increasing the city's economic stature through the arrival of a large number of foreign



DATE

Figure 7.27: Levels of Office Permissions 1968-1978, Central Edinburgh

* St. James Centre omitted (= 31,565 m²)

banks was too great for the local politicians. This hypothesis is tested further in Chapter 9.

The chapter has provided a basic description of what office development has occurred in central Edinburgh between 1958 and 1978 and what development pressures, formally expressed through the land-use planning system,¹⁴ have been refused. It appears that different types of commercial property development have different spatial and historical distributions in central Edinburgh. Generally, one sees large scale, new development taking place in run-down South Side areas, mainly for government or other owner-occupiers (see Chapter 9), and a mixture of redevelopment and development within built structures in the First New Town, often being developed speculatively. The three types of development have markedly different histories, with refurbishments becoming increasingly important through time. The overall rate of development does tend to parallel national trends (albeit with local variations and idiosyncracies such as those relating to the form of development). A comparison of office development in Edinburgh to that in Manchester, Bristol and London is given in Appendix 7.

14. It is difficult to gauge how much pressure is "put off" by existing policies in an area. In the early part of the study period there were no restraints and therefore, subject to negotiations, most pressures probably entered the formal planning system. In the later period, as the office restraint policy became known, it is possible that some pressure was deterred from entering the planning system. (This is discussed in Chapter 10). In recent years, Edinburgh has obtained the reputation of being a tough authority, and is, in fact, now worried that too many possible development opportunities are being lost. (See Appendix 8 - Post Script). This is of interest because this would suggest that the refusal rate would have been lowered in later years. Hence, the increase in the rate of refusal is of more significance.

The key empirical problem for this thesis to try and resolve is the extent to which these spatial and historical patterns are related to the implementation of the local authority's office restraint policy. There are certainly features of the patterns, like the growth in the importance of refurbishments and the overall rise in the rate of refusals in the latter part of the study period, which suggest that the restraint policy has been implemented. Given that the office boom was over, that a policy was in existence to deter speculative applications and, for a time at least, there was a Labour administration, one might imagine that the level of speculative developments would have fallen and acted against the rise in the rates of refusal. This makes the growth in the rate of refusal even more spectacular.

On the other hand, there is already evidence to suggest that aspects of the restraint policies (such as the protection of residential units from change of use to offices) have not been rigorously implemented by the local authority. The following two chapters examine this phenomenon more closely to see if it was related to applications by particular types of developers (e.g. foreign banks), and Chapter 10 attempts to identify whether there were inherent tendencies in the office restraint policy itself to explain this apparent ad hoc implementation.

CHAPTER 8

The Implementation of Office Policy: Central Edinburgh 1959-1978

Introduction

The previous chapter indicated that there were marked changes in the form and level of office development going ahead in central Edinburgh in the period after the office restraint policy was adopted by the local authority. However, with only the data on the size of the developments that were permitted and refused, we are unable to say whether the changes observed were related to the actual implementation of the office restraint policy or whether the reasons for refusing the developments, related to the policy or to the nature of the proposals coming forward. This chapter concentrates specifically on the decisions made by the local planning authority on proposals for office development over the full study period. It examines the reasons cited for refusals and it establishes how the office restraint policy was used in conjunction with conservation and transport policies in the control of office development. Finally, this chapter addresses the question of whether the office restraint policy was implemented consistently or in a rather ad hoc manner as suggested by information presented in Chapter 7.

The basic source of information for this chapter is the decisions made by the local planning authority¹. In order to get an impression of

1. It is immediately acknowledged that there are problems of interpretation here. Principal problems include the inability to make inferences about the decision-making process from analysing the decision itself. In this case the negotiation and bargaining which surrounds commercial development and policy implementation is omitted from consideration. Hence, this "black box" needs further examination. The necessary interpretation is provided in Chapter 10 after the information on decision-making has been fully presented.

the changing attitude of the local authority towards office development this data has been analysed for the full study period. Because of inherent problems in interpreting data on decisions, the statistical analysis has been kept relatively simple. The first task is to assess the general implementation of policies².

General View on the Implementation of Office Restraints, Central Edinburgh 1959-1978

It is extremely difficult to determine, on the basis of an issued planning decision whether the approval of a planning application for office development was, or was not, contrary to policy. If one looked uncritically at the decisions, viewed the office restraint policy as a moratorium on office development in the city centre and saw Development Plan zones as firm indicators of the types of development permissible in an area with others being distinctly contrary to policy, then one could view almost 75 per cent of the approved office applications in central Edinburgh to be contrary to one or more planning policies (see Table 8.1).

However, with the exception of the easily identifiable policy which attempts to restrain the change of dwelling houses to office use, none of the above policy stances could be considered to be "rigid". Although it is unquestionable that the clearly defined "retention of

2. The reader should bear in mind that this chapter uses the fullest data set on decisions. This relates to 397 cases rather than the 302 cases which were examined in Chapter 7. See Footnote 4, Chapter 7.

Approval versus:	n
(a) office restraint policy only	114
(b) office restraint policy and Development Plan zone	15
(c) office restraint policy and residential policy	17
(d) Development Plan zone only	18
(e) Development Plan zone and residential policy	30
(f) Residential policy only	102
(g) all three policies	7
	—
	293*
	—

Table 8.1: Apparent Contradictions to Policy, 1959-1978

* total number of approved developments = 397

housing" policy, introduced in the first Development Plan (1957) has. been consistently and regularly breached by developers, more rigorous analysis is required for the other types of restraint policy. For example, in terms of Development Plan zones, over sixty permissions were given for office development outside the general business and commercial zones in which office development was preferred to locate. However, this should not automatically be seen as a weakness in policy, given that all planning applications must be treated on their merits and that many city centre activities (like the local authority and University) require small office premises outside established office areas. These desires would have to be accommodated in some way.

(a) The Loss of Residential Units Through Office Development

Despite the existence of a policy established to resist the loss of residential units through office development, there appear to have been over 150 occasions over the 20 year-period when residential

properties were permitted by the local authority to change to offices³. Since the retention of housing was used as a reason for refusing office permissions throughout the study period, it would appear that its implementation as a policy has not been consistent. The chance of succeeding with such an application even after the introduction of the office restraint policy was still one in three, with seventeen residential properties being lost after the supplementary restraints were imposed. In defence of the local authority, closer examination does reveal that over half of these particular approvals were for extensions of existing office premises into neighbouring residential units. However, the remaining approvals still indicate a level of inconsistency occurring in policy implementation.

Table 8.2 shows the importance of the conversion of residential property as one form of change of use in central Edinburgh. As can be seen, well over half of the office space produced by change of use through the twenty year study period was through the conversion of houses. It also suggests that the attitude of the local authority to this form of land-use change has altered consistently towards greater restraint, resulting in its steadily decreasing importance to this form of development.

3. "Residential properties" include redevelopments on residential blocks and the large number of residential units within them. Therefore the total of 156 approvals contrary to the 'retention of housing' policy, grossly underestimates the actual number of units lost.

Time Period	Residential to Office Use (m) (a)	Total Change of Use (b)	(%) $\frac{a}{b} \times 100$
1959-1962	5797	6481	89
1963-1966	11726	15718	75
1967-1970	16056	27864	58
1971-1974	10119	19028	53
1975-1978	2986	9647	31
1959-1978	46684	78738	59

Table 8.2: Proportion of Total Changes of Use Represented by Property which was Previously Residential, 1959-1978

In terms of the full range of types of development, Table 8.3 shows the overall importance of residential property to office development.

Former Land Use	Floorspace (m ²)	Per Cent Total Land Use Change
Residential	46684	13.2 (31.3)*
Warehousing	9050	2.6 (6.1)*
Shop	14265	4.0 (9.6)*
School	11219	3.5 (7.5)*
Office**	40301	11.4 (27.1)*
Hotel	6766	1.9 (4.5)*
Mixed	203642	57.8 -
Other	20448	5.8 (13.7)*

Table 8.3: Land Use Change to Offices, Central Edinburgh 1959-1978
(all forms of development)

* with mixed uses discounted.

** material changes have occurred even though the past use was offices

Problems with the data mean that past land use (and therefore land-use change) is only identifiable for less than half the office space

developed⁴. Hence the loss of residential space recorded in Table 8.3⁵ is only a fraction of the actual residential space lost.

Despite the difficulties of the data, the importance of residential and old office stock to the production of new office space is readily visible. Other major land use changes are from shops and schools (e.g. Mary Erskines, Melville College) to offices.

Table 8.4 shows that an application for office development was almost always more likely to be refused in a residential zone than in a

Time Period	Residential	Commercial	General Business	Total
1959-62	.35	.14	.05	.14
1963-66	.38	.50	.07	.16
1967-70	.24	.00	.04	.08
1971-74	.50	.22	.17	.25
1975-78	.69	.28	.31	.39
1959-1978	.42	.23	.13	.25

Table 8.4: Probability of an Application being Refused, by Development Zone and Data Group, Central Edinburgh, 1959 to 1978

4. This is because it is impossible to calculate past land use components of redevelopments. Without access to case study files, accurate records are not available and estimation using valuation rolls is impossible since redevelopments, by definition, bear no resemblance to past built structures which form the basis for such estimations.
5. This can be appreciated more fully when one realises that in the case of the St. James' Centre alone, over 312 dwellings and 120 small shops were demolished. Haug (1976).

commercial or general business zone. By the end of the study period the resolve to protect residential areas within the central area had strengthened considerably with nearly seventy per cent of applications being turned down.

Not surprisingly, the two other zonings that attracted office developments were generally ^{more sympathetic to office proposals but offices were} less favoured in commercial than general business zones. The chance of an approval in either of these more usual zones for office development has also decreased over the period under study. These general trends towards higher rates of refusal in all land use zonings indicate a general change in policy stance when the office restraint policy came into being in 1973.

Type of Zoning	Approved	Refused (O)	Total Applica- tions	Expected Refusal(E)	$\frac{(O-E)^2}{E}$
Residential	61	51	112	29	16.69
Commercial	43	20	63	16	1.00
General Business	280	56	336	86	10.47
Industrial	8	6	14	4	1.00
Other	5	3	8	2	0.50
	397	136	533	111	29.66

the probability of refusal was 0.255

$$v = (5 - 1) = 4$$

Tabulated Chi-Squared Value at the 95% level of confidence = 9.49
Calculated Chi-Squared Value = 29.66

Ho:- there is no significant difference ^{in the treatment} of office developments by the local planning authority in different plan zones,

Ho is rejected at the 95% level of confidence.

Table 8.5: Chi-Squared Test: Differential Responses to Office Developments in Different Plan Zones, Central Edinburgh, 1959-1976

Table 8.5, contains the results obtained by applying a simple chi-squared test to the data on approvals and refusals and indicates that office developments did receive significantly different treatment by the local planning authority in different Development Plan zones. The major feature of Table 8.5 is the contribution of the 'greater than expected' number of refusals in the residential land use zones to the final chi-squared total. This reflects a distinctly greater emphasis on restricting office development in residential zones than in other zones.

(b) The Implementation of the Office Restraint Policy

In the first monitoring statement issued by the City of Edinburgh District Council (1977), it was noted that, in total, more office space had been given permission in the three and a half years after the office restraint policy had been introduced, than in a similar period before it. This simple analysis of stocks of permissions neglects the fact that many *developers* would have been in negotiation in the boom period before the policy came into operation, resulting in fairly unproblematic applications that were implemented after the policy was adopted. However, the District Councils figures do indicate that the office restraint policy was not consistently or strictly applied after its adoption.

Table 8.6 affords a longer term view of the impact of the office restraint policy. It helps to answer the question whether levels of refusal were significantly different for different time intervals within the overall study period. The analysis is again crude but

Date	Approved	Refused (O)	Total Applications	Expected Refusal (E)	$\frac{(O-E)^2}{E}$
1959-62	53	12	65	17	1.47
1963-66	81	20	101	26	1.38
1967-70	86	12	98	25	6.76
1971-74	102	38	140	36	0.11
1975-78	75	54	129	33	13.36
	397	136	533		23.08

the probability of refusal = 0.255

$$v = (5 - 1) = 4$$

Calculated Chi-squared Value = 23.08

Tabulated Chi-squared Value at the 95% level of confidence 9.49

Ho : there is no difference between the treatment of office developments by the local planning authority in different time periods within the study period.

Ho is rejected at the 95% level.

Table 8.6: Chi-Squared Test: Differential Response to Office Development in Different Date Periods, Central Edinburgh, 1959-1978

appears to show that the local authority attitude to office development in general was significantly different at different times, and the major contributory factors to this finding was the laxity with which developments were treated in the period 1967 to 1970 and, more importantly, the greater than expected rate of refusal in the last time period, when the office restraint policy was in operation.

Both Tables 8.5 and 8.6 are relatively crude in that they bundle together all the various types of application (e.g. changes of use and redevelopments) before performing an analysis. However, in terms of a

differential response to the various types of office development in different periods, the calculated chi-squared values were 24.85 and 9.80 for changes of use ^{and} redevelopments ⁶ respectively. Remembering that the tabulated value at the 95% confidence level with four degrees of freedom is 9.48, this means that significantly different responses were given by the same local authority at different times to both changes of use and redevelopment. Nearly two thirds of the chi-squared score for changes of use arose from the more than expected refusals in the period after the introduction of the office restraint policy.

In terms of the actual developments permitted, Table 8.7 indicates that redevelopments were substantially smaller after the introduction of the office restraint policy than before it, even when Argyle House and St. James' Centre are removed from the data set. This suggests that the office restraint policy not only resulted in less development generally, it also began to alter the size (and type) of development. Table 8.7 reveals a halving in the size of permitted redevelopments after the office restraint policy was adopted.

Redevelopments	Number (n)	Mean (x)	Standard Deviation (σ)
Before the introduction of the O.R.P.	43	4016*	2875*
After the introduction of the O.R.P.	10	2766	2195

Table 8.7: Size of Redevelopments Before and After the Introduction of the Office Restraint Policy

*Without Argyle House and St. James' Centre.

6. A Chi-Squared test cannot be used on refurbishments since the probability of a refusal was zero and therefore all the expected values would automatically be zero.

With respect to whether different types of development received different responses from the local authority, Table 8.8 shows that there was a very much lower rate of refusal for refurbishments than might have been expected. Indeed, the "less than expected" rate of refusals for refurbishments comprising over 80% of the calculated chi-squared value.

Type of Development	Number Approved	Number Refused (O)	Total Applications	Expected (E)	$\frac{(O-E)^2}{E}$
Change of Use	268	105	373	95	1.05
Refurbishment	54	0	54	14	14.00
Redevelopments	66	26	92	23	0.39
Other	9	5	14	4	0.25
Total	397	136	533		15.69

the probability of a refusal = 0.255

$$v = (4 - 1) = 3$$

$$\text{Calculated Chi-Squared Value} = 15.69$$

Tabulated Chi-Squared Value at the 95% level of confidence = 7.81

Ho: that there is no difference between the treatment of types of development by the local authority.

Ho is rejected at the 95.0% level.

Table 8.8: Chi-Squared Test: Differential Response to Different Types of Office Development, Central Edinburgh, 1959-1978

Therefore, in terms of achieving the aims of the office restraint policy it certainly appears as if an increased level of restraint was applied in the period 1975 to 1978. This lowered the overall level of office development and contributed markedly to changing the form of development to one which aided parallel policy objectives of rehabilitating, retaining and renovating (at least the facades of)

valued buildings. Without access to files, it is impossible to gauge how many of the developments represented extensions of less than 10% of the existing space and were therefore permitted through this exemption clause in the policy.

The two final aims of the office restraint policy were to eliminate harmful speculative development by imposing a condition that the applicant show an 'overriding need' to be in the central area, and to attract development to outer area locations. Two sets of data might assist us in examining the former, namely, information on the amount of vacant space in the central area throughout the last time interval, and secondly, knowledge of the reasons for which certain developers developed particular sites.

The presence of vacant space will at least give some indication of whether speculative development was continuing to provide office space for which there was no overriding need and which was therefore contrary to stated policy. Table 8.9 shows that the amount of such space grew substantially throughout the last years of our study period

Date (Year End)	Central Area Vacant Space (m) ²
1975	14,100
1976	27,300
1977	36,900
1978	30,100
1979	31,100
1980	32,700
1981	44,500

Table 8.9: Vacant Office Space, Immediately Available, Central Edinburgh 1975 to 1981

Source: Strutt and Parker Office Surveys (various years).

(and beyond). From reading accompanying literature from the estate agents it is possible to say that the majority of this vacant space was generated through the completion of developments rather than offices being vacated.

This vacancy rate is not exceptional since it only represents between four and five percent of stock in the city at the time. However, by definition it does suggest that some speculative building was possibly occurring for which the developers would be unable to demonstrate an overriding need.

Table 8.10 provides information on the "purpose" for which developments were undertaken in different time periods⁷. It shows clearly that development for future owner-occupation dropped steadily throughout the study period, with a parallel growth in leasing and, for the boom period at least, the selling of office property. (This point receives further attention in Chapter 9, especially Table 9.6).

Time Period	Owner Occupation %	Leasehold %	Sale %	Total %
1959-1962	83.9	13.7	2.4	100
1963-1966	76.4	16.4	7.2	100
1967-1970	55.2	33.7	11.0	100
1971-1974	26.3	51.8	21.9	100
1975-1978	30.4	65.5	4.3	100

Table 8.10: Purpose of Development, Central Edinburgh 1959-1978, All Applicants (floorspace)

7. This uses data on who was developing and why, which forms the basis for the following chapter. The source and problems with this data are discussed in that chapter.

In the final time period, nearly two thirds of the completed development was for leasehold. It is therefore unlikely that more than a small minority of applicants in the last period were able to demonstrate to the local planning authority that they had an overriding need to be in the central area. Given the timescale involved in constructing new office space, it is also unlikely that they could demonstrate that they had tenants ready and willing to move into completed properties. These figures suggest that at least this aspect of the office restraint policy was not strictly implemented by the local authority.

Summarising the implementation of the policy as a whole, the City of Edinburgh (1977) noted:

"The aims of the Central Area Policy of Restraint have been only partially achieved, more by the introduction of extensive parking controls and other transportation measures, rather than by restricting the growth of office development as such. However, the Policy has aided the maintenance of a number of listed buildings and has reduced the loss of residential property in the central area" (p.8).

Our results support this wholeheartedly with respect to its reference to office properties and valued buildings. The following section assesses how successful the policy was in terms of decanting speculative office development to the peripheral locations designated in the office restraint policy and the Structure Plan.

Office Developments Outside the City Centre

An explicit recommendation attached to the office restraint policy was that office development should be encouraged in certain locations

outside the central area. The locations promoted by the local authority were at South Gyle, Nether-Liberton and Leith. Figure 8.1 shows the areas where pressures for development outside the central area have been felt. The map is primarily concerned with developments on the periphery of the central areas, since there are very few outside this area (including those areas prescribed by the local authority). In an attempt to illustrate "pressure" for development, refusals have also been plotted alongside developments actually carried out and other proposals which have obtained planning permission. In addition, the sites where financial institutions or similar landed interests have established proprietary interests have also been mapped, so that locations with a possibility of development in the near future can also be shown.

Figure 8.1 shows that by far the most pressured or developed areas are where important feeder roads meet the central area, giving rise to clusters of developments at these points. A large number can be seen at the north eastern edge of the central area (Leith Walk, London Road area). This particular cluster represents "pressure" in the early 1970s. Most of these permissions have since been taken up by developers and offices built. Historically this is an area of lower middle- and working-class housing. As far as office development is concerned, it is ideally located with respect to the expansion of offices in the area around St. Andrews Square and the St. James' Centre, especially given the strictures on office development in the city centre itself. This area proved to be highly attractive to speculative developers when redeveloping in the central area became

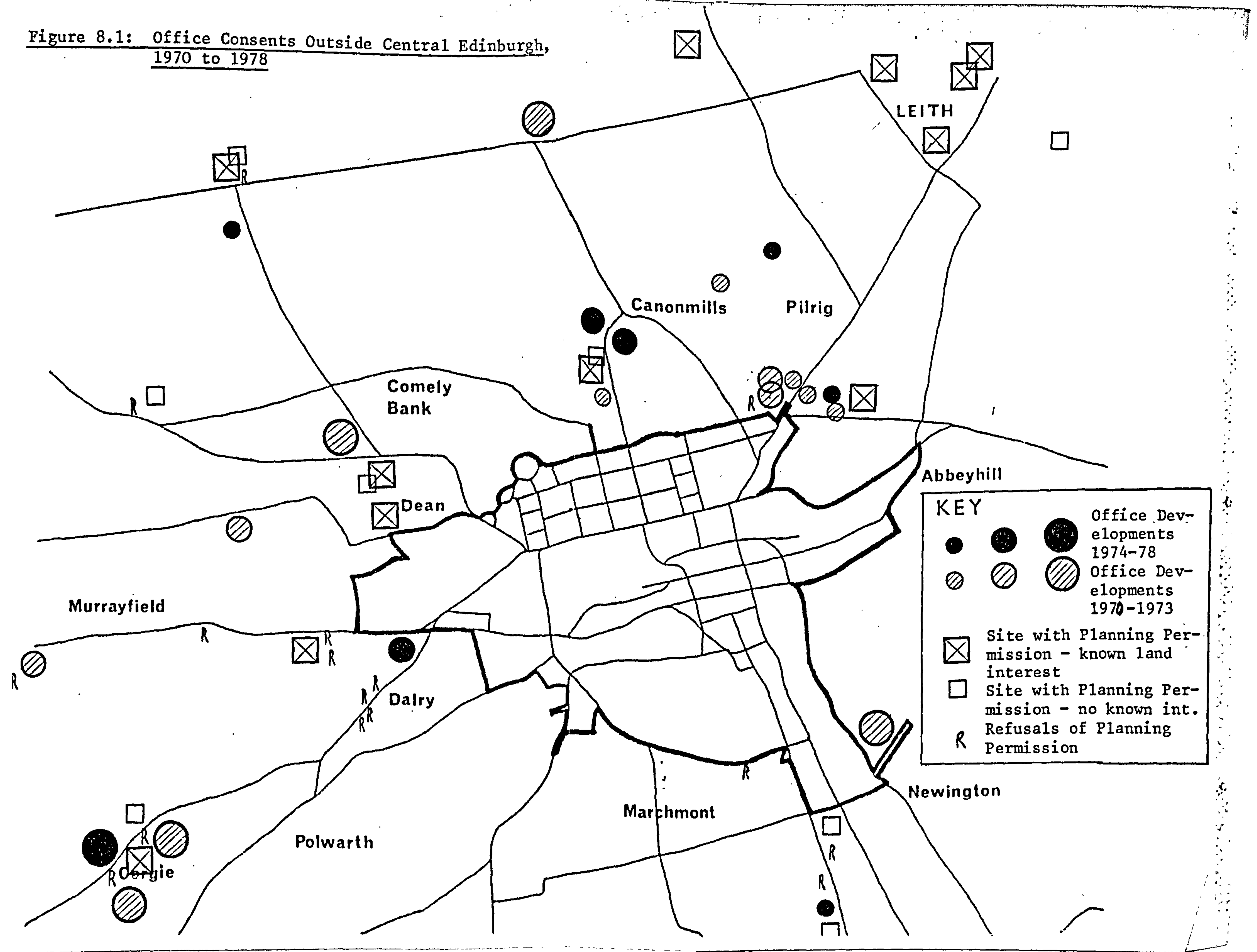
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Figure 8.1: Office Consents Outside Central Edinburgh,
1970 to 1978



more difficult. In August 1980, however, three of the five major developments in this area were still standing empty and one of the occupied buildings represented a decentralisation of ancillary workers for an insurance company from an expensive city centre property.

A cluster of developments and permissions can also be seen in the Canonmills area. This area has similar locational advantages to the area noted above. Both developments shown in this area received permission after the start of the office restraint policy. One of the developments was speculative and was still standing empty in August 1980⁸, the other was purpose built by the Royal Bank of Scotland as a new head office. Permissions immediately adjacent to this development have been secured for some time and one site is cleared⁹.

Less ideal in terms of proximity to established office areas, were the developments and permissions in the Dean and Comely Bank areas where only one development has subsequently been completed. This was built speculatively and has only recently been fully occupied (August 1984)¹⁰. There are also three unused permissions close to it. These developments are close to Charlotte Square and the West End of

-
8. Trafalgar House, in Brandon Terrace, Canonmills, has just been occupied by the British Philatelic Association (August 1983).
 9. The development of Fettes Row is now complete (August 1983), and the second permission is now being used.
 10. In an effort to attract tenants, the owners of "Orchard Brae" have subdivided the building in the hope of breaking into the small office market. This has had some success but, naturally, means higher management costs.

Edinburgh but are rather remote from St. Andrews' Square, the principal focus of office development.

To the south west of the West End, in the Dalry area, large numbers of refusals can be seen. Most of these applications were refused on the basis that they would generate traffic problems in an already busy area of the city. In addition, some proposals had excessive plot ratios (indicative of the speculative nature of the applicants, pressing for the maximum amount of space on these small sites), and contravened the Development Plan zonings. Local authority planners intend the area to undergo industrial regeneration. As such, office development is considered detrimental to plan aims.

A large amount of development has taken place in the nearby Gorgie area. These developments have mainly been for government administration departments and are serviced by good road facilities. As such they formed relatively secure developments for developers to undertake. It should be noted that two permissions in this area have not been taken up.

To the south east of the central area, applications for office developments were scattered. The largest development visible was the result of the decentralisation of an administrative section of an Edinburgh-based insurance company (Scottish Widows Fund and Life Assurance Society). Situated at the confluence of several of Edinburgh's most congested thoroughfares as well as being distant from the office focus, this area has not proved attractive to developers, despite its attractive setting.

The only other major area remaining to be discussed is Leith. This is the only peripheral area which the local planning authority outlined for office encouragement that has attracted more than minimal attention from developers. As can be seen from Figure 8.1, developers have only responded to a very limited extent, purchasing some parcels of land. Given the derelict condition of much of this property, one can assume that the land can be kept at a low historic cost and, undoubtedly, it has some potential for take up in this dockland area. However, given the total lack of interest by office users in relocating to Leith (see Chapter 6), and their ability to obtain refurbished developments in the city centre or new premises on the edge of the central area, it is unlikely that these sites will be developed (for offices, at least) in the near future. It is only through even tighter restraint in the central areas that these sites would even seriously be considered^{11.}

Individual developments have occurred on various major radial routes in the city like Meadowbank (Scottish Records Office) to the east of the city centre,^{and} Trinity, to the north of the city centre and west, along the Glasgow road (Forestry Commission). These developments are all large government offices requiring minimal face-to-face contact with the general public. All of these sites are capable of housing more than one major development, but they are not capable of becoming major subsidiary office centres because of insufficient space, road capacity and lack of accompanying commercial services.

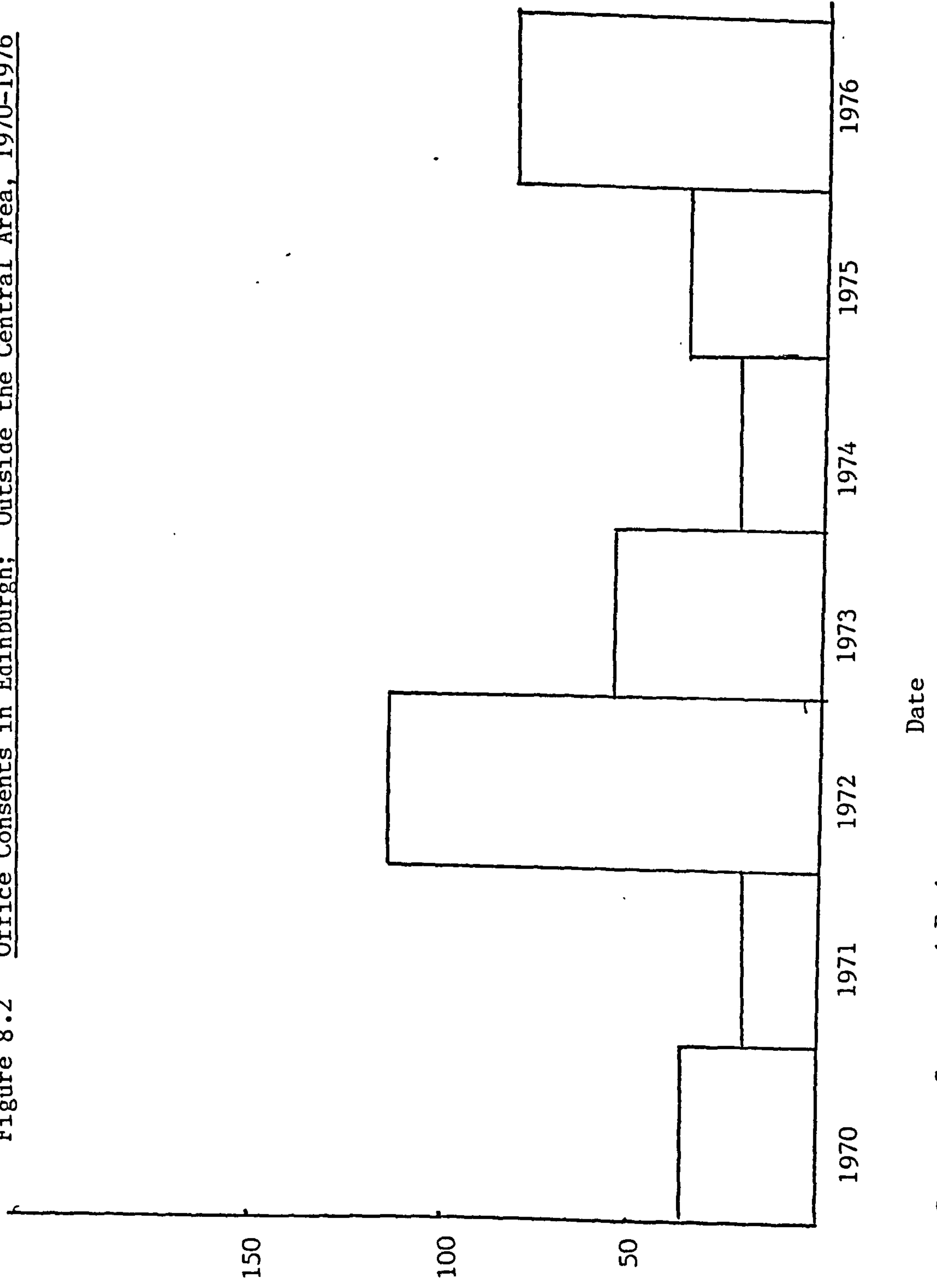
11. It should be noted that, as in Dalry, the concept of offices in Leith has been rejected by local tenants groups as not aiding the employment prospects for the residents in this predominantly working class area. These groups have argued that land should be earmarked for more appropriate uses.

Figure 8.2 shows the annual variation in the amount of consents issued outside the central area between 1970 and 1976. As can be seen, they vary in much the same way as consents in the central area, except more violently. The total level of consents is very high; over 100,000 sq. metres in 1972 alone. This is double the floorspace figure for the central area for the same year. In itself, this statistic suggests that many speculative proposals were being put forward and accepted in the build up to the property boom. Of the sixty-four developments applied for outside the central area since 1970¹², twenty-one have been refused, twenty-one have not been proceeded with and twenty-two have been carried out. Nine of the completed developments are located within 500m of the central area boundary. Over two thirds are within one kilometre of the same boundary. It also reveals that office proposals in locations immediately adjacent to the central area have a higher rate of refusal but, if granted, are usually proceeded with. In contrast, peripheral proposals have generally been held in store after the grant of permission. Leith is very typical of the latter. Table 8.11 shows that the probability of receiving a permission for an office proposal tends to increase slightly away from the edge of the central area.

The decision to proceed with a permission seems to hold relatively constant until between two to three kilometres out from the central area when the probability drops dramatically. The cumulative probability of applications resulting in a development is thus slightly higher in the middle distance sites. Many of these are

12. The period for which data was readily accessible.

Figure 8.2 Office Consents in Edinburgh; Outside the Central Area, 1970-1976



Source: Strutt and Parker
Office Surveys

government offices which can obtain deemed planning permissions and, being commissioned developments, are always likely to be proceeded with.

Distance from Central Area Boundary (Km)	Probability of a permission (a)	Probability of proceeding with a permission (b)	Probability of an application resulting in development (a) x (b)
0 - 0.5	0.62	0.64	0.40
0.51 - 1.0	0.66	0.62	0.41
1.01 - 2.0	0.87	0.66	0.57
2.01 - 3.0	0.70	0.28	0.20

Table 8.11: The Receipt of, and Implementation of., Planning Permissions outside Central Edinburgh, 1970-1978

The extent to which issued consents are not taken up by developers both inside and outside the central area, is shown in Table 8.12. Although it has only proved possible to gather post-1970 figures for the outer area it appears that, between 1970 and 1978, the incidence of developers not proceeding with issued planning consents is twice as high in the outer area as in the central area.

Date	Percent of Consents not taken up	
	Central Area*	Outer Area*
1959-1962	20.4	n.a.
1963-1966	19.4	n.a.
1967-1970	12.7	n.a.
1971-1974	15.3)	48.8
) 19.5	
1975-1978	24.3)	

Table 8.12: Non-Take Up of Planning Consents, Edinburgh 1959-1978

* applications, not floorspace
1970-1978

In summary, the pattern of development outside the central area of Edinburgh in the 1970s shows that such areas were as susceptible to changing market forces as the central area was. However, certain areas were much more favoured by developers than others. These areas were usually close to the central area, with good road facilities and a reasonably pleasant working environment for staff. They were also of particular interest to office users in both the private sector and government wishing to find cheap locations for their administrative departments. Attempts to persuade developers to develop speculatively on sites more distant from the central area have failed, because of the reluctance of tenants to relocate to such areas when a steady supply of space has been made available through refurbishments and redevelopments in the peripheral sites on the edge of the central area. The modicum of interest that was shown has not resulted in much completed development. Therefore, in terms of the aims of the office restraint policy seeking to attract offices to suburban locations, the policy has not been implemented, because of the lack of private sector interest. As the District itself noted (City of Edinburgh, 1977):

"The dispersal of offices from the centre has not been as successful to date, for those office users willing to be located in peripheral areas, mainly central government departments and public boards, were tending to move out of the centre prior to the adoption of the policy. In the main, financial institutions and general business offices have maintained their demand for central area locations and if unsuccessful in this demand, have either relocated on the edge of the central area or have retained their existing site with some extension of floorspace" (p.9).

The Usage of Office Restraint Policy as a Reason for Refusal

From the above information it appears that the local authority policy stance towards office development in central Edinburgh did harden after the introduction of the office restraint policy but, as yet, we have not shown that the greater level of refusals was related to the establishment and implementation of the office restraint policy. This section briefly examines which policies have been used for the refusal of planning permission¹³ as a first step to examining the use of the office restraint policy. There are problems with attempting this since it is quite possible that the real reason for a refusal is not the same as that published and issued to the applicant. However, by examining both the use of different policies and the combinations of reasons for refusal issued by the local authority, it is possible to evaluate the extent to which an individual policy was used and, to some extent, the "strength" which the local authority believed it to have for controlling development.

It has been possible to identify four main groups of policies which were used by City of Edinburgh in refusing applications for office developments. The groups were "Land Use Policies", "Physical Planning Policies", "Residential Amenity and Protection Policies" and, finally, "Conservation Policies". This classification was reached after an examination of the range of reasons given by the local authority for refusing planning permission. Land Use Policies have been separated

13. It is a statutory requirement that any refusal of planning permission be accompanied with the reasons for refusal. It is possible for the applicant to use these reasons as a basis for an appeal against the decision.

off from Physical Planning Policies so that a distinction between the former more location and use specific policies, and the latter, more general planning considerations (such as traffic generation, car parking and plot ratio policies), could be made.

Strictly speaking, Conservation Policies in Edinburgh make no direct reference to office development. However, if a development is considered to be to the detriment of a valued building, it has occasionally been refused on conservation grounds and this is of some interest to us ¹⁴.

It is common for the local authority to issue more than one reason for refusal when a proposal is turned down. Although, there is a vaguely positive relationship between the number of reasons given for refusing an application and the size of a proposal, this is of little consequence. However, what is important is that some reasons for refusal are often used on their own whereas, in other cases, a combination of mutually bolstering reasons for refusal are given. If a reason for refusal is regularly used on its own then the Planning Committee is expressing faith in its appropriateness, strength and legitimacy, since it obviously believes that such a policy can halt an application on its own (possibly having a history of central government support at appeal) ¹⁵. However, if a reason for refusal is

14. There are other reasons for refusal but some defy classification. The most extreme example was a refusal because "an office is an inappropriate use for a former church".

15. Strength of policy is important since successful appeals against refusals of planning permission lead to unplanned developments which can, in turn, drastically affect local authority strategy in an area.

used repeatedly in support of other reasons for refusal, then the policy leading to that reason for refusal is manifestly not considered by the Planning Committee to be strong enough on its own to refuse an application. A lot depends on the nature of the proposal but, in this study, we are dealing with a very limited range of developments which does allow some conclusions to be drawn. Table 8.13 shows the extent to which different reasons for refusal have been used and the way in which they have been used, individually or otherwise.

Reason for Refusal	No. of times used solely	Total No. of times used	% of times used solely	% of Total
<u>RESIDENTIAL PROTECTION POLICIES</u>				
Intrusion into Residential Area	2	2	100*	0.9
Adverse Effect on Residential Amenity	27	35	77.1	16.8
Loss of Residential Unit in Central Edinburgh	23	36	63.8	<u>17.3</u> (35.0)
<u>LAND USE POLICIES</u>				
Versus the Provisions of the Development Plan	9	25	36.0	12.0
Against the Office Restraint Policy	13	45	34.6	<u>21.6</u> (33.6)
<u>PHYSICAL PLANNING POLICIES</u>				
Prejudicial to Future Development	4	18	22.2	8.6
Plot Ratio too high	2	5	40.0*	2.4
Traffic Generation from Proposal	0	7	00.0*	3.4
<u>CONSERVATION POLICY</u>				
	4	12	33.3*	5.8
<u>OTHER</u>				
	6	23	26.1	11.1
Total	90	208	43.3	100.0

Table 8.13: The Occurrence of Reasons for Refusal for Office Developments, Central Edinburgh 1959-1978

* too few cases to draw conclusions.

The most common reason for refusal over the full study period of 1959 to 1978 was that the office proposal was contrary to the wishes of the office restraint policy. This signifies how commonly the policy was used in the final time interval, being used in almost every case of a refusal being issued. Other very common reasons for refusal were that certain office developments would have a deleterious effect on the amenity of residential areas or that the loss of a residential unit in the central area was undesirable.

If the use of single reasons for refusal are considered then by far the most important reasons for refusal over the twenty year study period were those relating to residential amenity and residential unit loss. They are so visible because they were long established policies and were used regularly to refuse planning permission for a commonly occurring form of development proposal. For many of these smaller developments, a permission would have resulted in a single flat within a tenement block being changed to office use. This was often deemed likely to generate unacceptable levels of noise and movement on the common staircase. As a result, the loss of residential amenity easily stands up on its own as a reason for refusal and would be supported by concepts of "good planning practice" at appeal. Ironically, larger developments taking over the whole tenement "stair" might well have had a better chance of approval than the more minor developments. However, such developments create extra movement within the street and, if the street is predominantly residential, can consequently create a loss of amenity for a wider group of people as well as causing the loss of several residential units in the central area.

When all the various reasons are considered it is readily apparent that the two major groups of reasons for refusal are those pertaining to Residential Policy and Land Use Policy. Physical Planning Policy is rarely important and Conservation Policy is rarely used for office restraint.

Table 8.14 illustrates the ways in which reasons for refusal were combined by the local planning authority when more than one reason was given. Quite often more than one reason from the same policy "area" is used to refuse an application. This is especially the case in the Land Use Policy category when, on at least twelve occasions, developments were viewed as both contrary to the aims of the office restraint policy and contrary to the provisions of the Development Plan. This combination ensures that the chances of success for an appeal against a policy on the ground that it is outside statutorily approved planning documents (which the office restraint policy was until 1978), are lessened.

	Residential Policies	Land Use Policies	Physical Planning Policies	Conservation Policies
Residential Policies	2	16	1	1
Land Use Policies		12	10	6
Physical Planning Policies			5	4
Conservation Policies				0

Table 8.14: The Various Combinations of Different Groups of Reasons for Refusing Planning Applications for Office Development; Central Edinburgh, 1959-1978

The most common combination was the use of Residential Protection Policy reasons with Land Use Policy reasons. This contrasts with the rarity of two Residential Protection Policies being used together. One explanation for this could be that more strategic Land Use Policies are often used to bolster Residential Protection Policies and vice versa. The District obviously felt the need to use reasons from more than one policy area to stop some applications, making an appeal much less likely to succeed. The overwhelming feature of the combination of reasons is the fundamental importance of the Land Use Policy group to the local planning authority's control of office development. Table 8.14 shows that it was used extensively with all the other types of reasons.

Given that a policy was set up specifically to control office development, then it is hardly surprising to find such a policy being used. However, it is interesting to note how often the office restraint policy was used in conjunction with other reasons for refusal. This may suggest that the District did not consider it a particularly strong policy in its own right. As a result, when applications were refused using the new policy, there was a perceived need to bolster the decision with other reasons for refusal, which could act as supportive or reserve arguments in the case of a planning appeal. One way of establishing whether this was the case is to find out how people perceived the status of the policy and the manner in which it had been used.

As we know from the information presented in this chapter and reproduced from the local authority's own monitoring report (City of

Edinburgh, 1977), the office restraint policy was not implemented as rigorously as it might have been. If this is so, we must ask what the reasons for this were. The following section briefly reviews the perceptions of various public and private sector bodies on the office restraint policy and outlines two possible reasons for its apparently limited implementation.

Perceptions of the Implementation of the Office Restraint Policy

A series of interviews was carried out with local commercial estate agents operating in central Edinburgh (see Appendix 1). Their general opinion¹⁶ was that the local authority had tried to apply the office restraint policy quite rigorously since its adoption. However, in support of evidence presented earlier in this chapter, they were dismissive about its status as a strong policy. They felt that it was quite often worthwhile for them to suggest that their clients appeal against refusals of planning permission based upon it. The present author was reminded that the office restraint policy had never really been put under severe pressure because, from the 1976/1977 period, the office market had been flat (a situation which was exacerbated by the oversupply of offices). The suggestion here is that the policy would not be able to hold if severe pressures were applied. In addition, the agents noted that the office restraint policy had been used in conjunction with a particularly strict car-parking policy, which had greatly supported its status as a policy.

16. Estate agents are amongst the best interviewees since they have experience of a range of applications, appeals and cases. Individual developers, naturally, are only likely to be knowledgeable about the few applications in which they have been involved.

The lowly status accorded to the office restraint policy by the commercial estate agents interviewed is of interest since it supports the idea that the policy was in need of bolstering when used to refuse planning applications. One agent noted that "after all, it only emerged as a paragraph in a Planning Committee's minutes". Another property agent who positively refused to be interviewed, noted in his letter of reply to the present author that:

"The centre of Edinburgh is zoned for general business purposes, and I am unaware of any particular problem regarding office developments which might be of assistance to you".

Both comments reflect the feeling that the policy has no statutory power behind it; indeed, in the case of the latter comment (which makes reference to the Development Plan: First Review of 1965), that the policy does not exist. Hence, despite local authority attempts to implement the policy, agents feel that their proposals stand at least a "sporting chance" at a subsequent planning appeal. Chapter 10 demonstrates that this view is not well founded in fact.

It is difficult to ascertain the views of the Regional Council over the implementation of the office restraint policy since they have no published monitoring material on the subject. However, at a recent planning appeal concerning development in the South Side, (P/PPA/LA/40), it was noted in the Reporter's letter to the Secretary of State (see Chapter 2) that an officer of the Regional Council:

" (H)ad advised the District Council that he was opposed to the development under consideration because it was contrary to the policy of office restraint within the central area. The policy certainly had a traffic control aspect, as well as

being intended to preserve residential use. It had perhaps not been applied as strictly as he could have wished but it had been applied fairly consistently".

In addition, the actions of the Regional Council, through the Structure Plan, to get the City of Edinburgh District Council to consult them on all office applications over 2,000 sq.ft. indicates their concern over the flexibility with which the District was implementing the policy. In terms of the role of the Regional Authority in the implementation of the office restraint policy, the Region has noted that:

"The Regional Council's intention at the time of the Structure Plan was to secure for itself a strategic role on office development, and requested the City of Edinburgh District Council to consult with the Regional Council on office developments of strategic significance. There has however been little consultation, resulting in the Regional Council playing almost no role in the implementation of the office restraint policy", (personal communication).

The published statements of central government Reporters have been unequivocal about how they viewed the implementation of the office restraint policy. In two separate planning appeals, central government Reporters have remarked upon the flexibility with which the policy has been implemented. At one appeal, (P/PPA/LA/50, para 11.8 of Reporters Letter to the Secretary of State) the Reporter noted:

"The implementation over the past three and a half years of (the Office Restraint Policy) does not, as has been indicated (to me), give the impression of any real degree of rigidity or strictness on the part of the council".

In another appeal (P/PPA/LA/162, Reporter's Findings of Fact, No.11), the reporter noted:

"The City of Edinburgh District Council have adopted an ad hoc development control policy of office restraint".

With respect to their question of flexibility in the implementation of the policy, one commercial estate agent claimed that the local authority operate the office restraint policy "to suit themselves", suggesting that locally-based applicants, wishing to expand or showing a need for a central location stood a much greater chance of being granted permissions than applicants who might be considered as "outsiders"¹⁷. In the context of this thesis, such hypotheses require investigation since they suggest that, not only is the local authority responding to a range of different interests-in-land (residents, developers etc..) in formulating and implementing a restraint policy, but is possibly also involved in differentiating or discriminating between a variety of different types of developer (i.e. within one interest-in-land). This is important in terms of answering questions raised in Chapters 2 and 3 relating to who benefits from local government attempts to guide the process of spatial reorganisation.

Conclusions

The accumulated evidence from Chapters 7 and 8 leaves us in no doubt that the adoption of the office restraint policy marked a distinct

17. This is a serious charge. We are not suggesting corruption or anything of the sort, but we are suggesting that through the political process, or technical process of planning, that local firms might be preferred to outside firms. Elliott, McCrone and Skelton (1978) have claimed that there has been a long history of local chauvinism in Edinburgh politics when they note, "If we look at Edinburgh during the Progressive era, one is struck by the efforts of local entrepreneurs to keep out the big enterprises ... There is no doubt this was quite deliberate and accorded with the 'localist' stand in their ideology and with distaste for 'big business' and 'big government'." (p.125).

change in the attitude of the local authority towards office development. We have seen that the new policy was used regularly as one of a set of reasons to refuse proposals for office development. As such, the success of the interests which agitated for policies to be formulated to restrain office growth was translated into the day to day decision-making process of the local planning authority and substantial numbers of office proposals were turned down.

The adoption of the office restraint policy also appears to have had two distinct side effects. Chapter 7 showed clearly that the pressures for office development were channelled into refurbishing existing buildings and away from redeveloping city centre sites. This chapter has confirmed this, showing that refurbishment was very much preferred as a form of development, with no refurbishment schemes being refused over the twenty year period.

The second major effect of the policy, of particular importance in considering the spatial reorganisation of land uses in Edinburgh, was the diversion of development pressures out of the city centre. However, in contrast to the aims of the policy, this relocation of offices did not result in new office centres in the suburbs of Edinburgh but, rather, created pockets of new development on the junctions of major feeder roads and the boundary of the central area. One can only presume that this has further exacerbated the traffic problems on the main radial roads of Edinburgh and increased the amount of commuting across the central area, both of which were stimuli for the office restraint policy in the first place.

Despite the apparent success of the strategy to restrain office growth in the centre, there is some doubt as to the role played by the office restraint policy as opposed to other measures (like strict car parking restrictions) within the implementation of the strategy. Some people have suggested that it was the associated measures, especially the car park restrictions, that resulted in higher rates of refusals. Our inspection of reasons for refusal does not sustain this view, although it may well have been a major consideration in negotiations over proposals.

Chapters 7 and 8 have also indicated that, despite the general implementation of the office restraint policy, proposals for office development have often been approved which are apparently in contradiction to the policy in force. This was seen with respect to the longest standing policy of office restraint which sought to halt the loss of residential units to office use and was also the case with a substantial number of proposals submitted after the adoption of the office restraint policy. The following two chapters examine reasons for these apparent inconsistencies in policy implementation. Chapter 9 tries to establish whether there are any patterns discernible from these inconsistencies to suggest that different types of applicant (e.g. foreign banks) are being favoured by the local authority or whether other reasons relating to the characteristics of the development explain the variation. Chapter 10 examines the "policy-in-action" to establish whether there were any inherent weaknesses in the way the policy was formulated that made it difficult to implement in a consistent manner.

Chapter 9

The Implementation of the Office Restraint Policy: Differentiation between Developers

Introduction

Chapter 6 discussed the results of a conflict of interests in an open political arena over the formulation of the office restraint policy. We saw that the policy was designed to reduce the levels of speculative office development in central Edinburgh and to change the form of developments which did occur. Chapters 7 and 8 have illustrated that, in general, the policy has been implemented to some extent. Inevitably, this must mean that the overall interests of developers have been adversely affected to some degree. This is an important finding when considering "how and for whom the state works" through the land use planning system. However, we have not, as yet, satisfactorily identified the various components which constitute the developers interests, how their interests vary across different types of developer, and how those different interests have been affected by the office restraint policy. From the evidence presented so far we cannot say, for example, that the office restraint policy has been a victory for local people against avaricious speculative developers. To do so requires us to establish which developers have been involved and how they have fared with respect to the implementation of the policy. This chapter will demonstrate that the range of developers active in central Edinburgh is extremely varied, ranging from local citizens to multi-national investment trusts, which have different interests ranging from development for owner-occupation or development for profit or investment. Hence, within the wider questions of which groups have benefited from the formulation and implementation of the

office restraint policy, one must also determine whether different types of developers have been affected in similar or different ways by the policy.

A second important reason for looking carefully at whether certain developers have suffered more than others from the implementation of the policy is that, following Underwood (1981b), the implementation of a policy is carried out in a very different type of political arena to that in which the original policy or plan was formulated (see Chapter 3). When individual decisions are being made on individual proposals, there is rarely the same level of public awareness of the issues (unless the proposal is for a major development) as when policies and plans are formulated. Far fewer people are involved in policy implementation, there is much more 'behind the scenes' negotiation¹ and developers are much more actively involved. Hence, when evaluating policy implementation one has to evaluate a different political process to that which exists for policy formulation.

It is quite conceivable that different developers with different levels of resources might be able to achieve markedly different results from a local authority in terms of obtaining planning permissions (i.e. implementation) in this relatively "closed" system. It is conceivable that, even though a policy may have been implemented in aggregate terms, certain types of developers have been less affected than others. For example, small local businesses applying to develop offices for their own use might have consistently been allowed

1. See Chapter 10.

to develop whilst speculative developers from outside the area were consistently turned down, or vice versa. Our macrotheories, reviewed in Chapters 2 and 3 do not provide clear guidance to the likely outcomes of this closed, regulative, political process. As such, we need to reassess those theories to extract hypotheses as to which developers might be most likely to benefit from less controversial and routine government procedures like development control. This will prepare us for an examination of which developers have been active in central Edinburgh, what "resources" they possess, what their interests in development have been, and how their composition has changed through time. Finally, tests are carried out to establish whether the variations in approval rates for different developers are statistically significant or not. This will indicate whether different developers have fared in a similar way with respect to the implementation of the office restraint policy or whether some have been able to circumvent its strictures significantly more than others.

Power Relations: Developers and Local Government

In examining the relationships between developers and the local planning authority over the processing of planning applications, we have suggested that development control is an administrative process conducted mainly outside the public eye. Developers are notoriously secretive about their activities and most of the negotiations before the submission of an application are not reported. Hence, our idea of power relations through a political system upon which different social and economic forces are pressing simultaneously, might have to be adapted to more adequately reflect the situation that exists in the development control system.

The theories on the role of the state outlined in Chapter 2 all varied with respect to their interpretation of where the source of power for any interest group lies. Pluralists saw political power as a counterweight to economic power. Structuralists saw power as ultimately lying in the economic base of a social superstructure because of the necessary relations of capitalism. It is therefore relevant to ask where power lies in the development control system.

In more general terms, Simmie (1981) has noted that:

"the development of cities in industrial society is best understood in terms of the objectives of different groups and organisations and their relative power as exemplified by their abilities to translate these objectives into actual land uses and buildings. The central concept in understanding urban development is therefore power". Simmie (1981, p.29).

For Simmie, the constituent elements of power which allow groups to guide the development of cities were:

- (i) capital ownership
- (ii) land ownership²
- (iii) political connections
- (iv) political skill
- (v) possession of information.

Together, these features identify the possible interests that individuals or organisations might have, their motives for political action, their resources to undertake such action and the skills necessary to engage in political activity. By knowing which

2. In support of Simmie's thesis relating to landownership, Elliott and McCrone (1982) note that, "Weber recognised that urban land, housing and other forms of real estate could be more than just items for consumption. For those who controlled them, they were, and are, real sources of power". (p.98).

developers operating in Edinburgh possessed these various "resources", we might be able to hypothesise, using the theories outlined in Chapters 2 and 3, which developers might be expected to fare well with respect to attempts by the local authority to restrict their activities.

Because the process of implementing the office restraint policy is largely conducted outside the public eye by persons and organisations not in the habit of enrolling public political support for their actions and who act individually in an incremental process of spatial reorganisation, the pluralist concept of political power as a counterweight to economic power is not really relevant when considering implementation processes like development control. Therefore, we might expect that, if any applicants were likely to be advantaged, it would be those with the greatest economic resources for which there is no political counterbalance³ (i.e. "capital ownership" in Simmie's list).

The elitist school, which hypothesises that interconnections and overlapping memberships between important economic elements of society and the polity are crucial to understanding decision making, might suggest, given the evidence of local business penetration of local

3. To avoid misunderstanding, I repeat that I am aware that development control decisions are ultimately made by elected representatives, but I am arguing that, except in the case of large-scale proposals, the local authority is not under such acute public scrutiny. Given the discretion that exists in the development control system, the local authority (elected representatives and officials) may be vulnerable to a far more limited, but direct, range of influences (e.g. local chauvinism, economic pressures etc).

politics in Edinburgh (Elliott et al., 1978), that local businesses would be particularly favoured in regulative administrative systems like development control because of their close connections with decision-makers.

Lojkine's (1977) conceptualisation of the "big firms strategy" makes the clearest statement of the structuralist-Marxist argument with respect to how the local state might differentiate between different types of business. If Lojkine is correct then we would expect the local state to favour large "monopoly-capitalist" enterprises at the expense of most local capitalists. Through property redevelopment, the local state is said to facilitate the penetration of the local commercial property market by large developers. They are allowed to develop large complexes on the sites of earlier small businesses. Lojkine makes his case with respect to the effect of retail development in Lyon in France. His argument can be generalised to property developers as a whole and is clearly derivative from the postulation that the state in capitalist society consistently furthers the interests of monopoly capital at the expense of other groups including the petit bourgeoisie as well as the proletariat.

If the instrumentalist school is summarised as 'the state acting for the group that captures it' then given Elliot et al's (1978) information, the local authority in Edinburgh would presumably tend to work in ways which favour the local businesses that have consistently dominated it.

If one takes Simmie's (1981) view of corporatism as an imperfect form of pluralism where there are various means for different groups to obtain privileged access to and exert influence on local government, then a mixed picture should emerge. Simmie's conclusions state that the more capital and land an organisation (or person) owns the more powerful it is likely to be in ensuring outcomes (like obtaining a planning permission) from the local authority. Similarly, the more formally constituted an organisation is, and the greater its degree of incorporation into local authority decision-making, the more likely it is to secure a planning permission. With respect to people and businesses applying to City of Edinburgh for planning permission some developers, for example, "English Property Companies", have a reasonable amount of land and capital but are less likely to be formerly or readily connected into the local political process. In contrast, individual "Local Businesses" might each have limited land and capital resources, but are often well connected to local business representatives who experience a degree of incorporation into decision-making in the local area through the activities of bodies like the local Chamber of Commerce. Hence, it is possible that, for different reasons, different groups would be favoured. This might lead to an overall picture of no single group faring better than others. Given Simmie's (1981) conclusions on Oxford, presumably a group like, say "Scottish-based Insurance Companies", which has members with a large amount of capital and land, as well as local political connections, would be most likely to appear favoured since they possess a greater level of resources than the others.

Developers and their Capital, Political and Land Resources: Central Edinburgh 1959-1978

Before evaluating which developers possess which of the resources listed by Simmie, it is necessary to derive a classification of developers. To be of use this classification must:

- (a) bear some demonstrable relationship to the theories discussed in Chapters 2 and 3,
- (b) indicate something about the level of resources the developers possess, and
- (c) indicate something about their relationship to the development and political processes.

The eventual classification was derived with the above factors in mind from a close inspection of the range of planning applicants involved in office development in central Edinburgh. This was because there was no previous related work to build upon or revise (with the possible exception of Simmie, 1981). The classification therefore tries to reflect whether or not the applicant has local political connections, to give some idea of the main sort of economic activity they are involved in, and to relate meaningfully to the structure of the development industry as described in Chapters 4 and 5⁴.

Table 9.1 lists the applicant types identified in central Edinburgh. Although evidence is given in the following sections, it is important to note that this classification also generally indicates the groups for whom development is primarily for their own use (e.g. local and national companies, banks and building societies), those who develop

4. This exercise has led to further thought by the present author on how such classifications might be derived if adequate data were available. These ideas are presented in McNamara (1983), contained at the rear of this thesis.

property primarily for rental income (investment trusts)⁵ and those who develop speculatively for sale and lease (e.g. property companies). These groups can be further subdivided into those with local connections and those that are based outside the area⁶. Hence property companies and other private companies were split into two groups, as were insurance companies, and government bodies. Definitive divisions, however, are difficult. As will be seen, insurance companies develop both for their own use and for leasing. Investment trusts were involved in development for all three reasons.

Citizens
 Local Companies*
 National Companies*
 Scottish Property Companies
 Other Insurance Companies
 Pension Funds
 Property Investment Trusts
 Construction Companies
 Investment Trusts
 Estate Agents
 Local Government
 Central Government
 Banks and Building Societies
 Others

Table 9.1: Types of Applicant for Planning Permission to Develop Offices, Central Edinburgh 1959 to 1978

* companies primarily involved in activities other than property, insurance, construction or investment.

We now try to evaluate the resources held by these developers which

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5. There are problems in establishing the motives behind the developmental activities of investment trusts as some do develop for own occupation. However, Table 9.6 indicates that this is a very low proportion of the total.
 6. This is important in terms of our considerations of 'local chauvinism'. The locational origin of the developers was taken from the address given by the applicant and listed in the planning register. Although crude, this method is believed to be sufficient for the purposes of this thesis, especially given the time and scope of the thesis.

might allow us to assess their potential power. In doing this we use the list of resources which Simmie (1981) deemed important as a structuring device for our discussion, bringing the five elements together into three groups namely, "capital resources", "political resources" and "land resources".

(a) Capital Resources

In terms of assessing the resources of the various developers, it is obviously impossible in the time allotted for any thesis to establish the capital resources of over four hundred different applicants for office development in central Edinburgh. Also, with some of the "smaller-sized" developers, which include individuals, the research not only would have been difficult to perform but could have been highly intrusive. Therefore, using published sources of information, it is presumed that the Scottish and English Insurance Companies, the Pension Funds, the Property Investment Trust, the Banks and Building Societies and most of the Investment Trusts can be considered to possess substantial amounts of capital.

The property companies and construction companies active in central Edinburgh generally, have less total capital than the large financial institutions but use more of it on property. These companies can vary widely from Land Securities, the largest property company in Britain, to small local developers. The "Scottish Property Company" category is dominated by one firm which is listed on the Stock Exchange and

7. These include general literature, a selection of company reports, stockbrokers reports on property companies (Pinchin Denny and Co, 1976).

possesses substantial assets . The "English Property Companies" vary enormously from London-based property giants to more modest developers like Ossary Road Estates from Leeds, Teesland Property Company from Stockton-on-Tees and Broadland Properties Ltd of Scarborough .

Local companies and national companies obviously vary widely with respect to the capital resources they own. However, it can be presumed that locally-based companies generally have less resources than companies acting on a nationwide basis. This is especially the case if the large Edinburgh based insurance companies have their own category. Local citizens are also presumed to have minimal capital resources when compared to the major investors. Central government and local government bodies have been included in the classification because they are major developers. However, as Chapters 2 and 3 have noted, their relation to the local authority and the land development process is very different to that of private sector developers, given that they can obtain development rights through the process of deemed planning permissions.

(b) Political Resources

Political connections between interested groups and the local

8. Scottish Metropolitan Property Company Ltd, whose company reports have been collected by the author. Others included Forth and Clyde Property Co. Ltd. and Glencona Properties of Edinburgh.

9. An attempt was made to assess nested ownerships of property companies but this was foiled by the sheer scale of the task, the difficulties of such analysis and the poverty of the available data.

10. Meaning non-property companies. In the case of local companies, the large Edinburgh insurance companies were separated into a different category.

11. Many of whom are small solicitors firms, architects firms etc.

authority have been discussed briefly in Chapter 6. From interviews with officers of the City of Edinburgh District Council and from published sources (e.g. Elliott et al, 1978), it would appear that the most of the connections between the local authority and developers are indirect. There are regular discussions between planning offices and local estate agents who act as mediators and experts in the property field. Discussions with development companies are both direct and indirect. Some companies are represented through the Chamber of Commerce (mainly local companies, but there are some branches of national companies, insurance companies, construction companies and professional services attached to the development process). There is also some overlap of membership between the local development fraternity and local authority representatives, although this has dwindled in recent times (see Table 5.5). The local authority has attempted to set up some dialogue with the major property investors that have substantial interests in the city centre. However, to the author's knowledge, no meetings have yet taken place. It therefore seems that the most direct political connections are generally held by local companies and estate agents. Individual "local citizen" developers may have some contact but, in general, not as much as the local companies.

One can only assume that outside developers like pension funds, investment trusts, property investment trusts, English property companies, English insurance companies, English banks and building societies and national companies, tend only to interact with the local

12. This information comes from an interview with a major financial institution investor, based in the city.

authority over individual developments. However, the Scottish insurance companies and the Scottish banks presumably have good political contacts with the local authority over a wide range of issues and through the Chamber of Commerce. The Scottish property companies are involved with the Chamber of Commerce, but their direct interaction with the local authority tends to relate solely to individual applications (see Chapter 6, and Edinburgh Chamber of Commerce and Manufacturers, Annual Reports over various years).

With respect to the second and third forms of political resource outlined in Simmie's list, the level of political skill which various developers possess is a matter for empirical research (though not an easy one) and has not been the focus of this thesis. The possession of information seemed only really important in the context of this thesis with respect to Estate Agents and their knowledge of the property market. The local authority is in regular contact with these agents and uses a lot of their data for forward planning activities.

(c) Land Resources

Because of available data it is possible to be much more systematic about the possession of land resources. With the available data it would have been physically possible to establish how much land all of the listed types of developer have owned in central Edinburgh. However, because of the limits of time and space, it is impossible to chart the history of ownership of every land parcel in central Edinburgh, and therefore we have concentrated on identifying the extent of land ownership for the financial institutions and property

companies. This is defensible because, as we shall see, these groups are the ones principally responsible for concentrating urban landownership into a limited number of hands and they invest significantly in properties they do not occupy. In order to illustrate change over time, the landownership of five groups¹³ was taken from records pertaining to 1958/59, 1963/64, 1968/69, 1973/74 and 1978/79. Information on ownership was taken from the Local Authority Valuation Rolls for every ward in the central area¹⁴ and the results are briefly presented below.

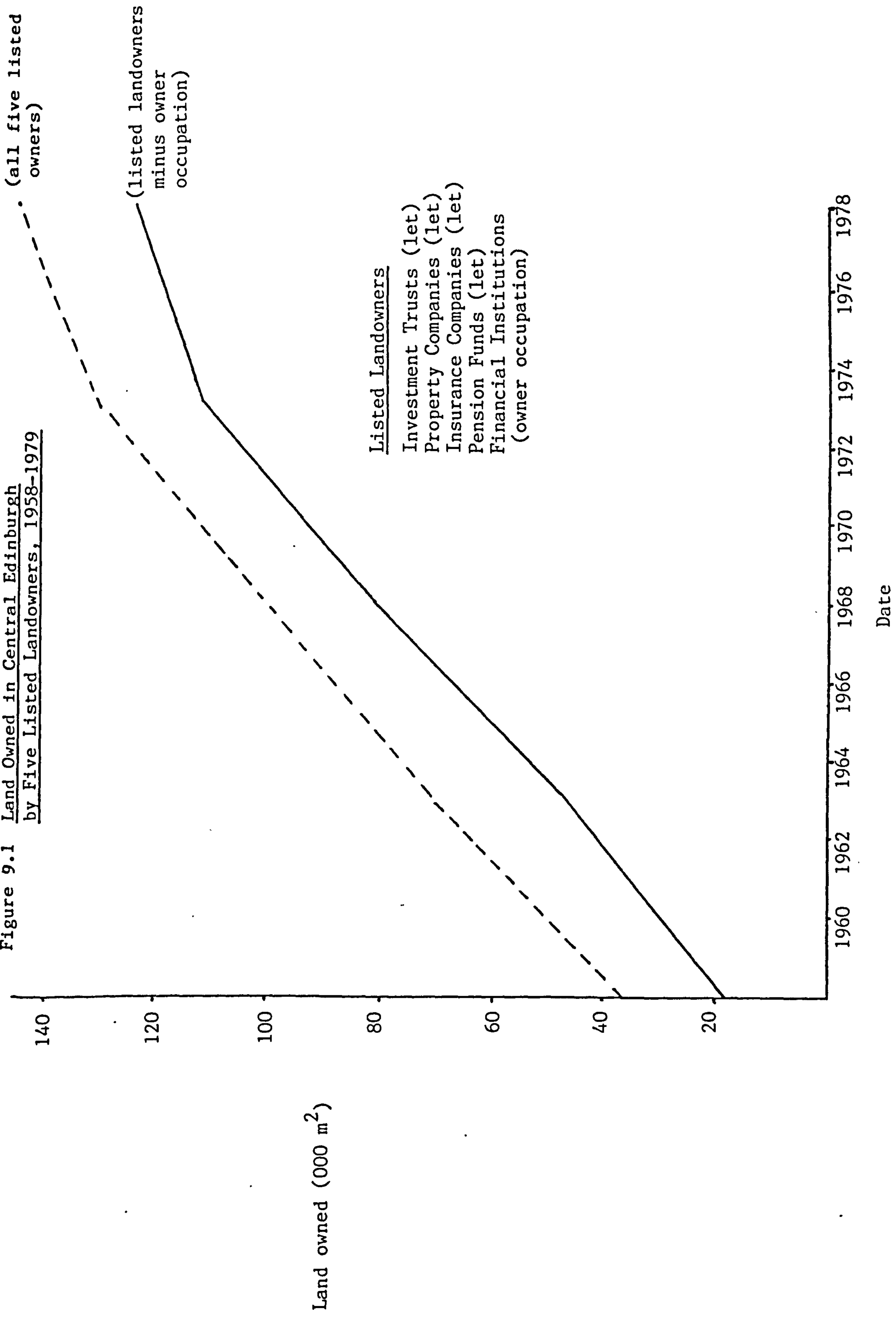
Figure 9.1, illustrates the growth in the landownership of the five listed landowners (see Footnote 13) in central Edinburgh between 1959 and 1978. The growth is spectacular, rising to over 140,000 sq.m owned in total by 1978 and 120,000sq.m let¹⁵. After remaining steady throughout most of the study period, the rate of purchases slowed down following the property collapse in 1973. The early purchases of land are interesting in that they reveal that land investment (mainly by insurance companies) was already under way in Edinburgh before the start of the 1960s. The fraction that the five listed land owners occupy as a proportion of the total owned and let has fallen

13. In order to reduce what was an extremely onerous data collection and mapping exercise, the Scottish/non-Scottish distinction was dropped from insurance companies and property companies, leaving the five groups as pension-funds, insurance companies, property companies, investment trusts and sites owned and occupied by financial institutions other than banks. This last category includes property owned and occupied by insurance companies.

14. Rateable valuation is assessed in Scotland by the local authority, but unlike England, the records on valuation are publicly reveal the name of the proprietor, the name of the tenant, the address of the property, the land use and rateable value.

15. This figure relates to land not office space or retail space and was calculated from Ordnance Survey base maps.

Figure 9.1 Land Owned in Central Edinburgh
by Five Listed Landowners, 1958-1979



considerably through time from 50 percent to over 15 percent .

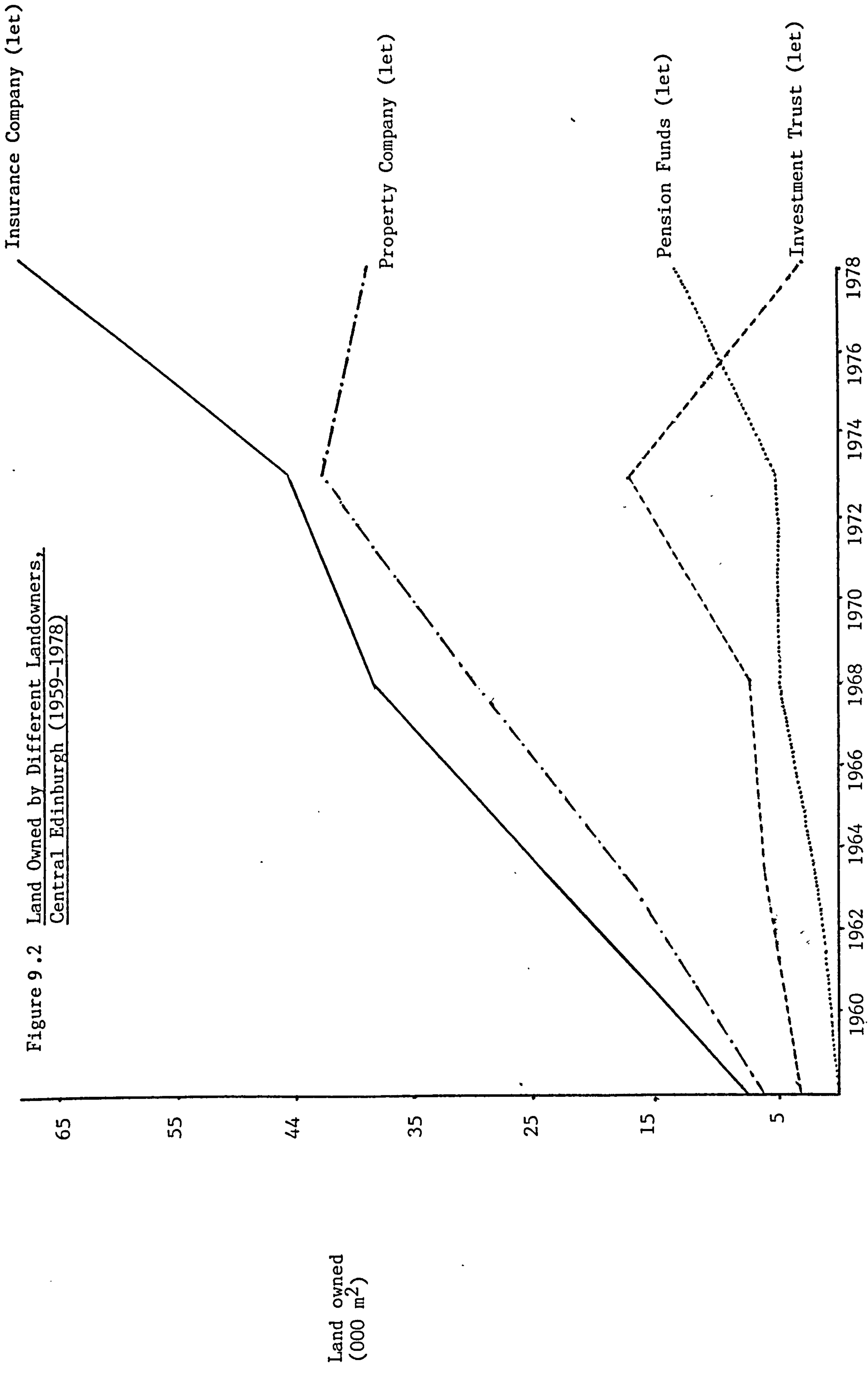
Figure 9.2 breaks the previous figure down into its constituent parts ¹⁷ . As can be seen, the largest single growth in ownership was by the insurance companies who, by 1978 owned approximately 68,000 sq.m of land in central Edinburgh. Although property companies and insurance companies owned similar amounts of land in 1958, by 1978 the insurance companies owned over a third more land than the property companies. An interesting feature of the growth in land ownership by insurance companies is that the rate of growth appears to slacken in the period up to the property boom of the early 1970s. This is followed by a boost in land purchases. Land ownership by pension funds also rises rapidly in the last time interval.

These figures reflect the general patterns for the growth in land ownership by financial institutions outlined in Chapter 5 with land sales by property companies in the latter part of the study period being readily identifiable. The steady growth in property letting by property companies and investment trusts is reversed after the property collapse. Investment trust letting dropped rapidly to its 1958 level, although much of this relates to the sale of Argyle House to an Edinburgh-based insurance company.

16. As a very rough estimate, if one takes a figure of 140,000 sq.m, with a 3-storey average ground floors as shops at £60 per sq.ft. per annum and other floors as offices at £5 per sq.ft., then the annual income from this amount of property is nearly £98 million. At a yield of 5%, this equals a capital value of nearly £2 billion.

17. This obviously entails all the problems encountered earlier with respect to nested ownerships. Because the investigation into ownerships of the companies themselves was abandoned, it might be presumed that, through their likely ownership of property company shares and assets, the real interests of the big financial institutions have been underestimated.

Figure 9.2 Land Owned by Different Landowners,
Central Edinburgh (1959-1978)



The relative positions of the four listed lessors in central Edinburgh is shown in Figure 9.3. The insurance companies and property companies were the most important until 1973 with the pension funds and investment trusts as only minor lessors. This was changing at the end of the study period and it looked possible that pension funds might replace property companies as the second most important lessors in the city centre.

The extent of financial institution and property company landownership in central Edinburgh is more easily understood if their purchases are mapped¹⁸. As will be seen, most of the purchases were found to be in the First New Town and, to assist our appreciation of the extent of the concentration in ownership in these parts of the central area, the percentages of some important street frontages owned by each of the five groups has also been calculated and graphed.

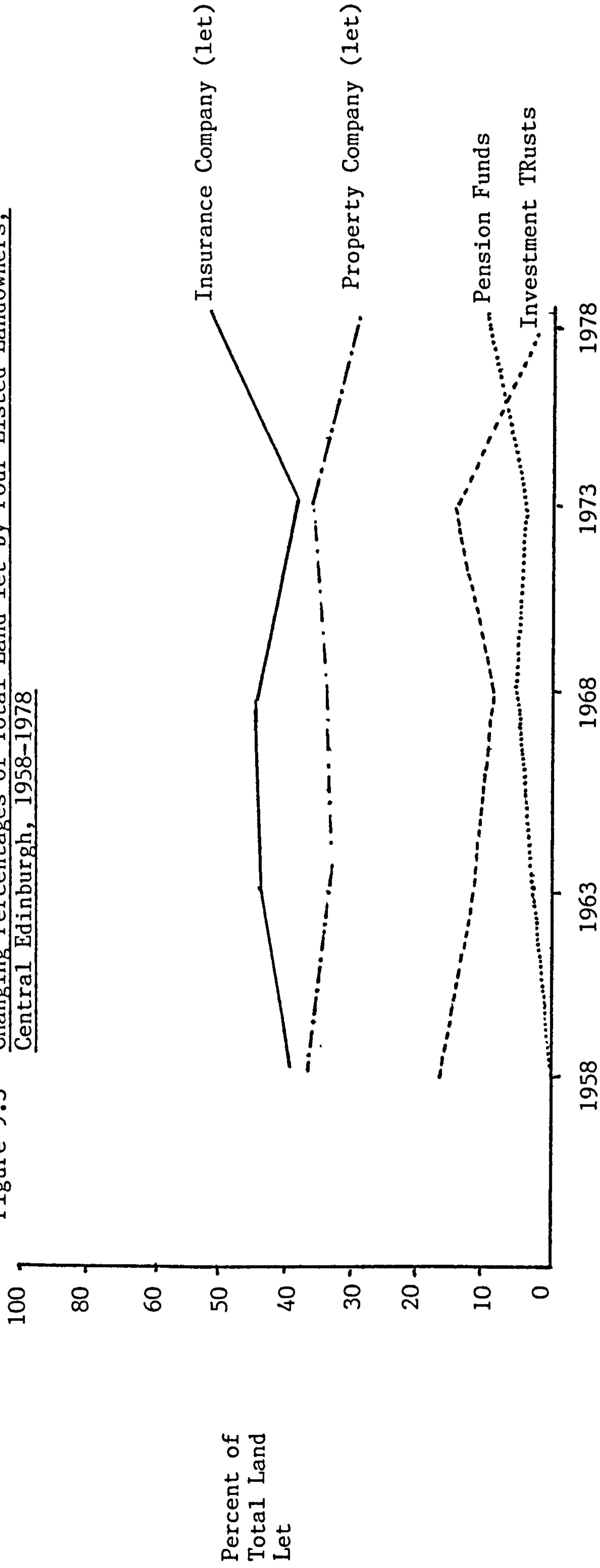
Figure 9.4 shows that in 1958/59 most of the property owned by the five landowners was held by insurance companies, for their own use in the First New Town area, with a concentration of land parcels in the St. Andrews Square area¹⁹. There are also some investment trust properties close to Charlotte Square. In the South Side there are a number of residential properties owned by locally based property companies²⁰.

18. Obviously, in a city where most properties are 2 or 3 storeys high and it is common for each storey to be in different ownership, mapping is difficult. The convention used is that properties which were predominantly held by one of the five groups (by rateable value) were mapped.

19. Figure 6.1 and the street map for use with Chapters 6 and 7 (included in the pocket inside the back cover of the thesis) may prove useful for the subsequent description.

20. See the work of Elliott and McCrone (1975) on these companies.

Figure 9.3 Changing Percentages of Total Land let by Four Listed Landowners, Central Edinburgh, 1958-1978



Percent of
Total Land
Let

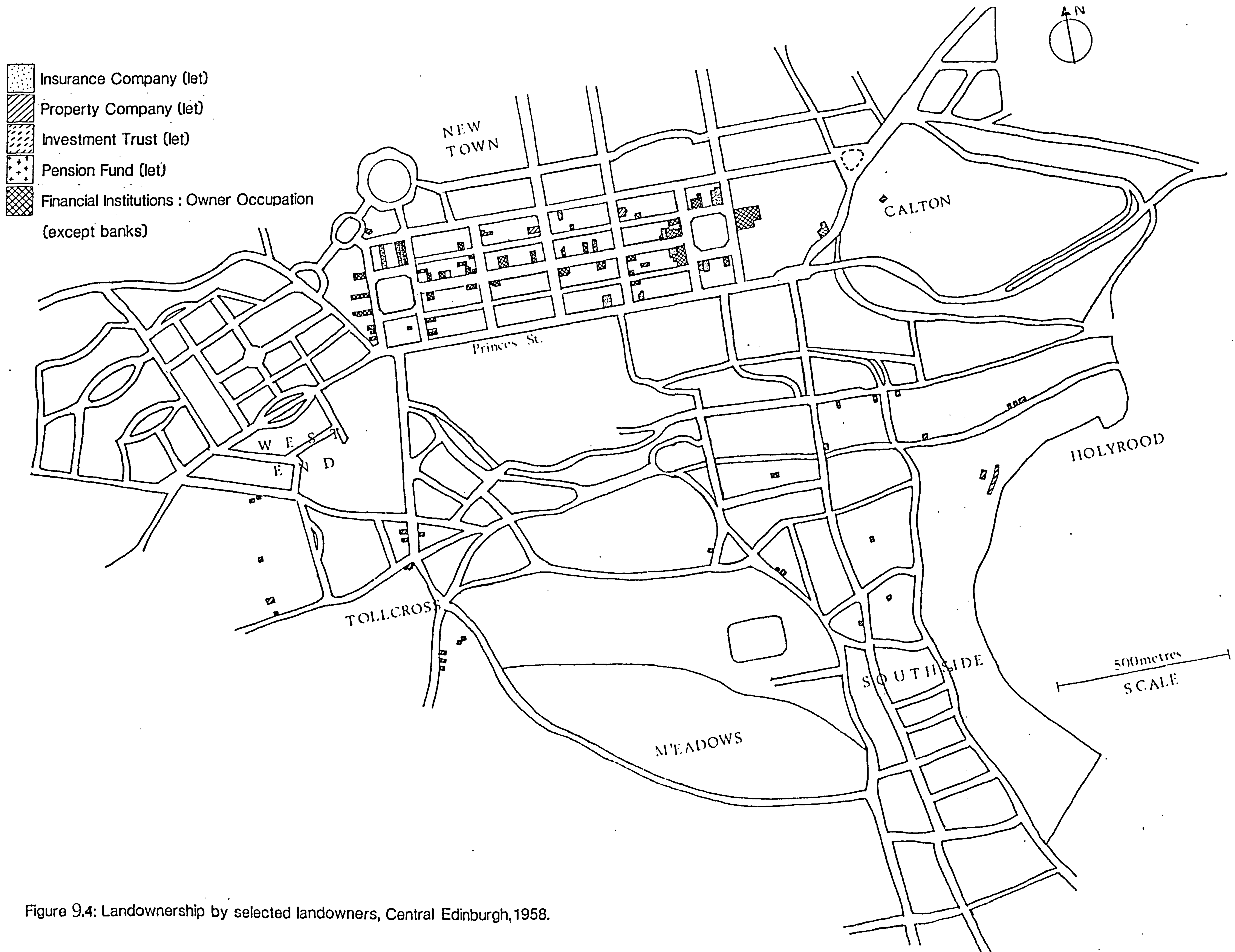


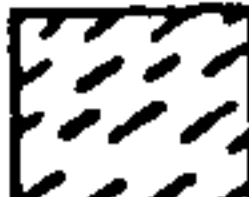




Figure 9.4: Landownership by selected landowners, Central Edinburgh, 1958.

-  Insurance Company (let)
-  Property Company (let)
-  Investment Trust (let)
-  Pension Fund (let)
-  Financial Institutions : Owner Occupation
(except banks)

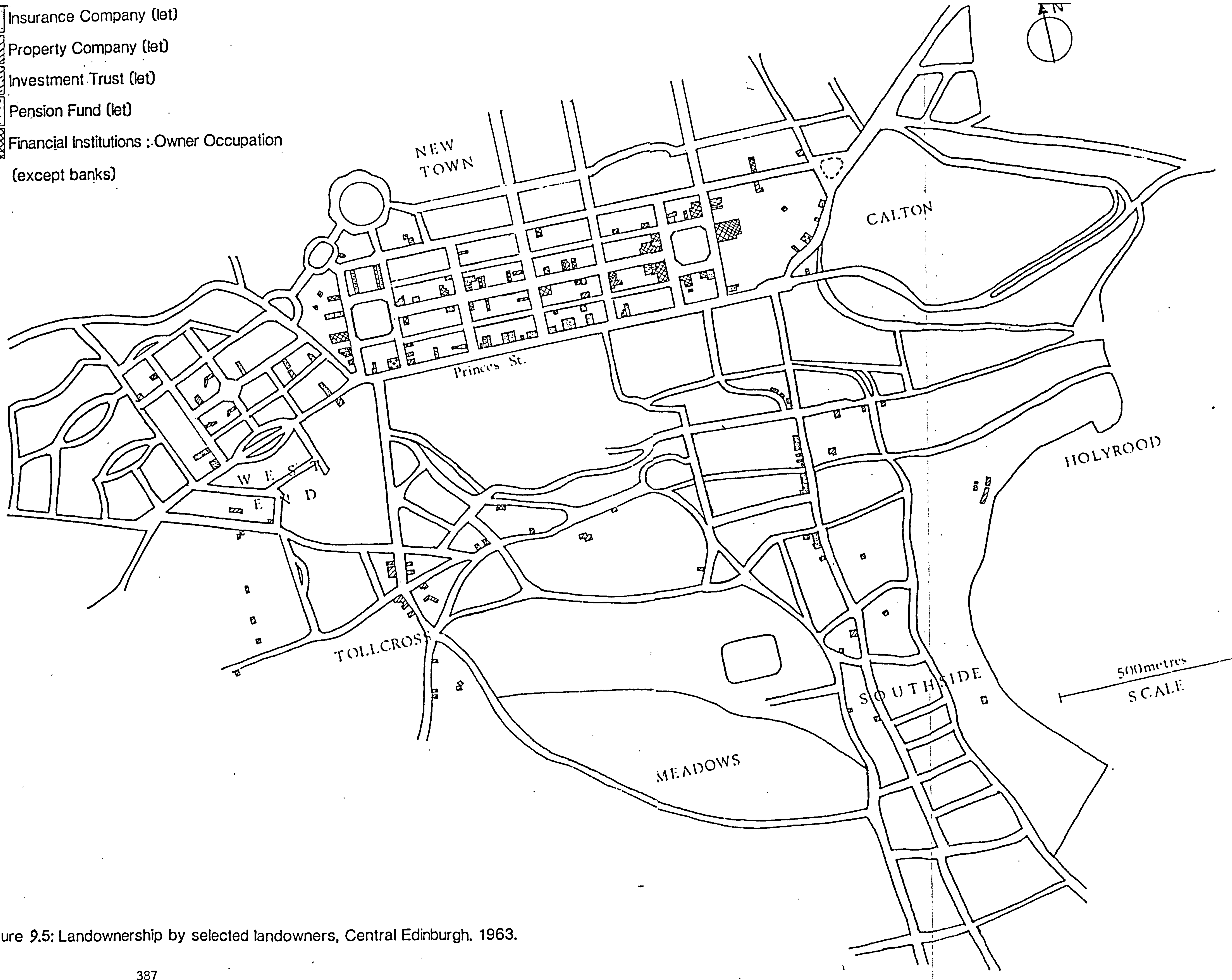







Figure 9.5: Landownership by selected landowners, Central Edinburgh. 1963.

-  Insurance Company (let)
-  Property Company (let)
-  Investment Trust (let)
-  Pension Fund (let)
-  Financial Institutions : Owner Occupation
(except banks)

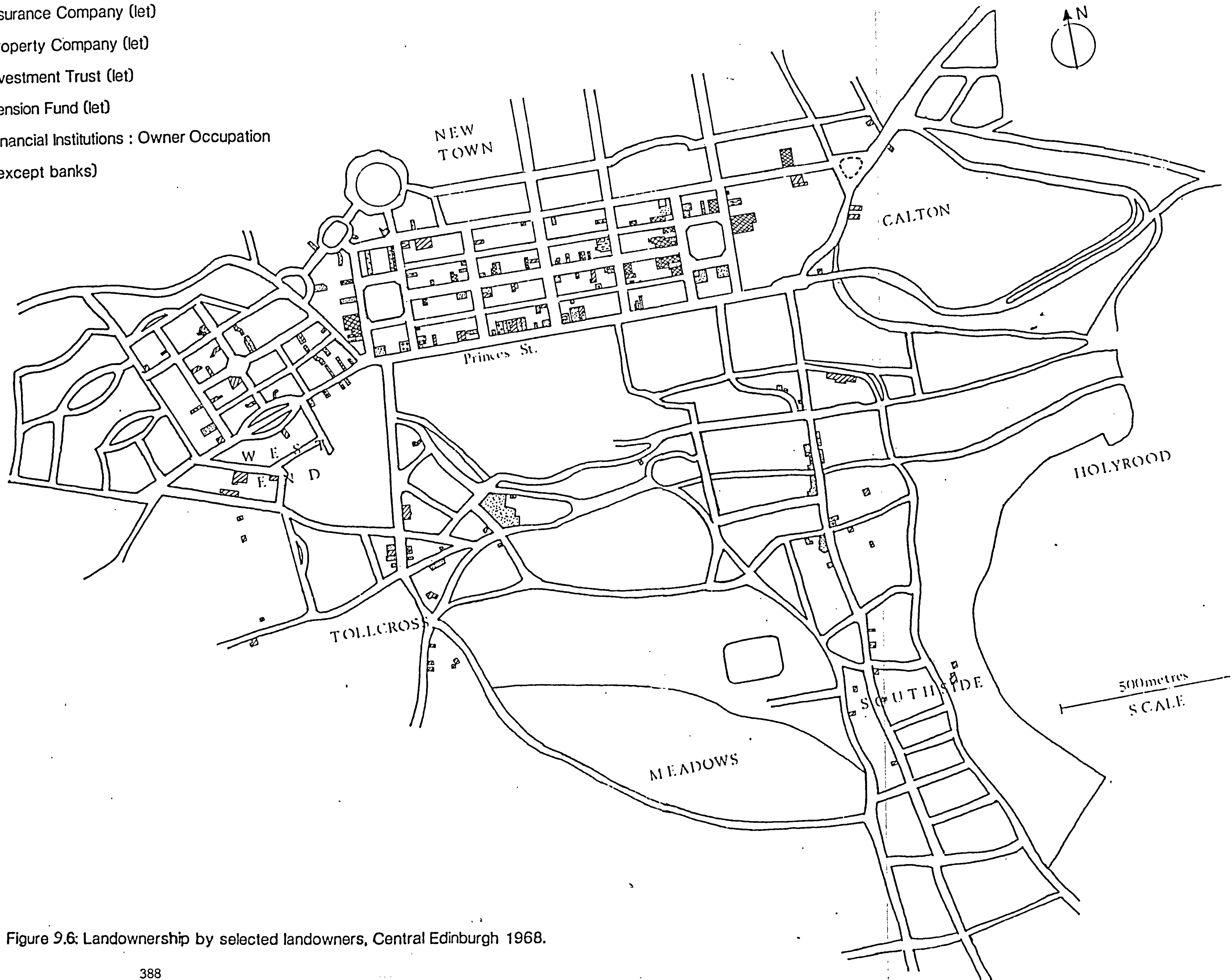


Figure 9.6: Landownership by selected landowners, Central Edinburgh 1968.

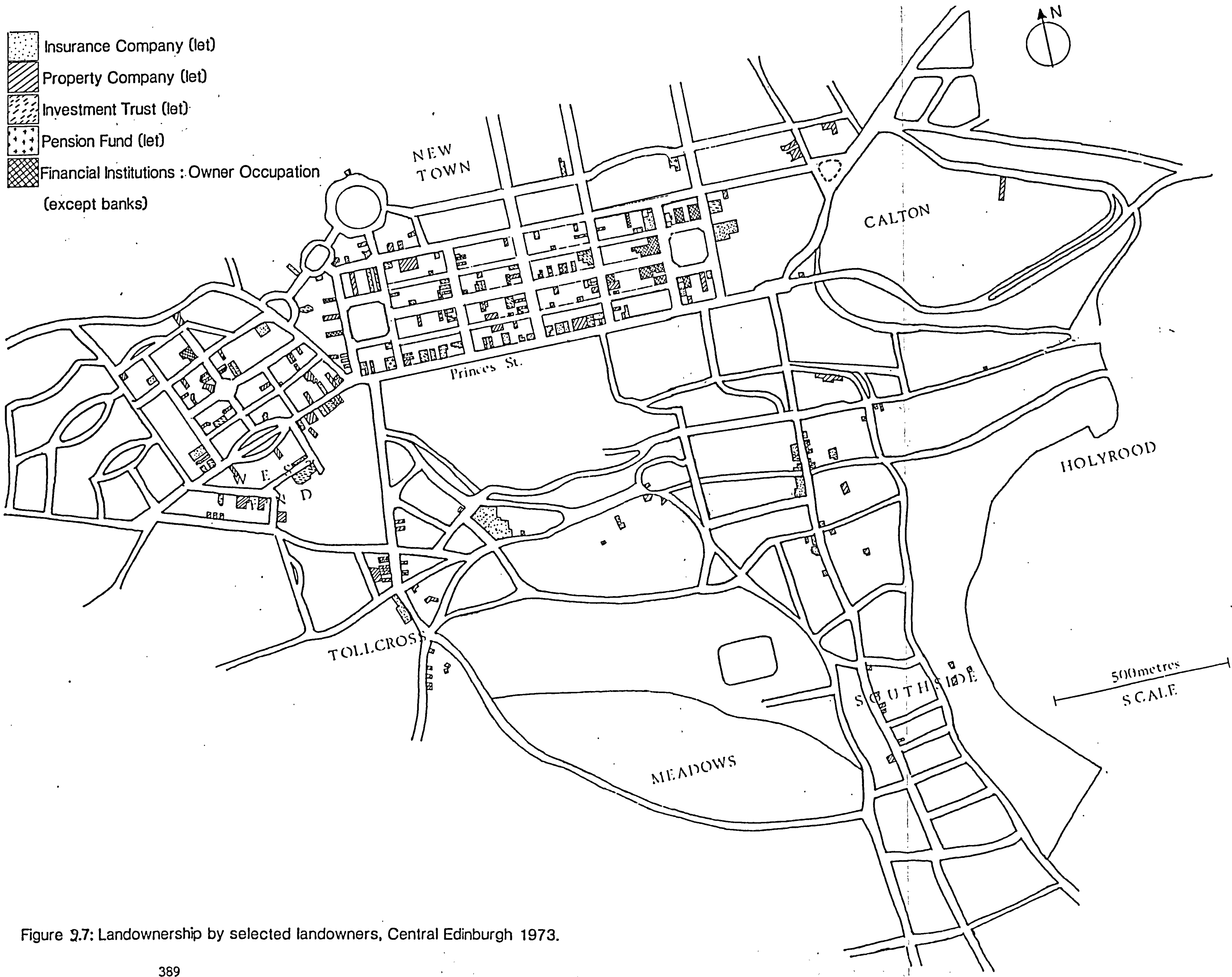







Figure 9.7: Landownership by selected landowners, Central Edinburgh 1973.

1973/1974 in the ownership of those landowners leasing property. Particularly noticeable areas are the West End (especially the eastern part of Shandwick Place), Princes Street (especially between Frederick Street and Hanover Street) and the roads off St. Andrews Square. There was also continued purchasing on the South Bridge, Tollcross and in the Torpichen area.

Figure 9.8 illustrates the effects of Edinburgh's continued attractiveness to property investors after the property crash in 1974. Although there has been some sale of assets at the eastern end of Princes Street, George Street and the St. Andrews Square area seem to be dominated by financial institution investments by the end of the study period. The West End saw further purchases of property but, as can be seen, even in 1978 most of this was still held by property companies. The build up of assets in the Torpichen area is seen to have continued whilst some properties were released by financial institutions and property companies at Tollcross and the South Bridge.

A second, more quantitative, assessment of the importance of the listed landowners is given by an examination of the percentage of certain street frontages owned by them. The chosen streets represent a cross section of the opportunities for land investment in Edinburgh. They are Princes Street, Charlotte Square, Melville Street and Crescent, St. Andrews Square and George Street.

Figure 9.9 reveals that some streets have been dominated by financial institution landowners for a considerable time. Both St. Andrews

-  Insurance Company (let).
-  Property Company (let)
-  Investment Trust (let)
-  Pension Fund (let)
-  Financial Institutions : Owner Occupation
(except banks).

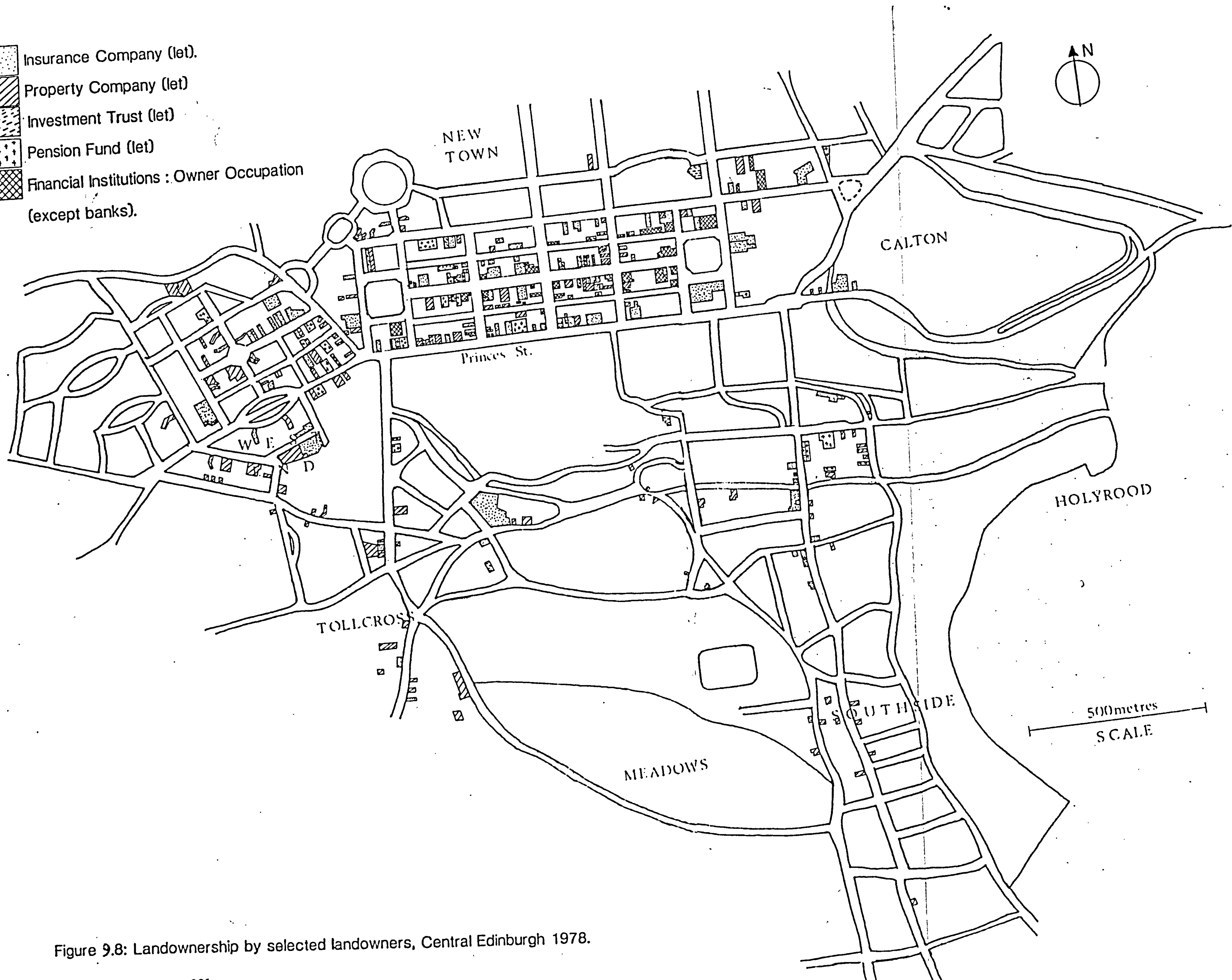
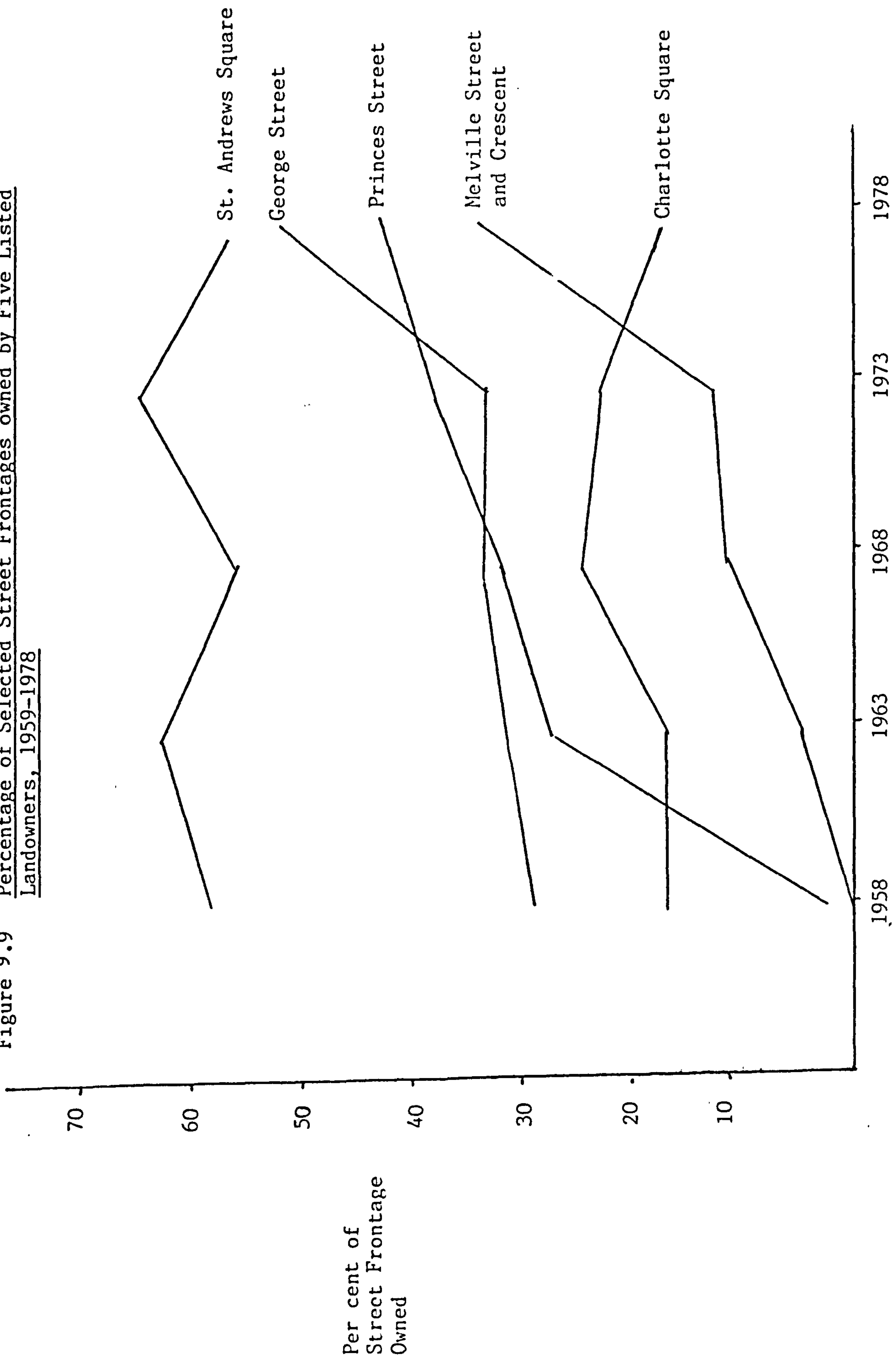


Figure 9.8: Landownership by selected landowners, Central Edinburgh 1978.

Figure 9.9 Percentage of Selected Street Frontages owned by Five Listed Landowners, 1959-1978

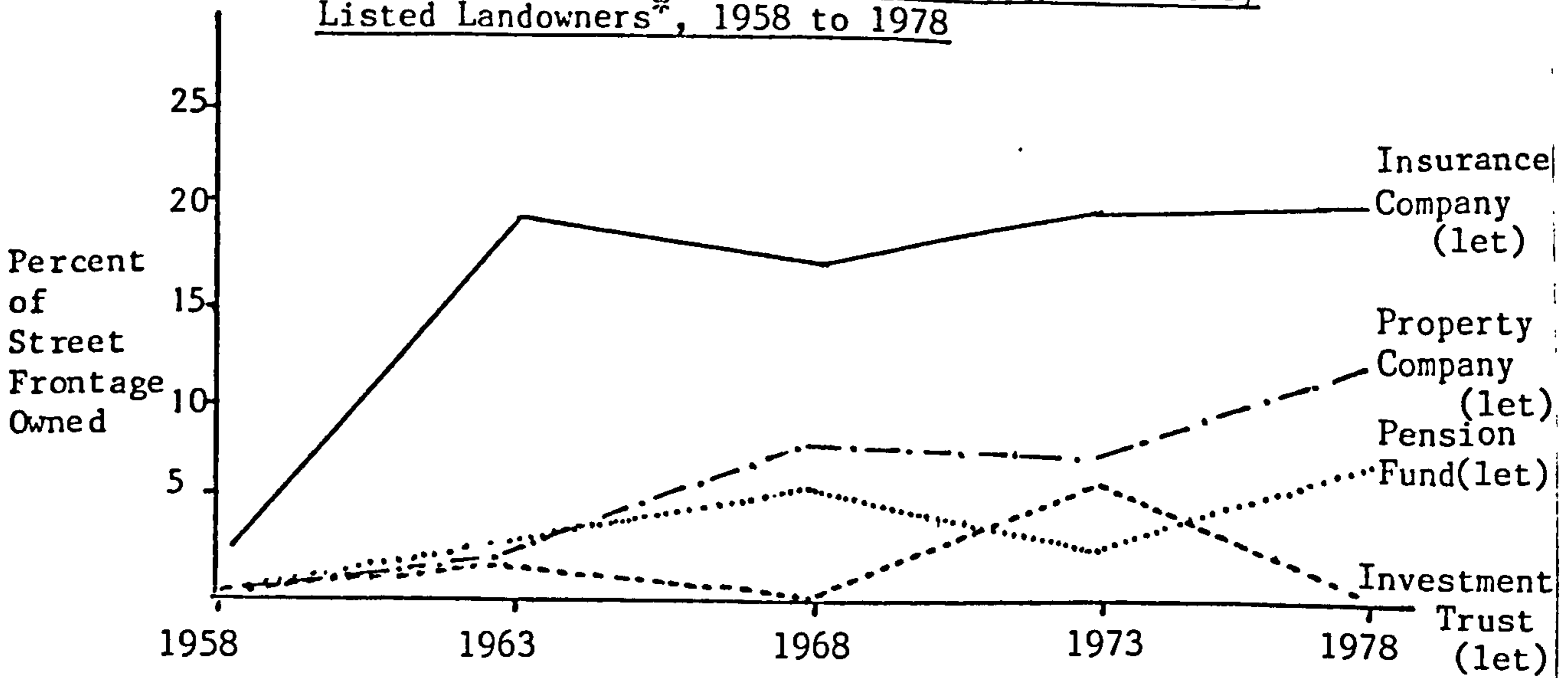


Square and George Street have been major insurance company bases since before the Second World War. In contrast, other streets have been 'bought in' by the five listed landowners, at different times. Whereas St. Andrews Square remained approximately 60% owned by insurance companies and property companies throughout the study period, Charlotte Square, the historical base for many of Edinburgh's more prestigious investment funds and legal practices, has remained with only 20% of its frontage owned by listed landowners.

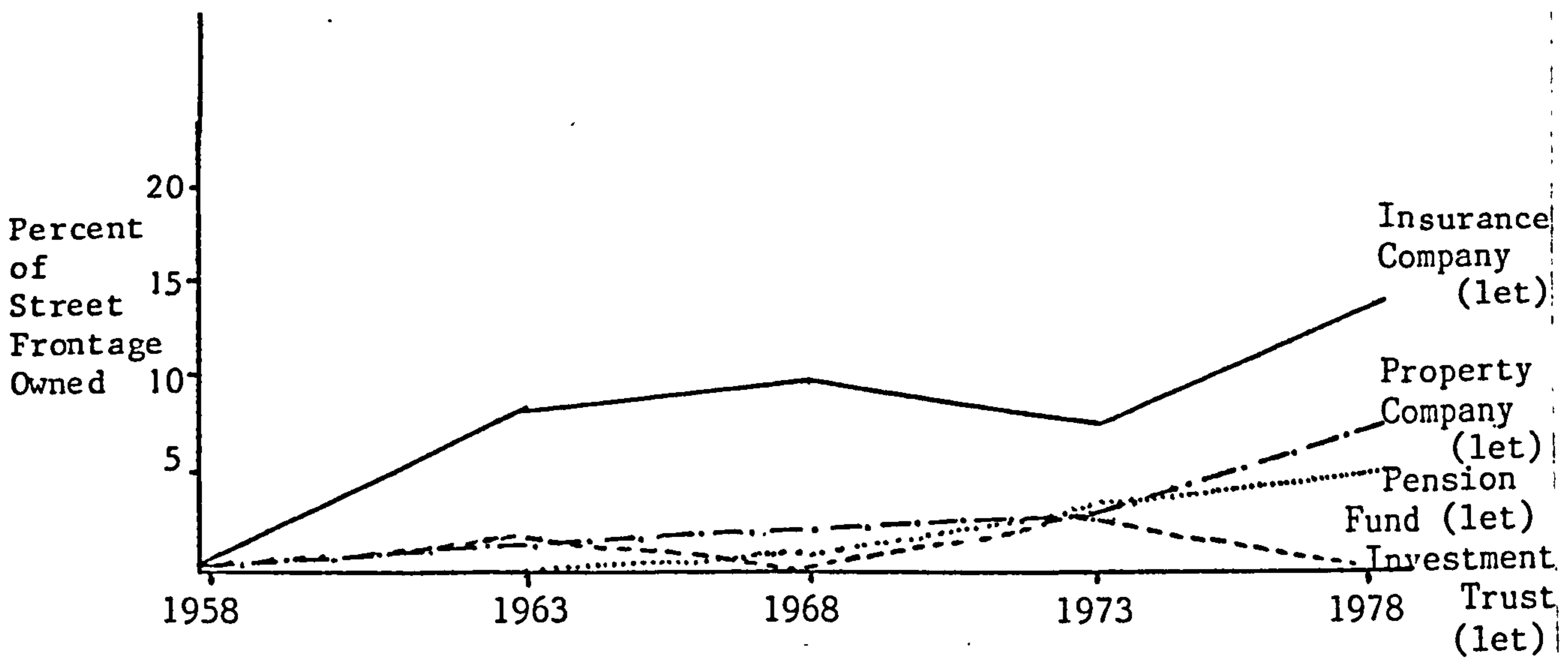
There is also an interesting contrast between the speedy purchase of property in Princes Street in the early 1960s with the later purchases of property in George Street. Undoubtedly, the former was largely related to the retail development, which occurred throughout the 1960s in Princes Street, whereas George Street was one of the areas which remained attractive to property investors wishing to develop property to house incoming banks in the mid-1970s. Melville Street and Crescent, in the West End, has seen steady growth over the study period and is now over 30% owned by the listed landowners.

Figure 9.10 (a-e) reveals how different lessors involved themselves with different streets in central Edinburgh. Figure 9.10a shows how the insurance companies were involved in leasing property in Princes Street at an early date. Much of this was because of office relocation by insurance companies from Princes Street into St. Andrews Square with the vacated sites then being leased. Property company ownership in Princes Street, like that of pension funds, has grown steadily throughout the study period. In contrast, apart from a

Figure 9.10 Percentage of Selected Street Frontages Owned by Listed Landowners*, 1958 to 1978



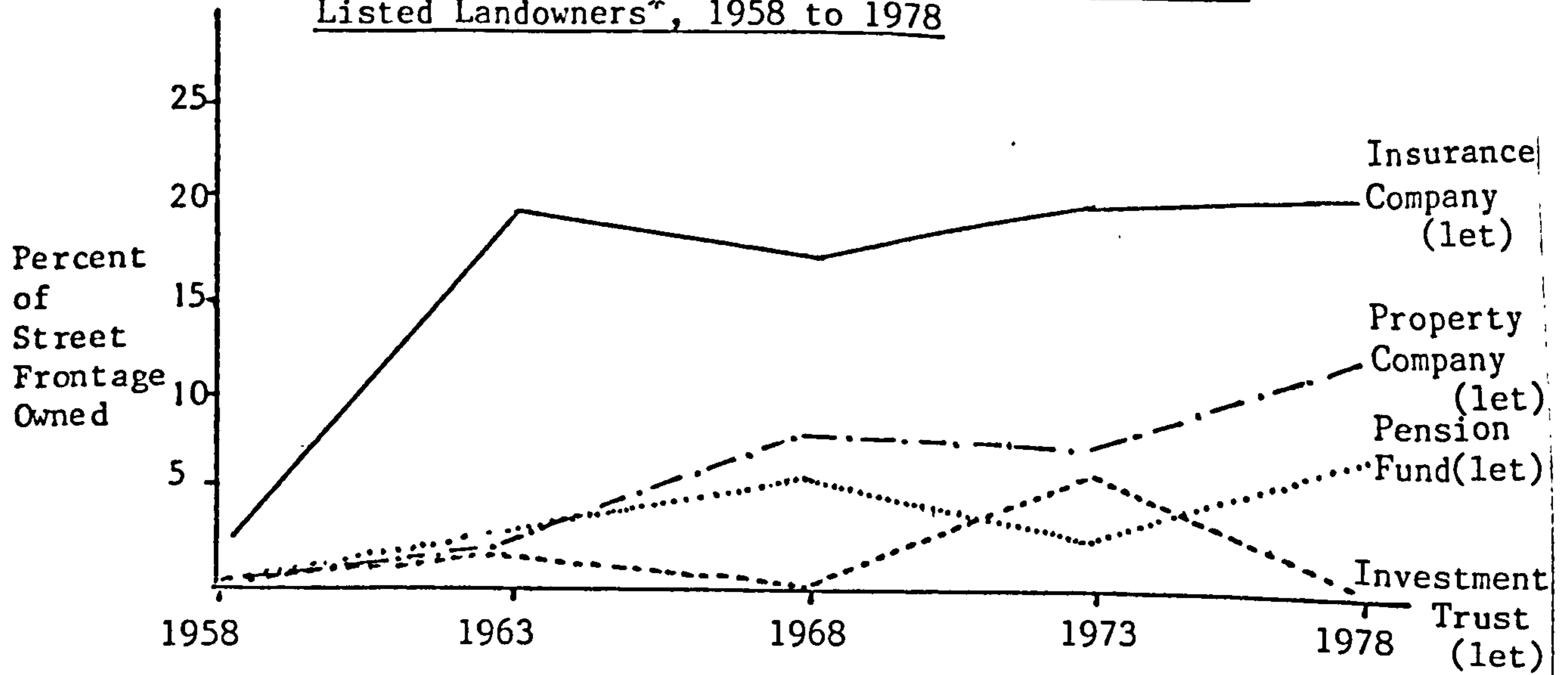
(a) Princes Street



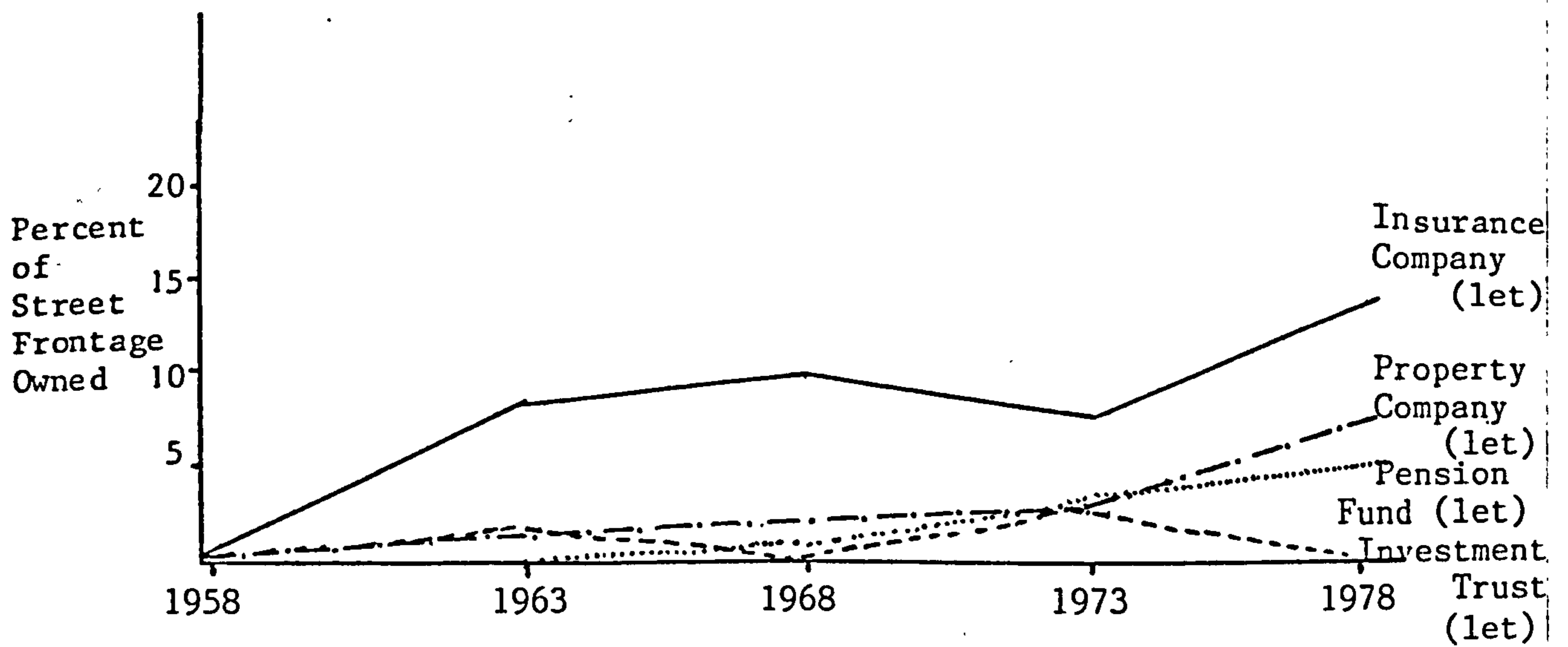
(b) George Street

* Financial Institution owner occupied properties have not been graphed.

Figure 9.10 Percentage of Selected Street Frontages Owned by Listed Landowners*, 1958 to 1978



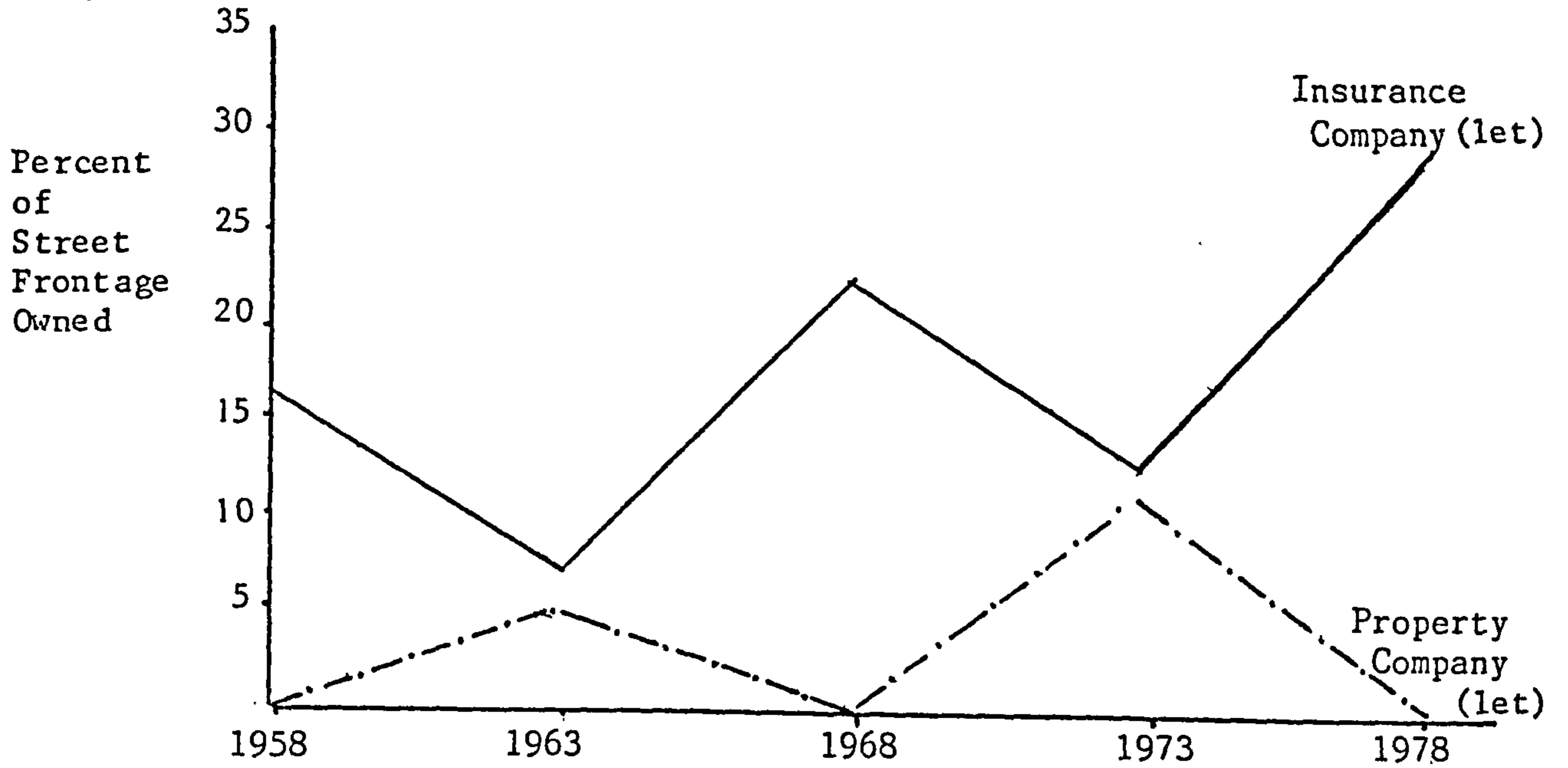
(a) Princes Street



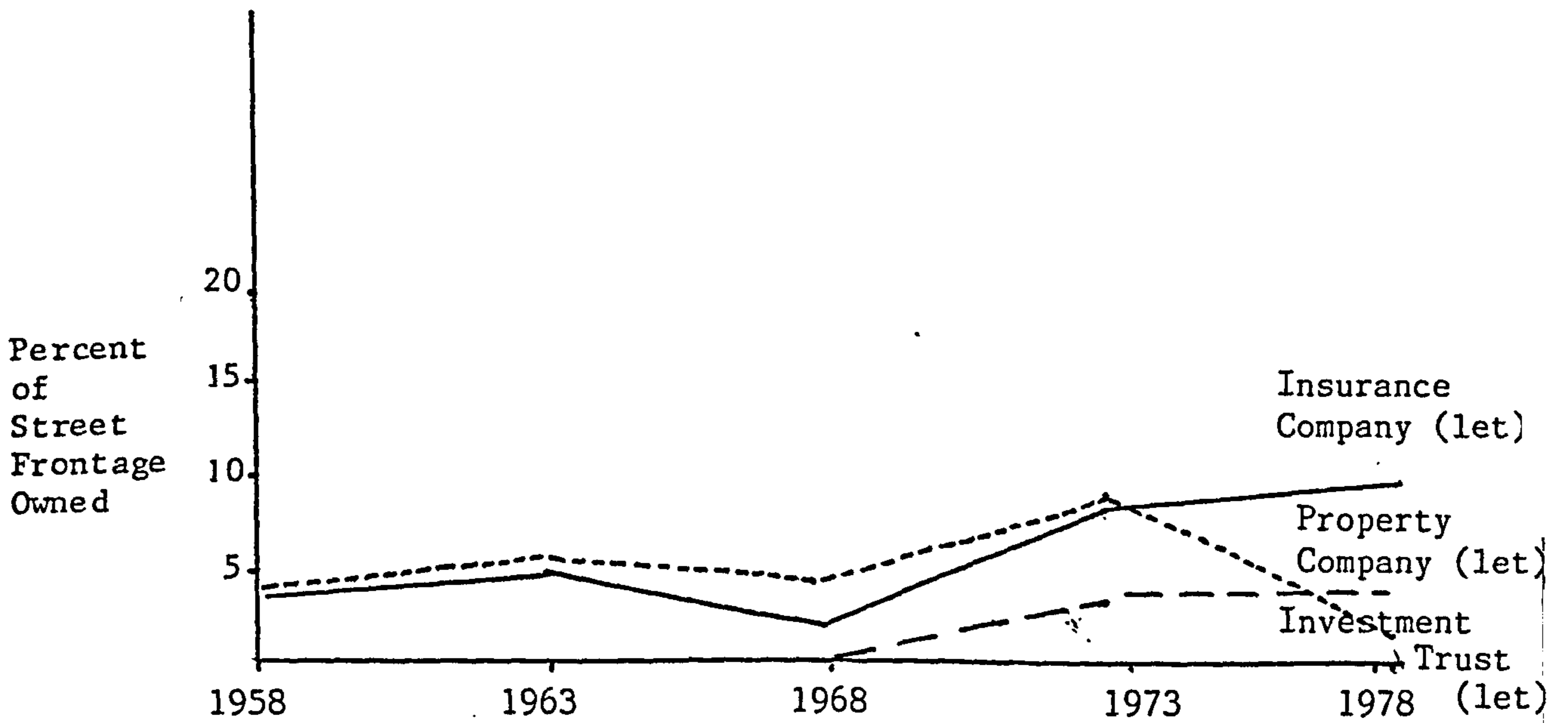
(b) George Street

* Financial Institution owner occupied properties have not been graphed.

Figure 9.10 (continued)

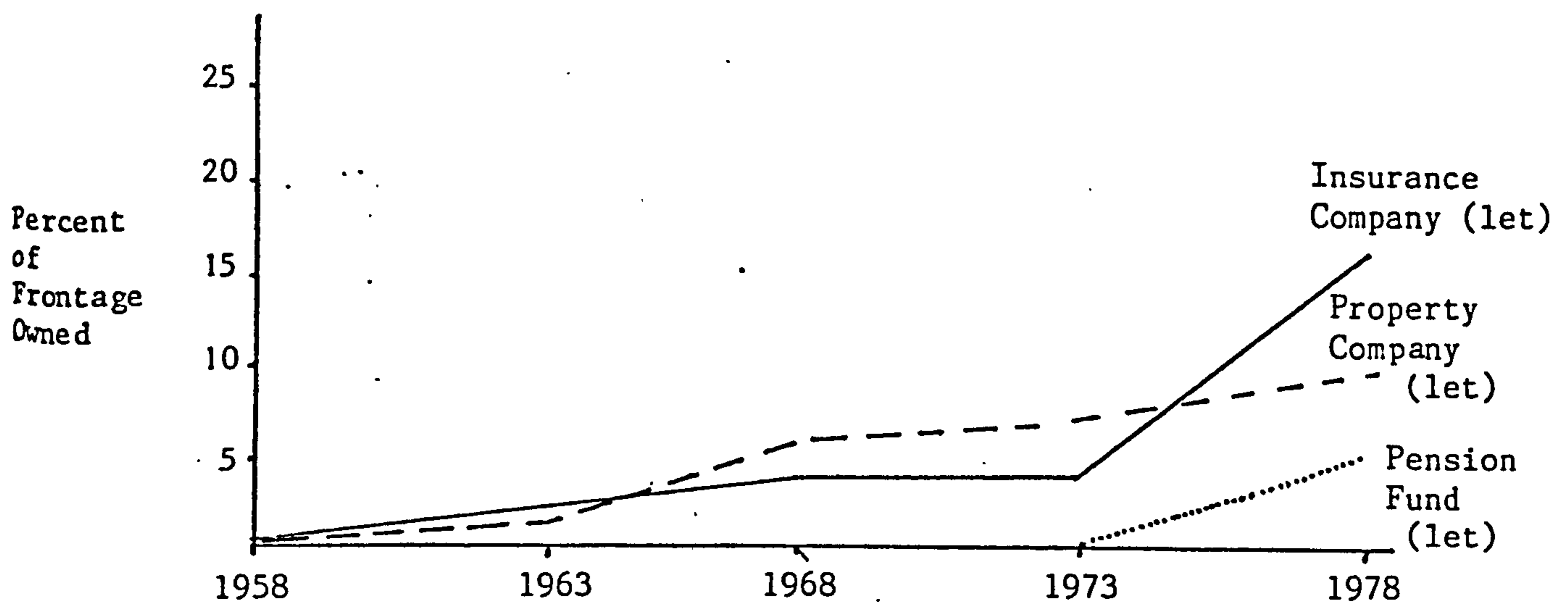


(c) St. Andrews Square



(d) Charlotte Square

Figure 9.10 (continued)



(e) Melville Crescent and Street

rapid entry and exit into ownership in Princes Street around the time of the early-1970s property boom, the investment trusts have rarely been involved in long term property investment.

This pattern of quick purchase and sale seems common for investment trusts and is exhibited in Figure 9.10b. Indeed the pattern in George Street almost mirrors that in Princes Street with insurance companies being the first to get involved, with pension fund and property company ownership rising steadily. There is a late burst of buying by insurance companies, the reasons for which have already been discussed.

Figure 9.10c illustrates the spasmodic involvement of property companies and insurance companies in leasing property in St. Andrews Square. Although, the graph lines are exact opposites of each other, this should not be interpreted simply as a limited number of properties being sold backwards and forwards between the two types of landowners, although such sales did occur. There was also some sales of properties within the square to eventual owner-occupiers.

Charlotte Square (Figure 9.10d), shows extensive early investment trust ownership which evaporated after the property collapse in 1974. The insurance companies, however, increased their ownership to 10% of the total by the end of the study period. There have also been a couple of property company purchases in the 1970s. Melville Street and Crescent (Figure 9.10c) have shown steady growth throughout the period 1958 to 1978 and together reveal that property company interest has been sustained in the area despite the property collapse.

Figure 9.11, summarises the situation for the five streets in 1978 and shows the marked differences between them in terms of their landownership patterns.

Finally, Figure 9.12 illustrates the overall difference in levels of letting in the five streets over the study period. Even in those thoroughfares where leasing was common in 1958, like St. Andrews Square and Charlotte Square, the level of let property has at least doubled. In other streets the rate has gone from virtually nil to over 30% within twenty years.

Hence, it is quite clear that the changes in land ownership in central Edinburgh are very great indeed, have occurred over a very short a period of time and represent important changes in the parameters of the economic and political arena within which property development in the central area is carried out and controlled by local government. There is no question that, in central Edinburgh at least, one of the key resources for development, namely land, is increasingly falling into the hands of a limited range of, potentially, powerful landowners (see Chapter 5). These new landowners are much more interested in leasing land than the older, less extensive landowners who were largely concerned with benefits through owner occupation²³. On the whole they are also in possession of far higher levels of capital than past owners. In terms of our questions concerning likely power, one would anticipate that this growth in landownership would have been

23. This statement does not, of course, refer to the large feudal landowners in the City for whom until recently, this land was a source of an historically determined feu-duty (see Appendix 3).

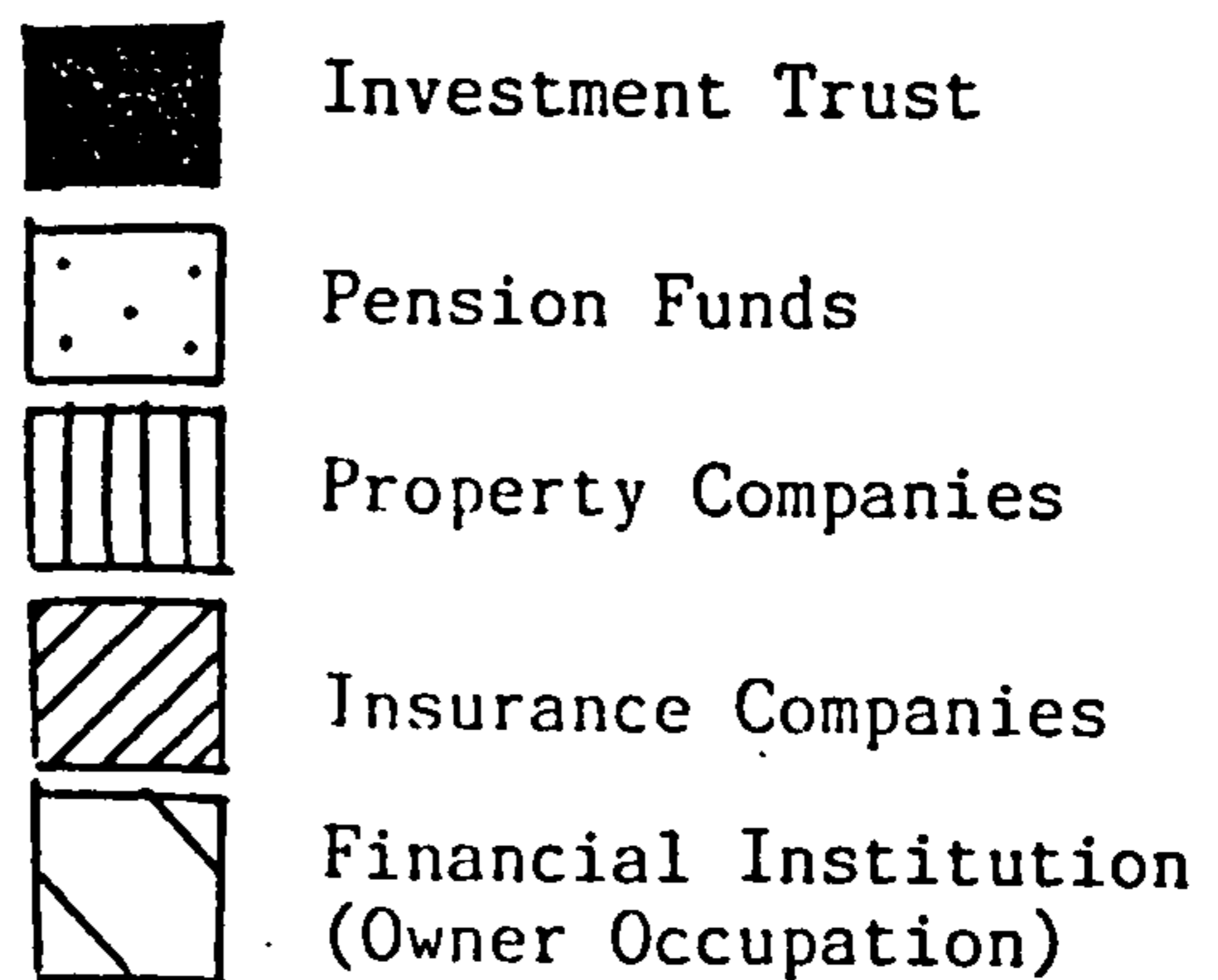
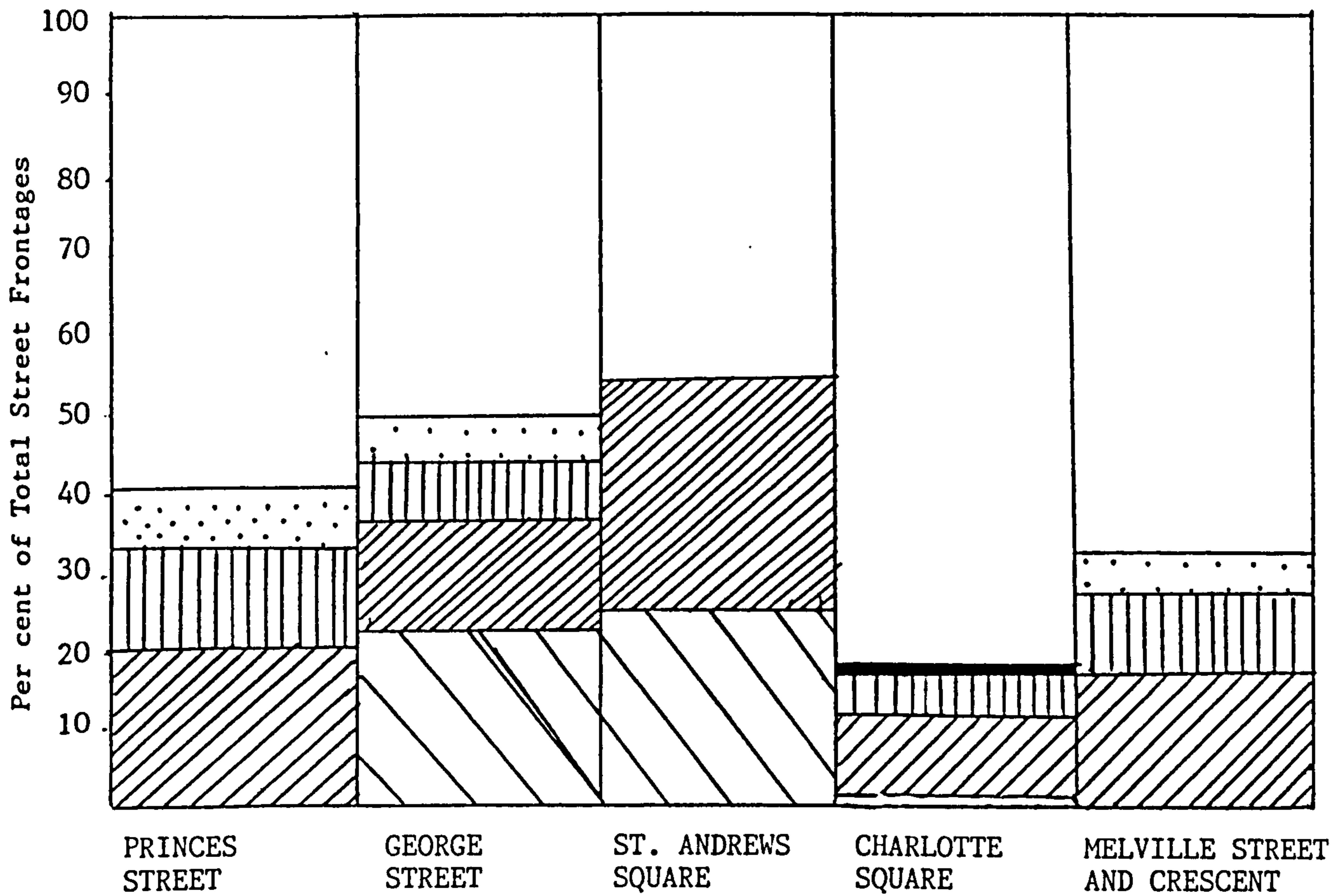


Figure 9.11: Per cent of selected Street Frontages Owned by Five Listed Landowners, Central Edinburgh, 1978

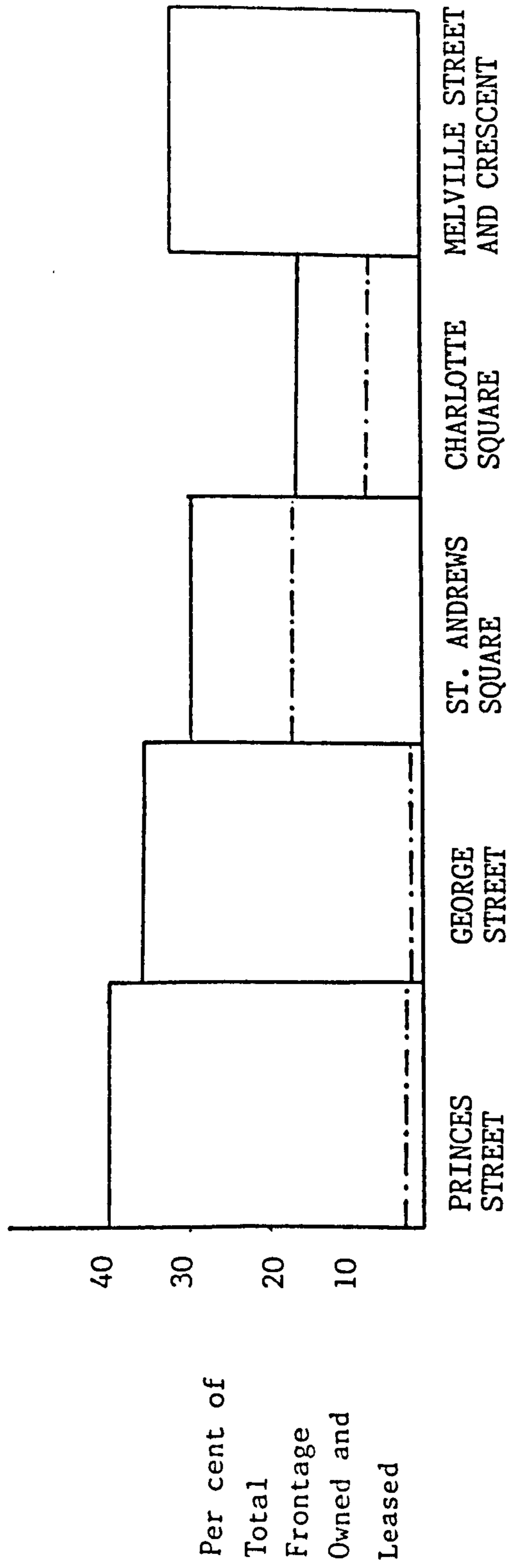


Figure 9.12: Per cent of Selected Street Frontages Owned and Leased by Four Listed Landowners, Central Edinburgh, 1958 and 1978 (excluding Owner Occupiers)

paralleled by a growth in political power for the various listed groups.

Acting as a summary, Table 9.2 presents the information we have gathered together in this section on the relative resources available to the different types of developers operating in central Edinburgh in the study period. It is based on the information presented in Chapter 6, information from interviews carried out in Edinburgh (see Appendix 1) and from the above survey of land and other resources.

Development Undertaken by Different Types of Developer

The amounts of development calculated to have been undertaken by different types of developers are shown in Table 9.3 below ²⁴.

As can be seen, the four largest developers in central Edinburgh between 1959 and 1978 were the non-Scottish property companies, Scottish property companies, Scottish insurance companies and the investment trusts, who together developed 56% of the total office space created. Even with the exclusion of Argyle House and the St. James' Centre, these four developers remain the most important. Together, the property companies were the most prominent development force in Edinburgh, developing over 27% of the given total, adding nearly 100,000 sq.m (over 1 million square feet) to the office stock. A third of this was incorporated in the St. James' Centre. The other two large developers, the Scottish insurance companies and the

24. As in Chapter 7, the figures are distorted by the inclusion of the St. James' Centre and Argyle House.

TYPE OF DEVELOPER	CAPITAL RESOURCES	POLITICAL RESOURCES	LAND RESOURCES
Citizens	Presumed to be limited	Some with connections	Generally, individual parcels only - selling own property for development
Local Companies	Generally, limited. Small businesses, usually service professions	As a group, good political connections through Chamber of Commerce	Usually buy property to develop for their own use. No extra land purchase for investment
National Companies	Greater than for local companies, usually. Often looking for prestige sites.	Variable. Some have contract through the Chamber of Commerce.	Usually buy property to develop for their own use. No extra land purchase for investment.
Scottish Property Companies	Variable. Some are small residential property companies. Other are major investors	A limited number have good contacts, but generally quite distant.	Major builders of property to the early 1970s, but since that time much less property. Since they act independently their land assets do not afford them a "power-hand".
English Property Companies	Variable. Some small companies involved in refurbishments. Others very large, operating in prime office locations.	Presumably poor.	
Scottish Insurance Companies	Several companies with large capital resources	Generally, good, with formal and informal channels.	As a group, the insurance companies now own large areas of the City. Some of this is for their own use, but they also have major investment interests in the city. No coherent action with respect to these assets.
Other Insurance Companies	A range of companies with large capital resources.	Variable depending on interaction with local business community	
Pension Funds	Usually extensive	Presumably limited.	Rapidly growing land resources held by a range of pension funds.
Property Investment Trusts	Usually quite major.	Presumably limited.	Ephemeral. Quite large in the early 1970s. Now dwindled.
Construction Companies	Variable. In terms of office developers, usually quite major	Variable. Most have good political contacts through Chamber of Commerce.	Usually buy land to develop and sell. No land purchase for investment.
Investment Trusts	Usually extensive	Poor. Although some of the small, Edinburgh based trusts are connected indirectly through the Chamber of Commerce.	Some major investors have retained properties in Edinburgh, but their landownership is relatively ephemeral.
Estate Agents	Limited	Good. Their expertise is valued and the contact is frequent.	Limited.
Local Government	Extensive, through locally and nationally raised taxes.	Extremely good through intra-organisational contact.	Extensive, but not in the prime locations. In the Southside, lots of land with potential for development.
Central Government	Enormous, through nationally raised taxes.	Good, through inter-organisational contact.	Usually buys land for own development, although statutory undertakers own a great deal
Banks and Building	A range of companies with huge capital resources.	Quite good, through a variety of types of types of contact.	Usually buys land for own development. They are extensive land owners in prime areas because that is where their business is.

Table 9.2: Summary of Resources: Developers in Central Edinburgh, 1959-1978

It should be noted that this table does contain some assumptions.

investment trust produced 10.6% and 17.9% of the total stock respectively.

Type of Applicants	Total Development sq.m	(no)**	Rank*	Total Appli- cations	Average Size of Develop- ment (m2)
Citizens	9989	42	12	60	238
Local Companies	14007	42	8	69	334
Nat. Companies	23343	16	5	24	1459
Scottish Prop Co	58981 (28416)*	17	4	23	1776
English Prop Co	37647	28	1	32	1345
Scottish Ins Co	37397	21	2	21	1781
Non-Scottish Ins Co	7182	8	13	12	891
Pension Fund	11796	7	11	9	1685
Property Inv Trust	3775	2	15	4	1888
Construction Co	12006	8	10	11	1501
Investment Trust	62970 (36679)*	23	3	25	1664
Estate Agent	4384	12	14	18	365
Local Govnt.	13476	5	9	8	2695
Central Govnt.	21398	11	6	14	1945
Banks & Building Soc	26994	29	7	36	931
Other	13758	21		31	665
Total	359,103	292		397	1230

Table 9.3: The Amount of Development Undertaken by Different Types of Developer, Central Edinburgh, 1958-1978

* minus Argyle House and St. James' Centre.

** number for which data was available

Other large developers include national companies and central government bodies which have both been responsible for some very large developments in the City. This reflects the nature of Edinburgh as an office centre of national importance with many national and international firms desiring office space. Although the property companies, insurance companies and investment trusts produced the most development, the local citizens and companies were the most prolific applicants. Together they made over 30% of all applications, the

majority of which were for small change of use from residential to offices.

Given the information in Chapters 4 and 5, the low level of office activity by pension funds and non-Scottish insurance companies in central Edinburgh is perhaps surprising. Table 9.3 shows that pension funds were only the eleventh most prolific office developer in the city centre. This low level of activity is also partially reflected in their land purchasing activities which, Figure 9.2 suggests, were also fairly minimal in Edinburgh city centre until after 1974. The non-Scottish insurance companies were similarly only involved in a few, relatively small developments. Given the disparity between the levels of development by the Scottish and non-Scottish insurance companies, there is an impression that the non-Scottish insurance companies have either stayed out or have been kept out of the Edinburgh market by better informed Scottish companies working on their "home turf".

The only remaining major applicants were the banks and the building societies who together have developed over thirty properties. As will be seen later, the vast majority of these developments were for owner occupation, but as such they have contributed 20,000 sq.m to Edinburgh's office stock.

Table 9.4 demonstrates a close relationship between the type of developer and the type of development undertaken throughout the study period. It shows several important relationships. Possibly the most

Type of Developer	Change of Use			Refurbishment			Redevelopments			Total m ²
	Total Development	Rank	% Total Area	Total Development	Rank	% Total Area	Total Development	Rank	% Total Area	
Citizens	9989	3	100	-	13.5	0	-	14.5	0	9989
Local Companies	12538	1	100	-	13.5	0	-	14.5	0	12538
National Companies	2115	9	9.1	419	10	1.8	20659	4	89.1	23193
Scottish Property Companies	481	14	1.7	6455	2	22.7	21400	3	75.3	28336**
English Property Companies	9499	4	25.2	7067	1	18.8	20541	5	59.6	37107
Scottish Insurance Companies	9463	5	25.3	3779	6	10.1	24089	2	64.5	37331
Non-Scottish Insurance Companies	1584	11	22.1	2518	8	35	3080	12	42.9	7182
Pension Funds	2512	8	21.3	5678	3	48.1	3236	11	27.4	11426
Property Investment Trusts	-	15	-	1118	9	29.6	2657	13	70.4	3775
Construction Companies	1886	10	15.7	4546	4	37.9	5574	9	46.4	12006
Investment Trusts	5750	6	15.7	4253	5	11.6	26601	1	72.7	36604**
Estate Agents	810	12	18.5	194	11	4.4	3308	10	77.1	4312
Local Government	748	13	5.5	-	13.5	0	12728	7	94.5	13476
Central Government	5344	7	25.1	-	13.5	0	15979	6	74.9	21323
Banks and Building Societies	10436	2	51.8	2879	7	14.5	8329	8	33.7	21644
Others	5388			6595			1407			13390

Table 9.4: The Type of Development undertaken by Different Developers, Central Edinburgh 1959-1978

* extensions not recorded ** minus Argyle House and St. James' Centre

noticeable of these is the one between the small scale applicant and the small scale development. This is illustrated by the importance of change of use as a form of development to local citizens and local companies. In contrast to these small developments, the development pattern of national companies coming into the area is one of occasional, very large, new developments and a number of small ones (eleven).

Some interesting contrasts can be made between the two property company groups. The Scottish property companies have over 75% of their developed space in new developments. If the St. James' Centre is included in these calculations, this figure rises to 88%. They seem to have had very little interest in small changes of use, preferring to work on larger, more prestigious, refurbishments with an average size of approximately 800 sq.m. In contrast, half of the English property company developments were large changes of use (average size approximately 600 sq.m). This represents 25% of the total space in central Edinburgh developed by this group of developers, revealing a definite commitment to this type of development. These smaller developments also reflect the types of property company involved. Many of the English companies involved in change of use development were small provincial companies rather than national, London-based companies²⁵. Together, the English and Scottish property companies have dominated the refurbishment market, developing over a third of all the refurbishments identified.

25. The three companies listed earlier are typical here (Broadlands Property Company, Ossary Road Developers Ltd and Teesland Property Company).

The contrasts between Scottish and non-Scottish insurance companies mentioned earlier seem even greater when one compares the scale and type of development they have been involved with. The Scottish insurance companies have carried out five times as much development as the non-Scottish insurance companies over our study period, and have been particularly involved in new development. They have also been involved extensively with changes of use. Non-Scottish insurance companies have concentrated more heavily on small scale development, only producing one new development in the twenty year period along with some large refurbishments.

In terms of the amount of space developed through each development type, the pattern of pension fund development is akin to that of the non-Scottish insurance companies. The major difference is that nearly half of their total space was developed through refurbishments. This reflects their late arrival as developers in central Edinburgh.

The investment trusts were extremely active in all types of development, being a major force in smaller scale developments and being the largest single group of developers of new structures. Unfortunately such a group encompasses so many different types of organisations (from the internationally active Argyle Securities to the small York and District Investment Company Limited) that generalisation is made difficult. Indeed they typify the problems which face any researcher trying to classify developers since they develop for sale, investment and for their own use, at all scales. Together they have carried out over twenty new developments in the

study period, mostly for sale or lease. In contrast, the more specialist property investment trust were only involved in developing two large sites, perhaps preferring to invest in completed developments.

Banks and building societies carried out over thirty developments, two thirds of which were changes of use (average size, 500 sq.m) contributing over 50% of the total space built by them. Again, this is not necessarily an easy group to define since, as will be demonstrated below, the banks were more responsible for refurbishments and new developments, whereas building societies usually involved themselves with changes of use from shops to offices.

Table 9.5 shows the five largest contributors of space through each type of development process.

Rank	Change of Use	Refurbishment	Redevelopment
1	Local Companies	English Property Companies	Investment Trusts
2	Banks and Building Societies	Scottish Property Companies	Scottish Insurance Companies
3	Local Citizens	Pension Funds	Scottish Property Companies
4	English Property Companies	Construction Companies	National Companies
5	Scottish Insurance Companies	Investment Trusts	English Property Companies

**Table 9.5: Leading Developers of Different Types of Development*
Central Edinburgh, 1959-1978**

* total space provided.

It is not surprising to find that the small-scale applicants are the major developers for changes of use. Table 9.5 shows that local citizens and local companies together were responsible for nearly half of all such developments in the city centre, representing over a third of the total office space produced in this way. The only other major developers of changes of use were Scottish insurance companies and English property companies.

As Chapter 7 demonstrated, these changes of use were of great importance to land use change in central Edinburgh and it is interesting to note that so many individuals have been attempting to obtain permission to turn houses (more often than not their own) into offices. Owing to the nature of business activity in Edinburgh, small offices have always been in demand and many local citizens have profited from this. Alternatively, local companies, unable to afford anything larger, have often purchased a residential property and then converted it to office use. Nearly all of these premises lie to the north of the Princes Street/Shandwick Place axis.

In contrast to change of use, there seems to be a far higher proportion of speculative developers working on refurbishment and redevelopment schemes. All five of the leading types of developers active in refurbishment are providers of, rather than users of, office space. This form of development requires a high level of skill and management, and this probably explains the dominance by specialised developers like property companies and construction companies. It also shows the pension funds' late entry into the development market

in Edinburgh, when refurbishment provided some of the few available opportunities.

In the case of redevelopment one can see both owner occupiers and speculators as major developers. As will be seen in the following section, both national companies and Scottish insurance companies, conducted many redevelopments for their own use, whereas the property companies and the investment trusts were prolific speculative developers, producing 41,941 sq.m²⁶ and 26,601 sq.m respectively.

Hence, we see that development in Edinburgh has been undertaken by a wide range of different types of developers. The presence of property companies and financial institutions is marked, but so is that of the smaller developer. Not surprisingly, we have seen a distinct relationship between small scale applicants and more minor forms of development. We have also seen how quite major developers have involved themselves in some small and medium scale schemes (e.g. pension funds and refurbishments). We noted in Chapter 4 that development can be undertaken to secure returns by either increased benefits through owner occupation, or pecuniary returns through rent or sale. If we are to understand how policy has affected the interests of different types of developers, we must know something about variations in their individual interests. Assessing the "purpose" behind applying for planning permission is one such indication. An analysis of these various motives for office development might also suggest what the reactions of different

26. English and Scottish property companies together.

developers to the office restraint policy might be. For example, one of the aims of the office restraint policy was to inhibit speculative development but which developers from our extensive range, was acting in such a way? The following section attempts to answer such questions.

The Purpose Behind Applications for Planning Permission

As yet, only vague mention has been made about the purpose of applications by developers. For instance, it has been noted that Scottish insurance companies were usually interested in owner-occupation after their development of sites. This section attempts to identify clearly what different developers were seeking to achieve through development. Gathering the statistics presented below was a difficult task which involved trying to cross reference applications from the Planning Register with Valuation Rolls to establish whether the ownership of development sites had been maintained or not after development had been undertaken. In order to reduce this to a manageable task, all sites which were the subject of planning applications before December 1967 had their ownerships and occupation checked in the 1968 valuation roll. Developments after December 1967 were checked against the 1978 Valuation Roll²⁷. Obviously, this

27. Cross referencing was difficult for one particular reason. Clearly any development which was occupied or let by an applicant could be identified by cross-reference, since the applicant would be recorded as landowner in the Valuation Rolls. However, when identifying sales one would have to assume that the applicant owned the parcel of land referred to in the planning application at the time of application. This is a bold assumption to make if, as was the case, access to local authority files was denied. If it was owned at time of application, then manifestly a sale had taken place. If not, then the applicant could have been contracted to submit the application or the application was being made on property not owned by the applicant. In an attempt to resolve this problem, further cross-referencing was carried out (contd)

method can only give a rough indication of what has happened. This is because such a method lumps together those developers who sold property immediately after completing the development with those who held onto it for a few years. Similarly, it also misses out how many times a property was sold in the period between the time of the development and when the ownership was rechecked. However, the only way of performing this task thoroughly would be to make a complete site history of ownership and occupation for each of the 400 developments undertaken. Such a task was impracticable given the resources of a single person over a limited span of time. Any gaps in available information have resulted in the omission of that particular case from the final data set. As Table 9.6 shows, these omissions are largely related to particular types of developer who were difficult to trace, like local citizens. Indeed, the data on local citizens was so poor, representing less than 10% of what was developed, that its inclusion in Table 8.7 would be misleading.

From Table 9.6, a distinct group of "owner occupier-developers" can be

27. (contd) for all developments where the developer was not picked up at the two dates mentioned in the text. For each case, reference was made to the Valuation Roll relevant to the year of the application to establish whether or not the applicant did have any interest or not. This only occurred on ten occasions (twice each with Scottish property companies and three times each with English property companies and investment trusts (34,290 sq.m in total).

These problems are not related to other problematic cases when the researcher could not be certain of relationships. For example, if the name of an individual was on the planning application but the occupation of site was by a local based company, was the individual a member of the company, was that company his or had an individual sold on? These questions are impossible for the researcher to answer. As a consequence, the data for this section was poor for applicants like local citizens, but it was quite good for the larger scale developers.

Type of Development	Owner Occupation		Leasehold		Sale		Percent of Total Development Covered
	Total	%	Total	%	Total	%	
Citizens	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	10.27
Local Companies	12256	100	0	0	0	0	87.5
National Companies	16568	71.2	6672	28.7	0	0	100
Scottish Property Companies	295	1.4	18095	88.9	1970	9.6	71.65
English Property Companies	0	0	16502	74.7	5592	23.3	59.07
Scottish Insurance Companies	29530	94.9	1576	5.1	0	0	83.18
Non-Scottish Insurance Companies	801	11.1	3301	46	3080	42.9	100
Pension Funds	0	0	8560	72.6	3236	27.4	100
Property Investment Trusts	0	0	3775	100	0	0	100
Construction Companies	0	0	4731	83.4	941	16.5	47.24
Investment Trusts	75	0.2	23185	75.1	7640	24.7	84.2
Estate Agents	285	n.a.	0	n.a.	0	n.a.	6.5
Local Government	13476	100	0	0	0	n.a.	100
Central Government	20530	98.5	0	0	303	1.5	97.36
Banks & Building Societies	19113	95.1	0	0	979	4.9	100

Table 9.6: The Purpose of Developments by Different Types of Developer, Central Edinburgh, 1959-1978*

* St. James Centre and Argyle House omitted

identified. These include both nationally and locally based companies, the Scottish insurance companies and the banks and building societies in the private sector, as well as the whole of the public sector. This means that most of the developments proposed by, and subsequently completed by, these applicants were later occupied by them.

A second group, equally identifiable by their lack of post-development owner occupation, can be called "pure developers". They include the Scottish and English property companies, the pension funds, property investment trusts and investment trusts as well as non-Scottish insurance companies (who have only retained 11% of their developments in central Edinburgh).

One can also discern slightly different development activities between different "pure developers". There are those who retain finished developments for letting and those who sell the completed buildings on. The investment trusts, pension funds and English property companies all sold approximately one quarter of their completed developments. The non-Scottish insurance companies sold almost half of their completed developments. This contrasts with the property investment trusts which retained all their completed developments, and the Scottish property companies which retained 90%.

In total, the "pure developers" retained, on average, about 80% of their completed developments which might indicate that central Edinburgh was considered by them to be a relatively safe area for

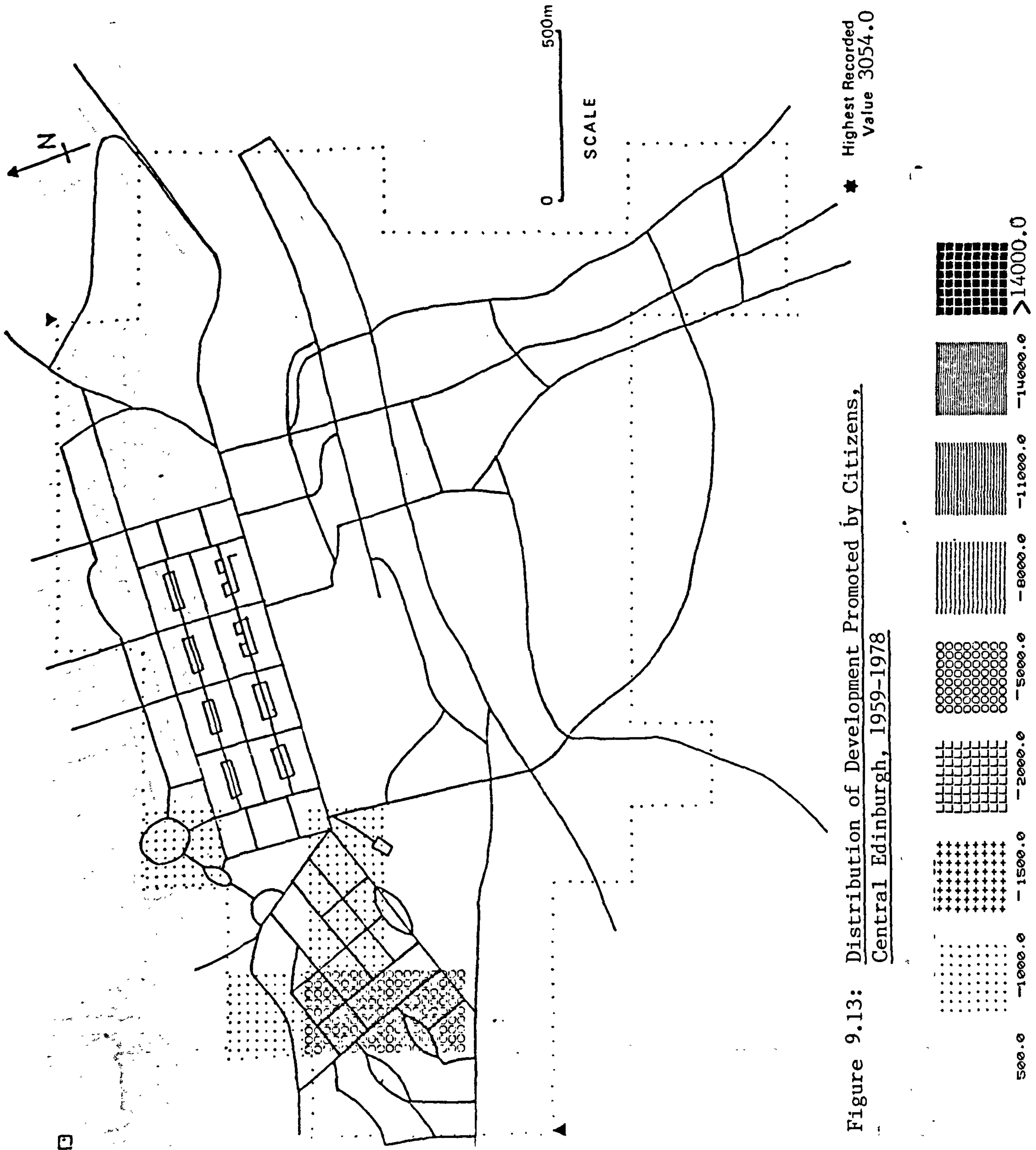
long-term property investment. However, before examining how the types of developer and the purpose of development have changed through time, we should briefly complete our understanding of the "interests" of various developers who were active in central Edinburgh, by examining which locations within central Edinburgh proved attractive to which developers. This will help to establish which developers were interested in merely developing in established commercial areas, and which were operating more in the residential fringe.

29

The Spatial Distribution of the Development Activities of Different Types of Developer

The distribution of developments completed by Edinburgh based citizens is shown in Figure 9.13. Given the relationship between such applicants and the type of developments they are usually involved with, Figure 9.13 very clearly reflects Figure 7.7 illustrating the distribution of changes of use. For such small developments, the threshold of this particular map is quite high. Therefore only the more important areas of citizen-promoted developments can be seen. The main areas were to the north west of the central area, largely on the edge of the established business area. The most important focus was Palmerston Place, where at least 5,000 sq.m of such development took place. In contrast, there was virtually no development to the south of the Princes Street/Shandwick Place axis.

Similarly, Figure 9.14 only shows the main areas of local company development. We can see a different set of locations were developed by these local companies. The main areas were at the edge of established office areas to which local companies were trying to attach



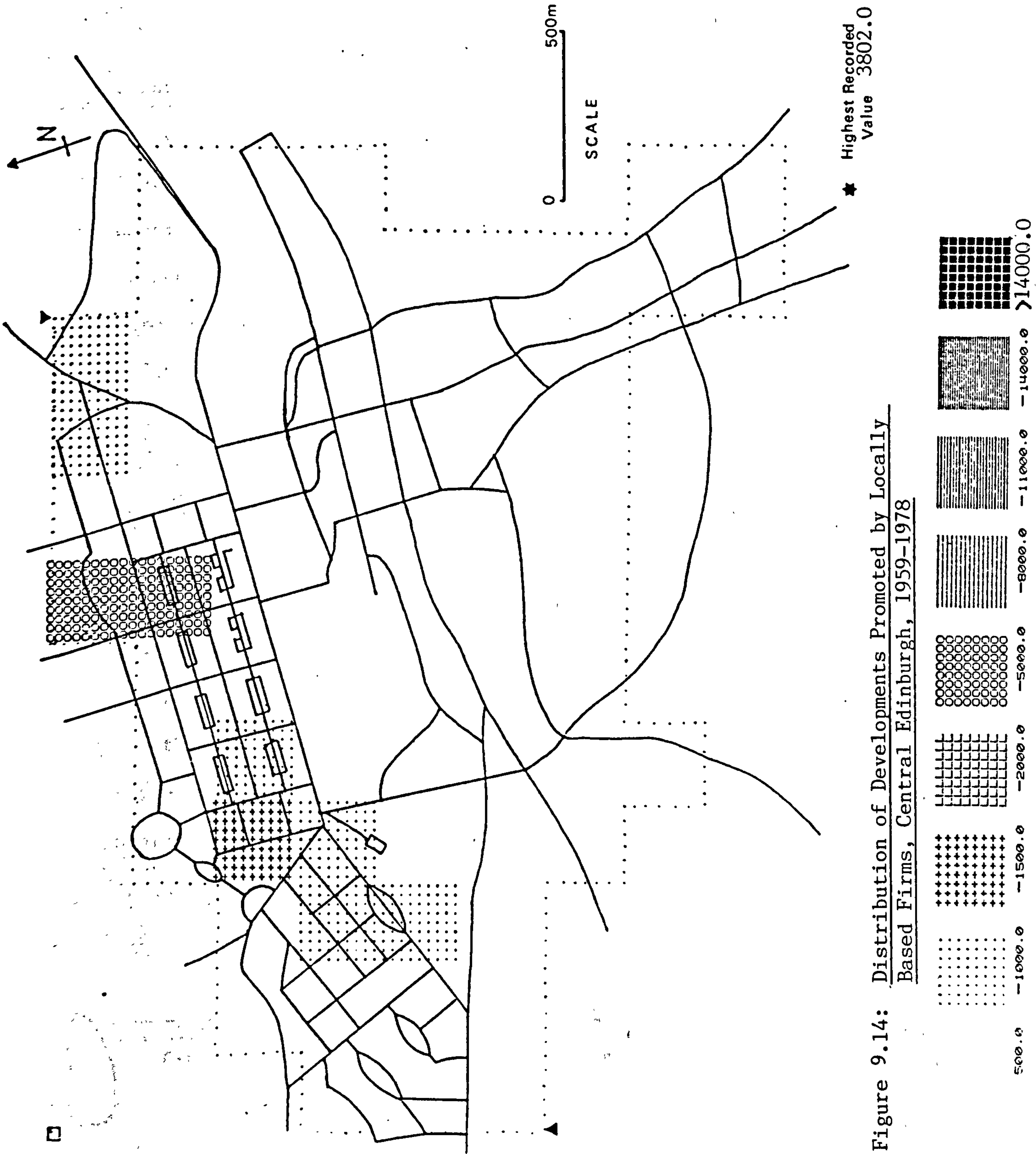


Figure 9.14: Distribution of Developments Promoted by Locally Based Firms, Central Edinburgh, 1959-1978

themselves. Most of the development shown in Figure 9.14 took place in residential properties. As with local citizens, very little development was carried out by locally based companies in the South Side.

Figure 9.15 relates to the developments of nationally based companies. It contains too few developments for a pattern to be identifiable. There were two very large offices developed by these companies for owner occupation in the South Side (one is 11,520 sq.m) and two large offices in the First New Town. The large offices in the South Side were for business administration (a shipping line and a brewery) and did not require regular contact with other offices or the public.

The distribution of the developmental activities of the property companies are given in Figures 9.16 and 9.17. As we know, Scottish property companies have been particularly concerned with new developments, although they did become involved with refurbishments in the later part of the study period. Figure 9.16 demonstrates that there is no single focus for their activity, although it is dominated by the St. James' Centre development²⁸. However, the pattern of activity was to concentrate on new development in and around the main business areas. They have not performed similar developments in the South Side. There was only one large refurbishment (in Frederick Street), carried out by them.

28. Although the Scottish company which negotiated the St. James' Centre development was later taken over by a London-based company.

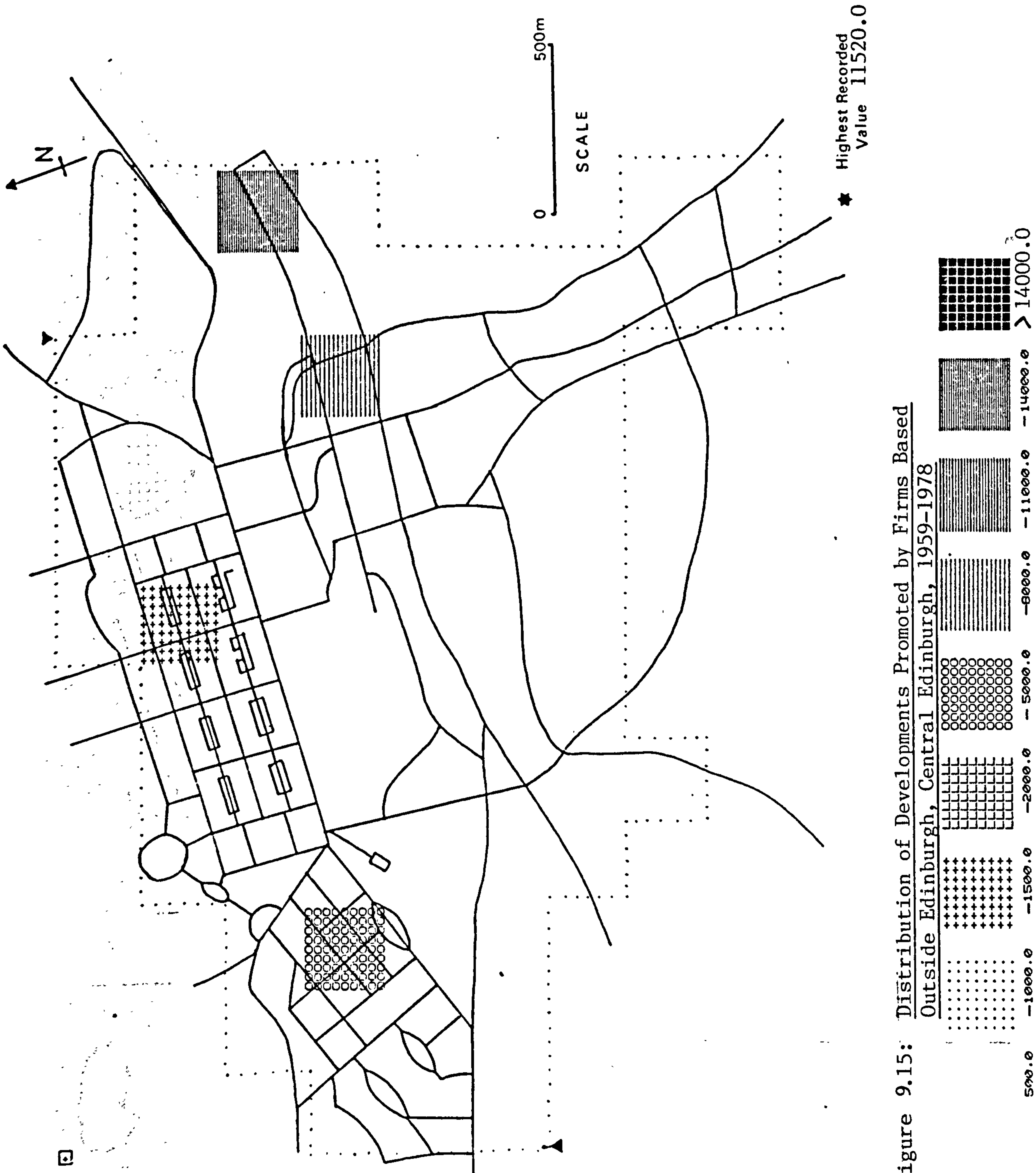


Figure 9.15: Distribution of Developments Promoted by Firms Based Outside Edinburgh, Central Edinburgh, 1959-1978

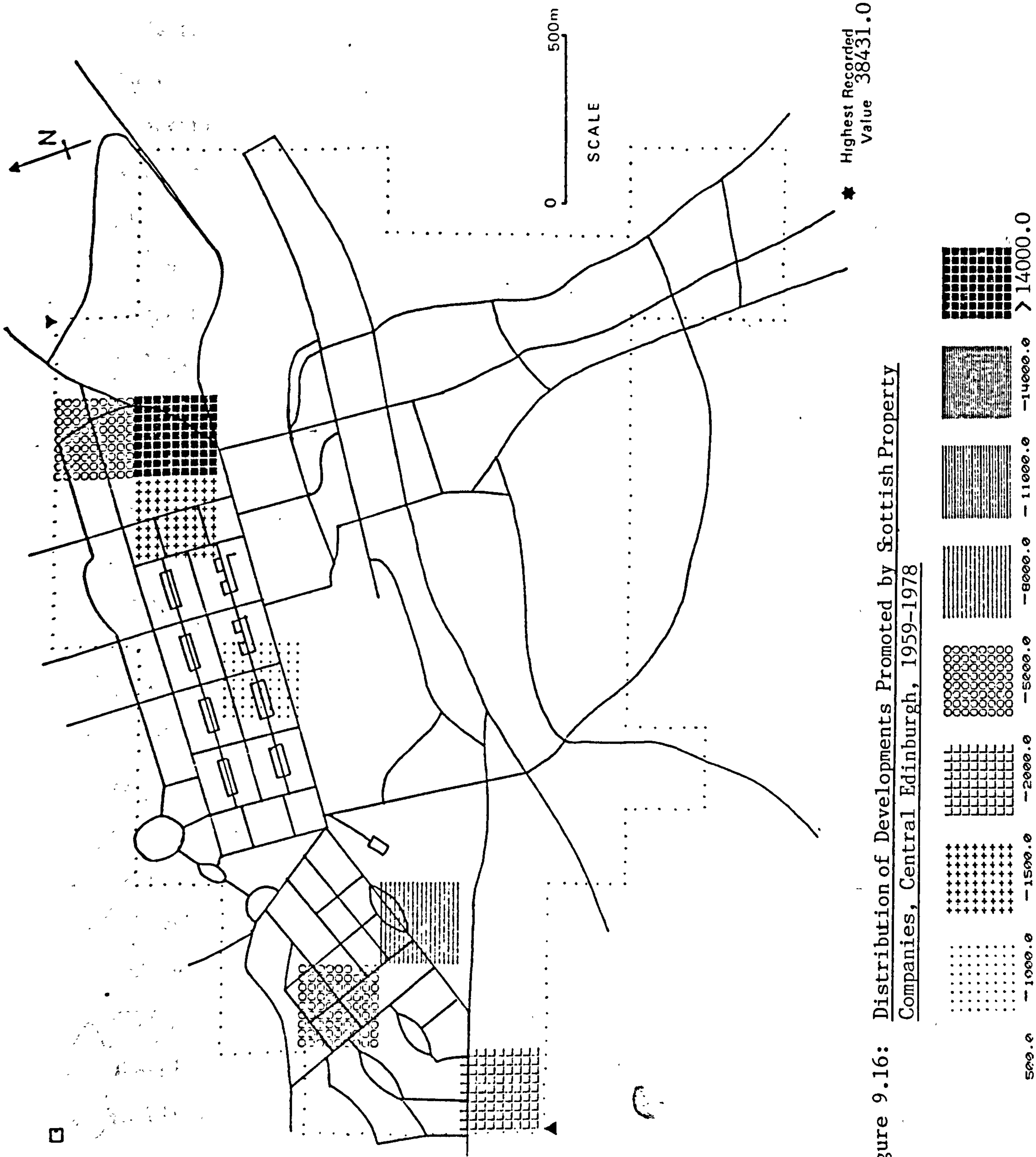


Figure 9.16: Distribution of Developments Promoted by Scottish Property Companies, Central Edinburgh, 1959-1978

Figure 9.17 reveals the mixture of different development types undertaken by English property companies. As has already been shown, they were extremely active in the change of use and refurbishment of properties in both the West End and First New Town. They were also very active in early redevelopments in parts of the First New Town. Their largest development was performed in the most prestigious and expensive development area, St. Andrews' Square. They have concentrated on the more "prime" areas of the First New Town. This indicates the substantial resources of some of these English property companies to be able to secure development opportunities in these areas given the competition for property and space in such locations. Again, like all the other types of developer discussed so far, these English property companies paid minimal attention to the South Side where they only undertook one office development.

As we know, the Scottish insurance companies had two main purposes in developing in the central area. The first was for investment purposes and the second, more common reason, was for owner occupation. They were Edinburgh's second most prolific developers and most of the developments shown in Figure 9.18 show their early activity in the redevelopment of St. Andrews' Square and their later involvement in redeveloping the eastern ends of George Street and Thistle Street. Nearly all of this was for owner occupation. Outside of this very sharply defined area, the Scottish insurance companies have been involved in very little development except for a few refurbishments. They have not been involved in developing the South Side and indeed have seemed loathe to venture outside the First New Town. Given the

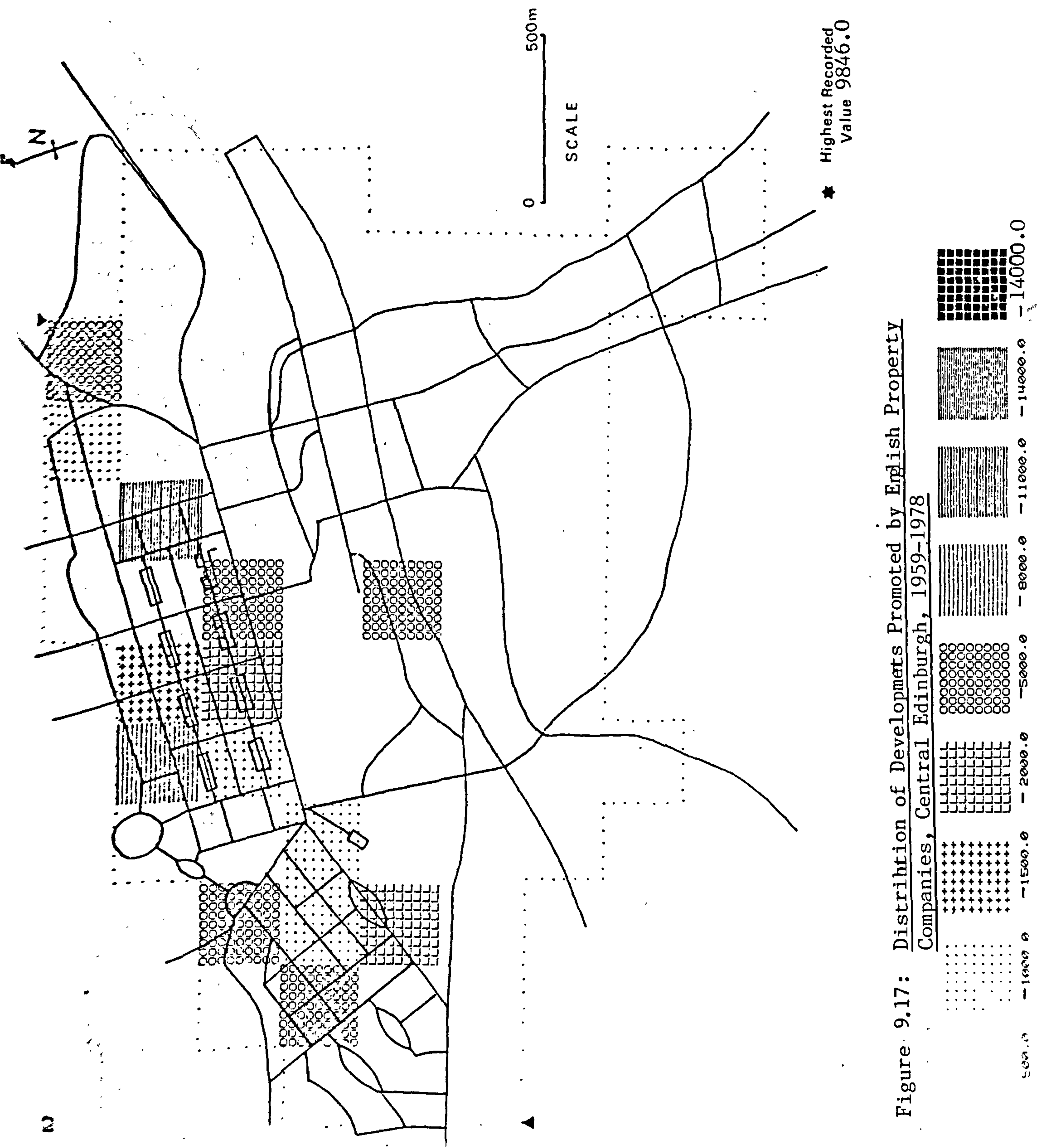


Figure 9.17: Distribution of Developments Promoted by English Property Companies, Central Edinburgh, 1959-1978

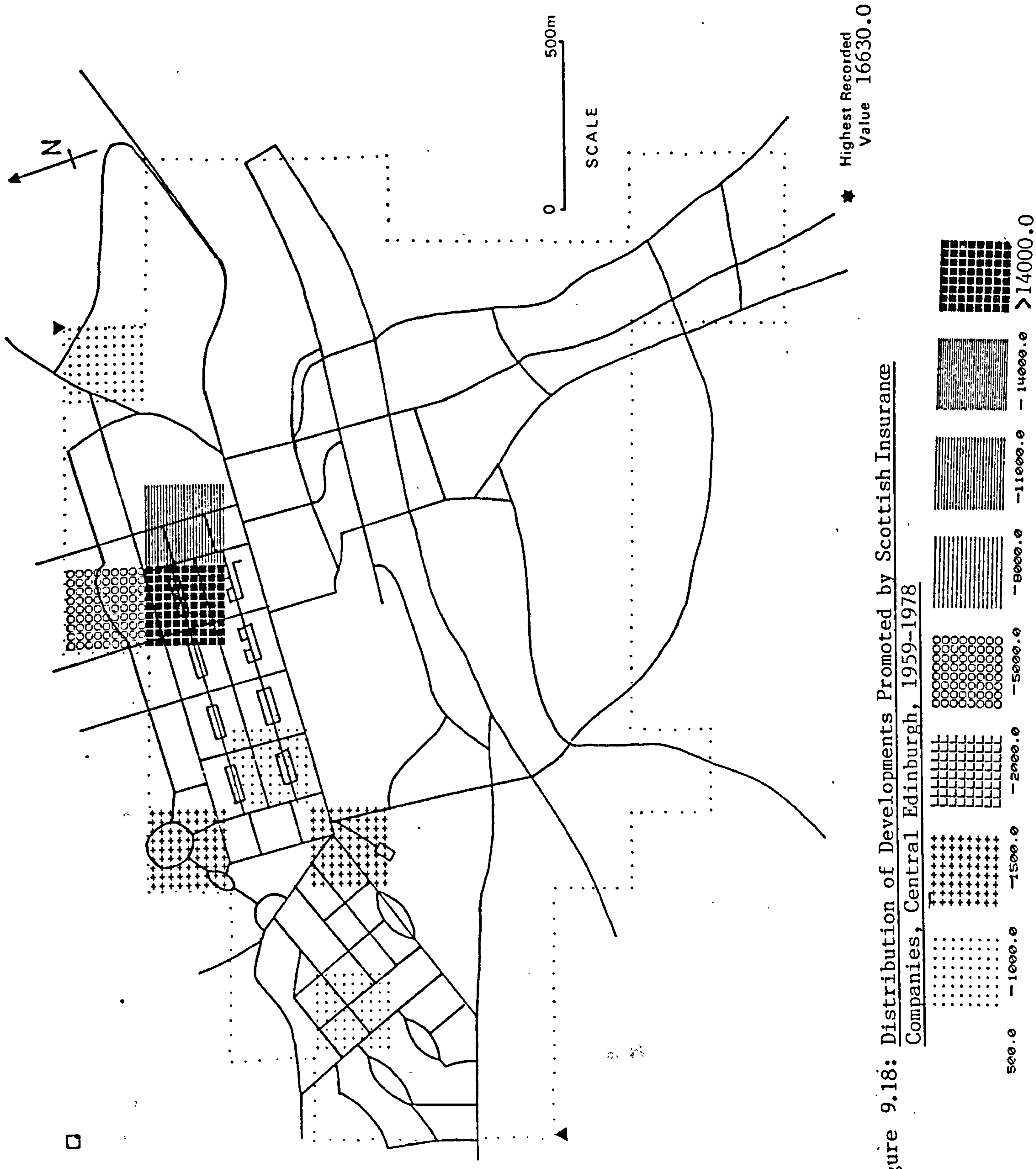


Figure 9.18: Distribution of Developments Promoted by Scottish Insurance Companies, Central Edinburgh, 1959-1978

type of business they are involved with, this is not surprising (see McCowan, 1970).

Although their level of development activity and purpose for development has been shown to be very different to that of the Scottish insurance companies, the non-Scottish insurance companies showed a similar desire to constrain their development activities within the confines of the First New Town (see Figure 9.19). They were primarily concerned with George Street and St. Andrews' Square but, as has been stated earlier, very little of this development was for owner occupation. This pattern illustrates their ability to develop in the very best of the prime areas if they so desire but, interestingly in terms of their overall level of investment in developing central Edinburgh, it appears that they did not wish to.

The very low level of pension fund activity is revealed by Figure 9.20. Indeed, they have only been involved in seven individual developments. Like the non-Scottish insurance companies, these potentially resourceful developers have tended to focus their development activities on the prime areas of the centre.

Construction companies have only been involved with development in Edinburgh to a limited extent. Their two largest developments are shown in Figure 9.21. They undertook one large new development in the South Side, for occupation by a central government department at the very start of the study period. Another speculative refurbishment was also undertaken in George Street by a construction company which

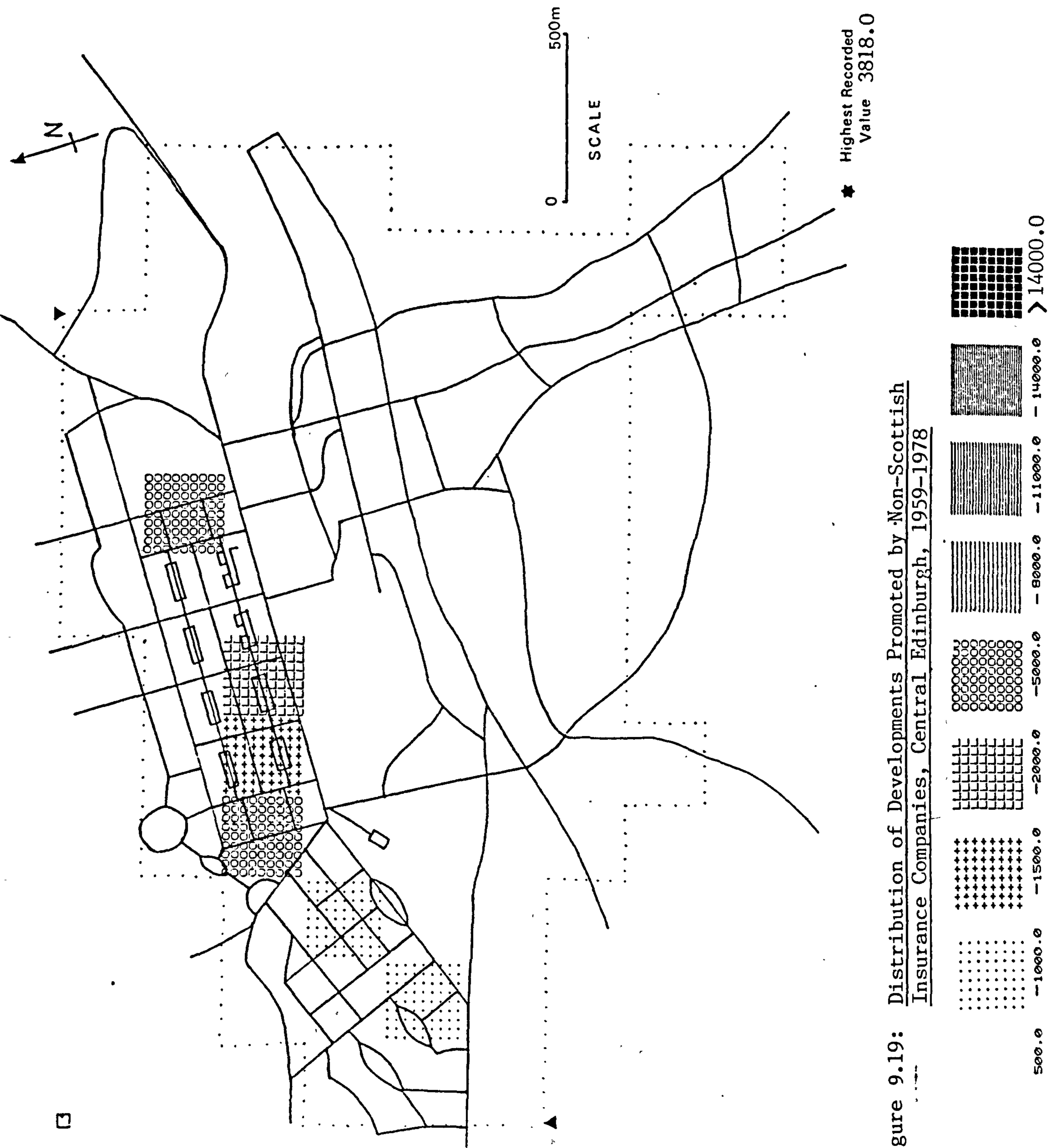
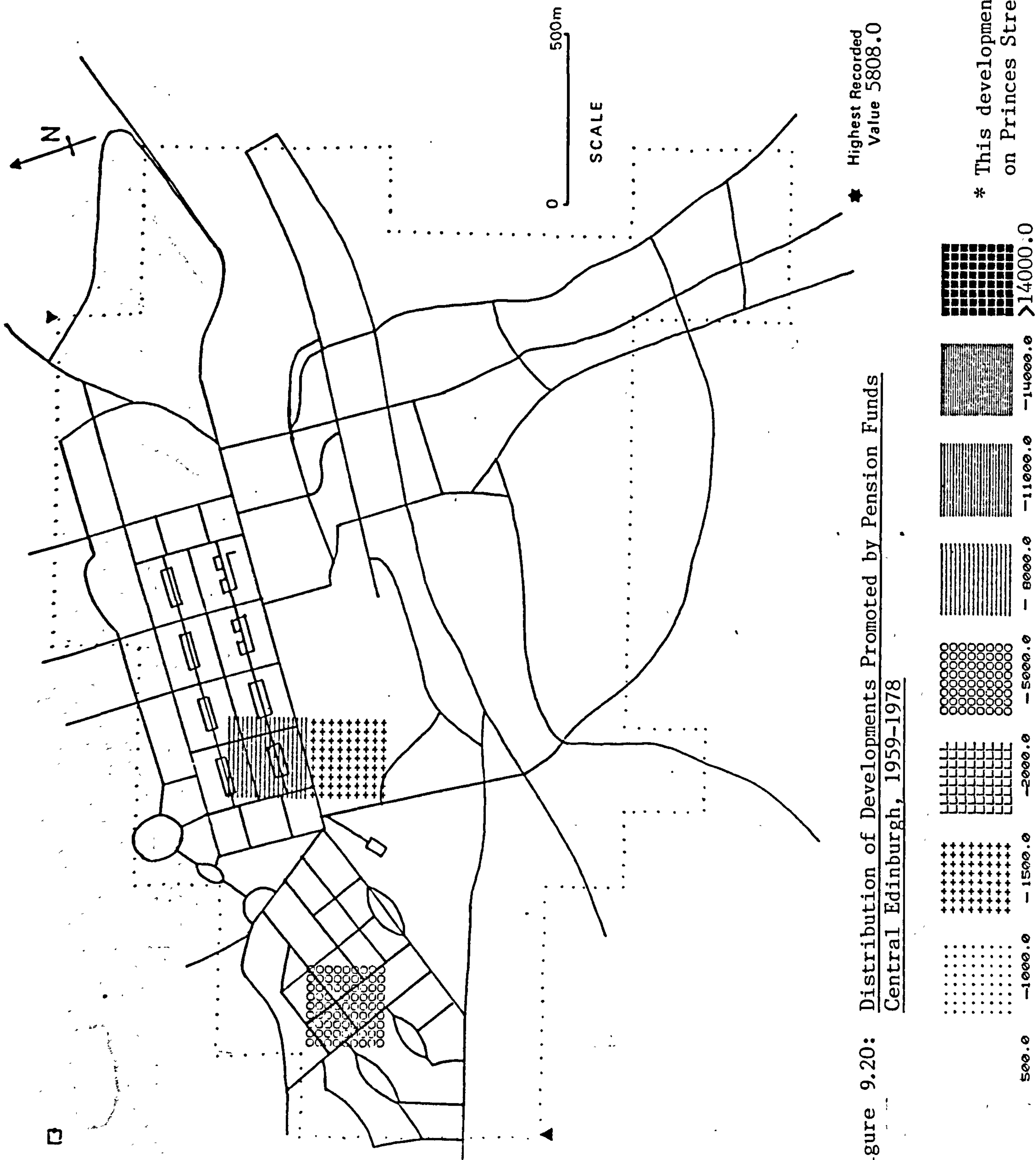


Figure 9.19: Distribution of Developments Promoted by Non-Scottish Insurance Companies, Central Edinburgh, 1959-1978



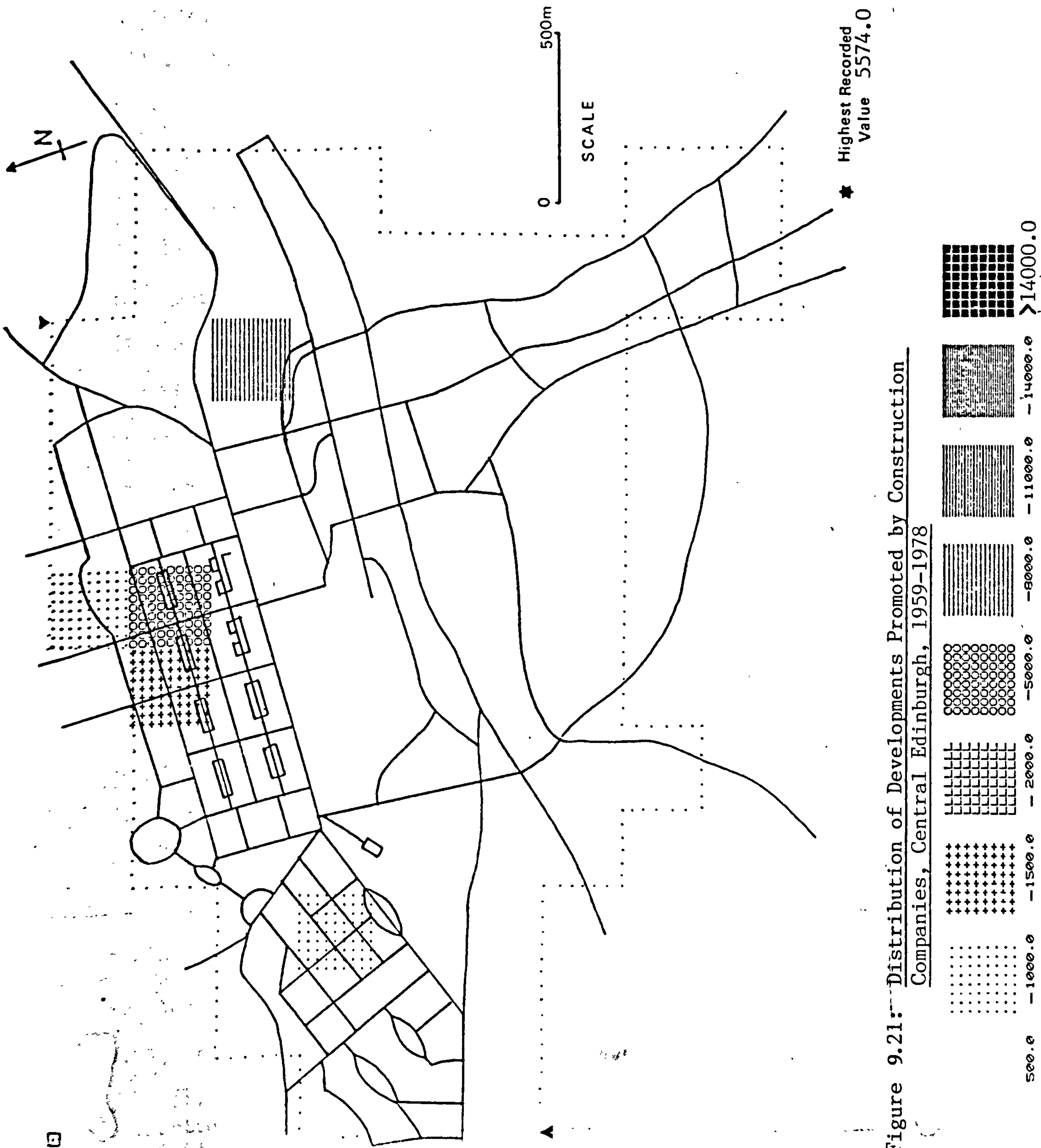


Figure 9.21: Distribution of Developments Promoted by Construction Companies, Central Edinburgh, 1959-1978

became a very active developer in the mid 1970s .

As noted already, investment trusts were major developers in central Edinburgh. Their largest development was Argyle House in the South Side. However, in addition to this, they have been involved with at least seven other major developments. Figure 9.22 illustrates that the less central location of Argyle House was not unusual for office developments undertaken by these investment trusts. There were other developments close to Argyle House, as well as to the north-east and the south-west of the First New Town. However, investment trusts have also been involved in a variety of different sized developments within the First New Town, including two upper storey developments in Princes Street. Interestingly, the investment trusts have not been involved in either Charlotte Square or St. Andrews' Square where developments have been demonstrably less speculative. It is also interesting to note that, in general terms, the investment trusts in central Edinburgh have been shown to be more willing to develop in outside areas even than the property companies. This perhaps illustrates a more speculative nature. Corroborative evidence for this could be drawn from Figure 9.10, which saw the investment trusts purchasing or dispensing of their land very rapidly in comparison to the insurance companies.

There is little point in presenting a map of local government development since only one major development would be shown³⁰. Figure 9.23, shows only four major developments undertaken by central

29. Miller Construction Ltd.

30. Melbourne House, at the corner of the High Street and George IVth Bridge.

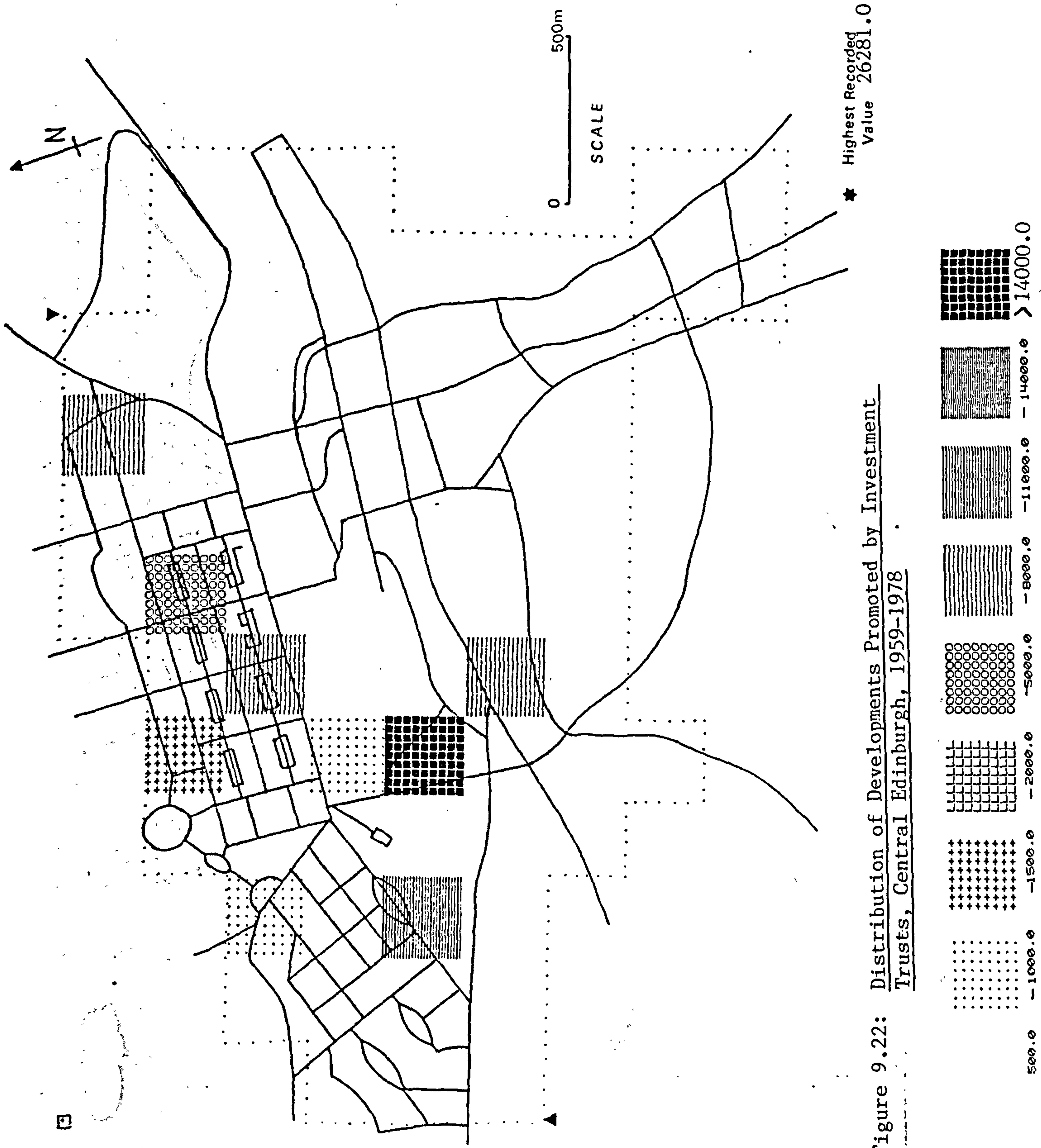


Figure 9.22: Distribution of Developments Promoted by Investment Trusts, Central Edinburgh, 1959-1978

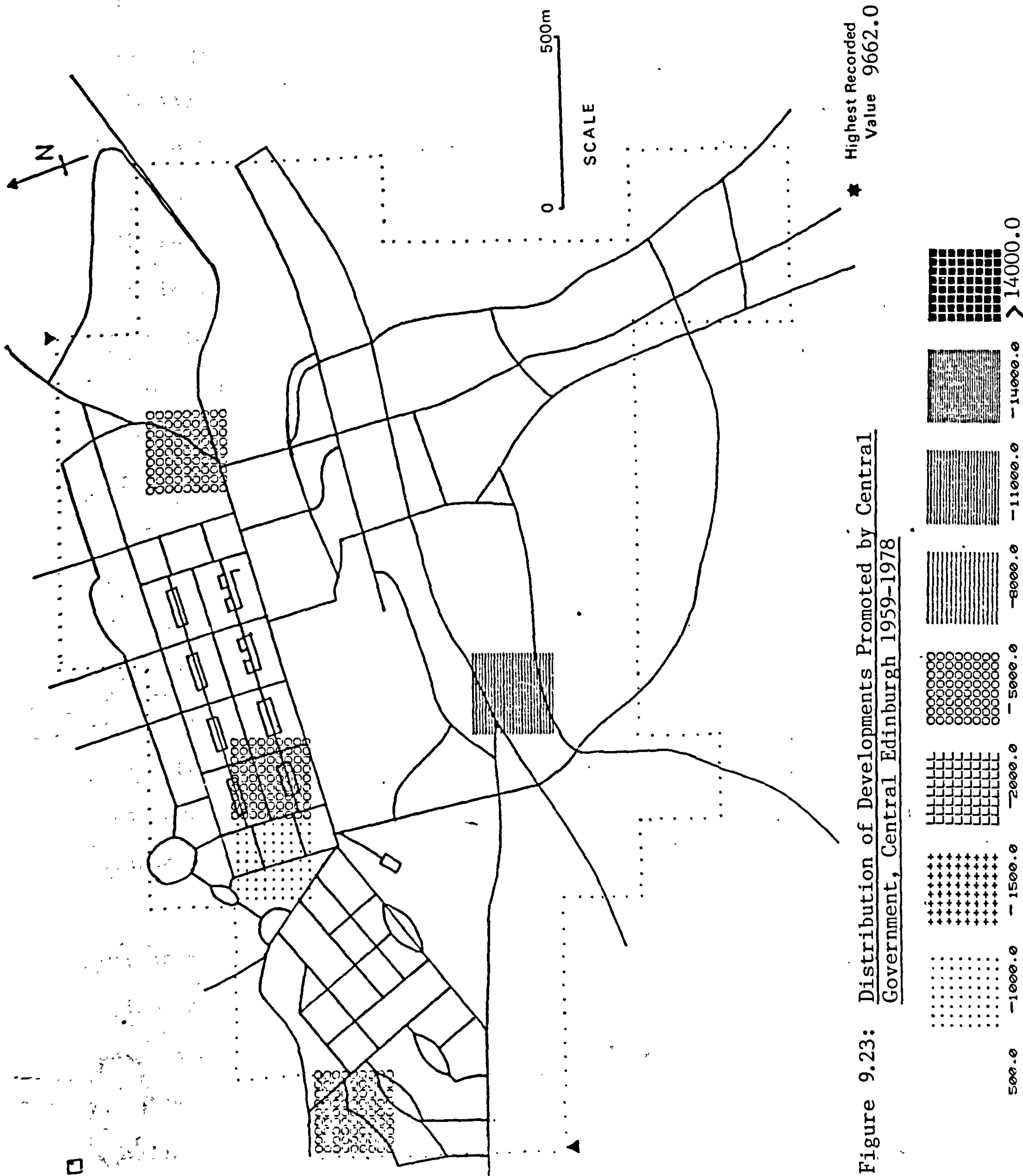


Figure 9.23: Distribution of Developments Promoted by Central Government, Central Edinburgh 1959-1978

government. One was in the South Side and two were at the very edge of office activities. This demonstrates how government offices have tended to locate in more peripheral parts of the central area, where the costs of land were low. There was only one major and one minor exception to this. Both were located towards the western end of George Street.

Figure 9.24, shows the development of bank and building society premises in central Edinburgh. We have already noted that much of the bank development occurred late in the study period when non-Scottish banks were arriving in Edinburgh to make themselves available for business connected with North Sea oil and the possible establishment of a Scottish Assembly. Similarly, the mid-1970s also revealed increasing building society development interest. Most of the developments performed by these two groups were refurbishments and, as Figure 9.24 shows, this was mostly concentrated to the middle and western end of George Street reflecting their desire for highly accessible locations for passing custom. There was one minor development in the South Side and a few others dispersed throughout the northern half of the central area, representing the opening of branch banks and building societies.

One can summarise the factors which determine who develops where as being dependent upon what land and capital resources a developer possesses, what the developer is trying to achieve through the development, the level of risk the developer will take, the stance adopted by the local authority to the proposal and the range of

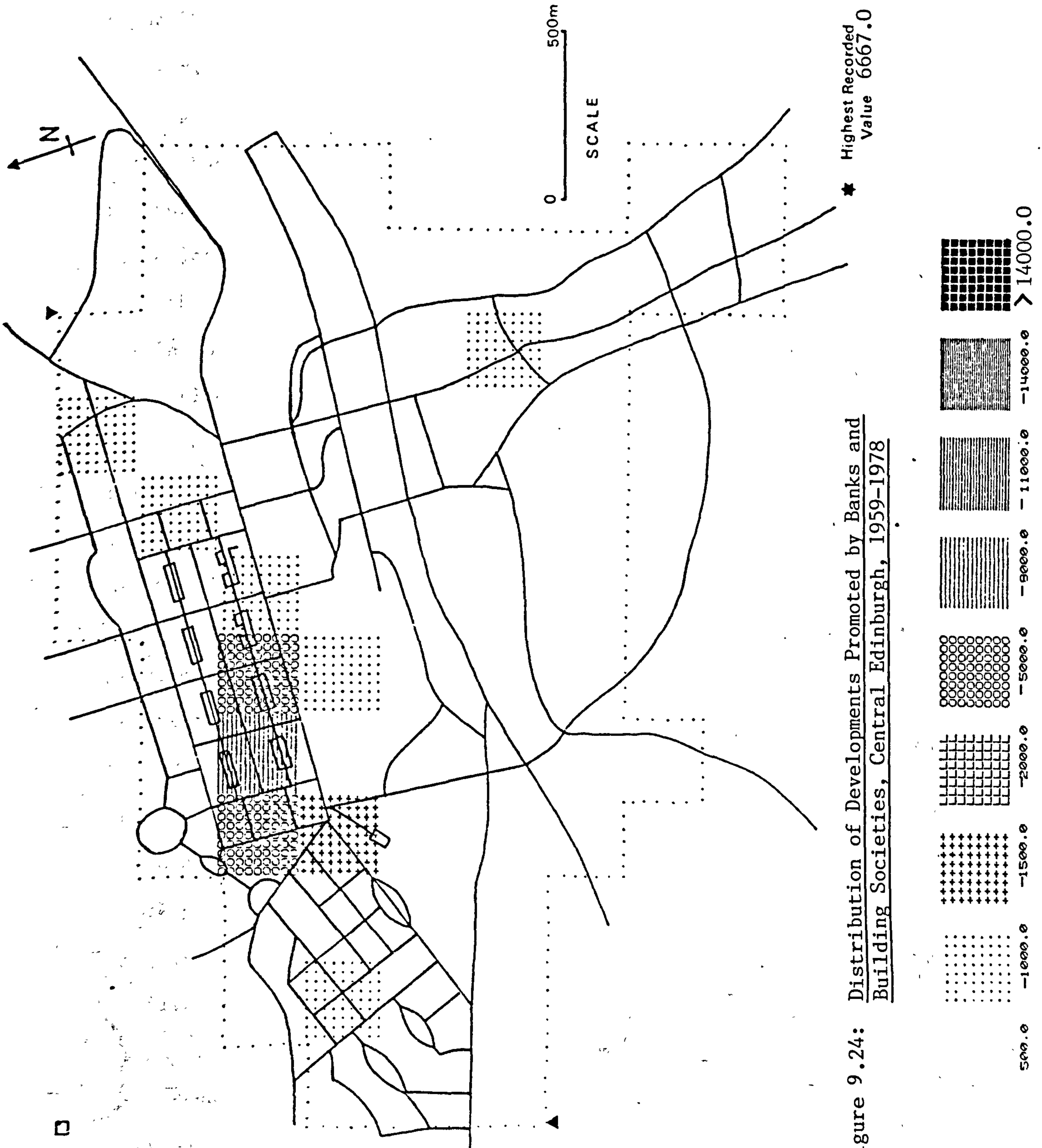


Figure 9.24: Distribution of Developments Promoted by Banks and Building Societies, Central Edinburgh, 1959-1978

opportunities for site purchase that are open to the developer at any particular time. The last of these variables would be almost impossible to assess even if the Register of Sasines was used. However, with respect to the other variables it appears that developments promoted by citizens were largely determined by the land assets they possessed, whereas the developments by Scottish insurance companies, local and national companies and the banks and building societies were determined by the purpose for which they intended to use the office at a later date. Despite variations in the size and origin of property companies, they appeared only to be interested in prime sites north of Princes Street and Shandwick Place. This is also true of non-Scottish insurance companies and pension funds, illustrating their willingness to pay a high price for secure investments. Investment trusts appeared a little more adventurous although it should be pointed out that some of their developments outside prime areas were 'commissioned' by central government departments. This was also the case with the only development by a construction company in the South Side.

Hence, we have seen that the different resources that developers possess and the different motives they have for engaging in development, result in varying patterns of development activity by different developers. Although the office restraint policy applies similar restraints across the whole of the central area, policies such as the residential policy might be expected to affect different types of developers to varying extents. Before considering whether different developers have been treated similarly by the development

control system in Edinburgh, it is worth monitoring how the structure of the development industry working in Edinburgh has changed over time and the extent to which the 'purpose' of development has changed with it.

Changes in the Development Industry and the Purpose of Development Through Time

The indications from Chapter 5 were that both the type of developer and the 'purpose' of development have been changing in the central areas of British cities since the mid-1950s. The suggestion in Chapter 5 was that a development industry in Britain has evolved over time. This industry concentrates on developing property for sale and lease, as opposed to past patterns of development for owner occupation. Table 9.7 illustrates quite clearly that early development pressure (approvals and refusals) in central Edinburgh originated primarily from those developers seeking to occupy completed properties. The main developers in the early 1960s were central government, national companies and Scottish insurance companies. The major "pure developers" were construction companies and Scottish property companies. (In the light of later years it is interesting to note that English property companies are conspicuous by their absence in this first time period).

The statistics for 1963 to 1966 are dominated by the investment trust development at Argyle House. Other than this commissioned development, the major developers were again owner occupiers, namely, local government and Scottish insurance companies. The English property companies are seen as quite important developers by the mid-

	1959- 1962	1963- 1966	1967- 1970	1971- 1974	1975- 1978	*
	(n)	(n)	(n)	(n)	(n)	(n)
Citizens	1000 (6)	3916 (17)	5683 (17)	2906 (18)	1599 (10)	(10)
Local Companies	4752 (14)	5381 (11)	4868 (15)	14134 (19)	12219 (18)	(18)
National Companies	15545 (6)	586 (2)	671 (3)	8198 (5)	2961 (5)	(5)
Scottish Property Companies	6160 (2)	2991 (4)	30641 (2)	29497 (9)	4892 (9)	(9)
English Property Companies	0 (0)	7843 (4)	16137 (8)	16191 (16)	9606 (7)	(7)
Scottish Insurance Companies	13465 (6)	9334 (7)	7801 (5)	6407 (3)	4196 (3)	(3)
Other Insurance Companies	492 (1)	1230 (3)	3488 (3)	8267 (5)	1090 (3)	(3)
Pension Funds	1252 (1)	0 (0)	0 (0)	3652 (2)	14057 (5)	(5)
Property Investment Trusts	0 (0)	2657 (1)	1118 (1)	2601 (1)	2136 (1)	(1)
Construction Companies	6039 (2)	981 (2)	1754 (3)	279 (1)	7268 (4)	(4)
Investment Trust	259 (1)	26827 (4)	6748 (6)	19102 (6)	10034 (6)	(6)
Estate Agent	3369 (2)	446 (4)	0 (0)	374 (5)	463 (4)	(4)
Local Government	230 (1)	12857 (2)	258 (2)	260 (1)	0 (0)	(0)
Central Government	15243 (3)	921 (4)	3858 (1)	1376 (3)	0 (0)	(0)
Banks & Builds Socs.	979 (1)	1093 (3)	4500 (8)	6812 (7)	14541 (13)	(13)

Table 9.7: Amounts of Development Applied for by Different Types of Developers(m²), Central Edinburgh 1959 to 1978 (includes both approvals and refusals of planning permission)

* (n) = number of applications for which data was available

1960s (as one might expect given the history described in Chapter 5). If one looks at the smaller-scale developers, both this time interval and the next reveal a lot of activity by local citizens trying to obtain planning permissions.

The period 1967-1970 is dominated by the development of the St. James' Centre. If this is discounted then English property companies were the most important developers along with investment trusts. Hence, it would appear that the "development industry" we described in Chapter 5 was extremely active in central Edinburgh by the end of the 1960s.

The boom period of the early 1970s sees this pattern continued further with the situation becoming increasingly dominated by Scottish and English property companies and investment trusts. Interestingly, the amount of space applied for by both local and national companies rose sharply in this period and is probably related to some companies responding to opportunities relating to North Sea oil.

The period from 1975 to 1978 clearly shows the arrival of a range of banks (English and overseas) following the opportunities for finance and services thrown up by North Sea oil. In this period, the banks developed over 14,500m² of office space, mainly by refurbishment in the prime area of George Street, Hanover Street and Frederick Street. Interestingly, the English property companies maintained some interest in the central area whereas the Scottish property companies apparently withdrew. One must also note that the pension funds appear for the first time as major developers in this last period, being the second most active individual group.

In general terms, one can see that, over time, government involvement in office development has dwindled. This is also largely true of national companies and Scottish insurance companies. In contrast, investment trusts, English and Scottish property companies and the non-Scottish insurance companies increased their substantial interests until the collapse in the property market in 1974 after which their interest dwindled. Local companies and banks have been particularly active as developers for owner-occupation throughout the 1970s, whereas the pension funds have only become particularly active in the last part of the study period.

In terms of the amount of property retained by developers for their own use after development, Table 9.8 demonstrates that the percentage has dropped considerably over our 20-year study period. In compensation for this, the trend in leasehold has been upwards, rising from 12 per cent to 65 per cent. It is important to note that "development-for-sale" grew up to the boom period of the early 1970s when developers were presumably quickly reusing the returns from one

Post- Development Use	Date				
	1959-62	1963-66	1967-70	1971-74	1975-78
Owner Occupation	75.8	62.9	39.4	23.7	30.1
Leasehold	12.3	13.9	24.1	46.8	65.0
Sale	11.9	23.1	36.5	29.5	4.9

Table 9.8: Percentage of Property by Amount, Leased or Sold after Development, by all types of Developer, central Edinburgh 1959 1978, using all available data

sale to finance others developments. After the property crash, 'selling-on' slumped from approximately 30 per cent to less than 5 per cent. This trend in development for sale or lease rather than for owner occupation is closely related to the changes in the types of developer and the growth of a development industry.

If we make use of our earlier distinction between "owner occupier" and "pure" developers to redraft Table 9.7, we can further demonstrate that the pure developers have become the major form of developer in central Edinburgh. Table 9.9 reveals that positions of importance have switched from one where owner-occupiers performed three quarters of all developments at the start of the study period to one where pure developers were producing a similar proportion by 1978³¹.

Type of Developer	Percentage				
	1959-1962	1963-1966	1967-1970	1971-1974	1975-1978
Owner-Occupier	74	44 (66)*	32 (48)*	34	28
'Pure Developers'	26	56 (33)*	68 (52)*	66	72

Table 9.9: Percentage of Development Applied for by Owner Occupiers and 'Pure Developers', Central Edinburgh 1959 1978

* if Argyle House and the St. James' Centre are discounted.

31. Tables 9.8 and 9.9 differ because the former concentrates on generalising about the purpose for development. Table 9.9 concentrates on generalising about who was performing the development. As such, there are some differences between the two tables, since not all developments done by pure developers were leased or sold.

The above table demonstrates clearly that both the structure of landownership and the form of the development industry in central Edinburgh have been experiencing change. These changes were closely interrelated with much of the land purchase being a prerequisite to development. Hence, the office restraint policy, with its particular target of reducing speculative development came into effect at a time when the trend was for a growing proportion of developments to be carried out by "pure" developers³².

There has therefore been a dramatic change in terms of developers active in central Edinburgh. Hence, we can now ask whether speculative developers fared better or worse than other types of developers in the last part of the study period (or indeed, in any part of the study period), or whether the local companies generally fared better under the local government decision-making process. The following section investigates whether there is any statistical evidence to suggest that different types of developers received differential treatment at the hands of the local planning authority in central Edinburgh with respect to their office development activities.

The Treatment of Different Office Developers by City of Edinburgh District Council

In an attempt to establish whether different developers have been treated differently³³ by the City of Edinburgh District Council, this

32. Not all developments by "pure developers" are speculative. However, given that most office developments take between one and four years to complete, it is rarely possible for an office developer to be sure who the tenant will be at the time of applying for planning permission. Exceptions normally relate to government institutions and, occasionally, national companies.

33. The term "different treatment" is to be understood with reference to statistical testing rather than seen as any implication of unfairness

section briefly lists the amounts of office space applied for by the different developers that were refused planning permission. This is by an assessment of all the decisions made on applications submitted by different types of developers. The size of the data does not allow a full chi-squared analysis of decision making to be carried out. However, there appears to be no alternative test available which will establish conclusively whether the variations observed in the rates of refusal experienced by the different types of developers are statistically different from that which one might expect through a random process³⁴. These leave some problems for analysis.

Norcliffe (1977) notes that, in order to use the chi-squared test, three principal assumptions must be met, namely, that:

- (a) the data may be measured at the nominal scale or any higher level of measurement;
- (b) there must be at least two samples and two mutually exclusive categories into which the observations are placed; and
- (c) no category should have an expected frequency less than 1, and not more than one category in five should have an expected frequency less than 5.

Whilst it has proved possible to meet the first and second of these criterion in the following tables, the inherent characteristics of the data set does not allow it to pass the third. Alternatives such as the Fisher-test and the Kolmogorov-Smirnov test are inappropriate since the data is neither capable of expression in a 2 x 2 contingency table nor is it capable of ordinal ranking. Consequently, a decision has been taken to use chi-squared scores, but as descriptive rather than analytical tools to review decisions made on office developments.

34. By random process is meant one where the probability of acceptance was essentially equal for all the various types of developers and any departures from equality were due to small perturbations of a random kind.

In defence of this it is possible to argue that, since individual chi-squared scores are calculated by dividing the square of the difference between observed and expected frequencies by the expected frequency then, if expected frequencies are smaller than statistical rigour allows the chi-squared score will become artificially inflated. Consequently, when summed, there is then a greater possibility of making a 'Type 1' error, namely rejecting the null hypothesis when it is, in fact, true. However, if this is borne in mind then, in cases where the null hypothesis would be accepted on the basis of the completed chi-squared test, it is reasonable to suppose that such a finding is valid. Clearly no such assurance can be given in cases where the null hypothesis is rejected. Such assessment is admittedly crude but, as stated earlier, there is no alternative known to the author. Consequently, results of this assessment will be treated with the utmost caution!

Using the information available, the amount of space refused for different developers is shown in Table 9.10. As can be seen, local companies seem to have had a great deal of their proposed office space turned down. This is unlike some of the other occupier-developers, who experienced very low rates of refusal. Both English and Scottish property companies experienced high rates of refusal (in terms of proposed space) as did pension funds and non-Scottish insurance companies. A major exception seems to have been the investment trusts who, it appears, built more than 60,000 m² of office space in the central area without experiencing a single refusal of planning permission. (The only recommendation of refusal by the planning sub-

	Type of Development			Total
	Change of use	Refurbishment	Redevelopment	
Citizens	5115	0	0	5115
Local Companies	13919	0	13128	27047
National Companies	4618	0	0	4618
Scottish Property Companies	5931	0	9270	15201
English Property Companies	3665	0	8465	12130
Scottish Insurance Companies	451	0	3298	3749
Other Insurance Companies	929	0	6456	7385
Pension Funds	0	0	7165	7165
Property Investment Trusts	0	0	4737	4737
Construction Companies	1152	0	3163	4315
Investment Trusts	0	0	0	0
Estate Agents	269	0	0	269
Local Government	129	0	0	129
Central Government	0	0	0	0
Banks & Building Societies	931	0	0	931
Other	2698	0	0	2698

Table 9.10: Floorspace Refused* by Type of Applicant: Central Edinburgh, 1959-1978

* small extensions excluded

committee identified by the author was overturned by full committee). The reasons for this are unclear, but it could be that their relationship to land development is such that the smallest delays will affect their investment performance and, therefore, they are willing to enter into extensive negotiations to circumvent any difficulties involved in obtaining permissions. However, the evidence that property investment trusts did suffer refusals would seem to contradict this. Given the inter- and intra-governmental negotiations concerning land development, and the rights of government bodies to claim deemed permission for their proposals, the low levels of refusals for local and central government in the central area are not surprising.

Table 9.11 reveals that different developers experienced widely ranging rates of refusal in terms of the percentage of the amount of space they were trying to build. The variation is enormous from 68 per cent space refused for local companies, to almost no refusals for government developers and the investment trusts. The figure for local companies is somewhat distorted by three sizeable redevelopments that were refused (equal to 13,128m² in total). However, the point remains that there is a manifestly high level of variation in the percentages of space refused for different developers around a mean of approximately 25 per cent.

If one were to look uncritically at all the decisions made by the local planning authority on office developments between 1959 and 1978³⁵, then it could seem that different types of developer had been

35. Double counting has been removed.

Type of Developer	Development Approved and Constructed	Development Refused Permission	Total Applied For	Percentage Refused
Citizens	9989	5115	15104	33.9
Local Companies	12538	27047	39585	68.3
National Companies	23193	4618	27811	16.6
Scottish Property Companies	28336	15201	43537	34.9 ⁺
English Property Companies	37107	12130	49237	24.6
Scottish Insurance Companies	37331	3749	41080	9.1
Other Insurance Companies	7182	7385	14567	50.7
Pension Funds	11426	7165	18591	38.5
Property Investment Trusts	3775	4737	8512	55.6
Construction Companies	12006	4315	16321	26.4
Investment Trusts	36004	0	36004	0.0 ⁺
Estate Agents	4312	269	4581	5.8
Local Government	13476	129	13605	0.9
Central Government	21323	0	21323	0.0
Banks & Building Societies	21644	931	22575	4.1
Other	13390	2698	16084	16.8

Table 9.11: Amounts of Floorspace Permitted and Refused by Type of Applicant: Central Edinburgh, 1959-1978 (extensions omitted)

Average % of floorspace refused = 24.5

+ major development not included in calculations (Argyle House, St. James' Centre)

treated differently (see Table 9.12). However, approximately one in three of the expected frequencies is below five, therefore a chi-square test of significance is not statistically valid in this case. As such, the null hypothesis cannot be rejected. Notwithstanding these problems, Table 9.12 does suggest that there are interesting differences between observed and expected numbers of refusals which merit further examination. If Tables 9.11 and 9.12 are taken together one can see that banks and building societies, investment trusts, Scottish insurance companies and government bodies appear to fare substantially better than other developers with respect to obtaining permissions, whilst locally based Edinburgh firms have fared relatively poorly.

These are interesting results but, even if the chi-squared test was applicable, they would not prove anything since, as previously shown, different developers show different patterns in the types of development they apply for. Because these different types of development themselves experience varying rates of refusal, we could simply be looking at a situation where banks and building societies have a very low rate of refusal because most of the developments they were involved with were refurbishments. Table 9.13, shows this to be the case. A chi-squared test cannot be performed since 46% of the expected frequencies are below 5. However, it is clear that the observed and the expected are very different in a large number of cases (e.g. citizens and refurbishments and redevelopments, and Scottish Property Companies, Pension Funds with refurbishments). As a result we must try and account for this relationship between type of developer and type of development in any assessment we perform.

Type of Developer	Approved	Refused	Total	Expected Refusals	$\frac{(O-E)^2}{E}$
Citizens	60	28	88	22	1.64
Local Companies	69	37	106	27	3.70
National Companies	24	5	29	7	0.57
Scottish Property Companies	23	10	33	8	0.5
English Property Companies	32	13	45	11	0.36
Scottish Insurance Companies	21	3	24	6	1.5
Other Insurance Companies	12	6	18	4	1
Pension Funds	9	1	10	3	1.33
Property Investment Trusts	4	2	6	2	0
Construction Companies	11	6	17	4	1
Investment Trusts	25	0	25	6	6
Estate Agents	18	5	23	6	0.17
Local Government	8	1	9	2	1
Central Government	14	0	14	4	4
Banks & Building Societies	36	2	38	10	6.4
Other	31	17	48	12	2.08

Table 9.12: Chi-Squared test to establish whether the local planning Authority treated different developers differently, Central Edinburgh, 1959-1978

local and central government decisions included
probability of a refusal = 0.255

$$v = (16-1) = 15$$

tabulated X^2 value at the 95% confidence level = 25.00

calculated X^2 value 31.25

H_0 : that different types of developer are not treated differently by the local planning authority

This data does not meet the assumptions required for a chi-squared test of significance and the result should therefore be seen as a descriptive one only.

Type of Developer	Change of Use		Refurbishments		Redevelopments	
	Observed	Expected	Observed	Expected	Observed	Expected
Citizens	88	63	0	9	0	16
Local Companies	88	73	4	10	9	18
National Companies	20	19	3	3	4	5
Scottish Property Companies	11	23	10	3	11	6
English Property Companies	25	32	8	5	12	8
Scottish Insurance Companies	9	17	4	2	10	4
Other Insurance Companies	9	12	2	2	7	3
Pension Funds	2	7	5	1	3	2
Property Investment Trusts	2	4	1	1	3	1
Construction Companies	8	11	4	2	4	3
Investment Trusts	14	17	3	3	7	4
Estate Agents	20	17	1	3	2	4
Local Government	7	6	0	1	2	2
Central Government	9	9	0	1	4	2
Banks & Building Societies	23	26	6	4	8	7
Other	38	34	3	5	6	8

Table 9.13: Observed and Expected Frequencies with which Developers Involved Themselves with Different Types of Development

$v = 28$ degrees of freedom

Tabulated X^2 score = 41.34 at the 95% confidence level

Calculated X^2 score = 158.29

H_0 : That different developers involve themselves in similar types of developments

This data does not meet the assumptions required for a chi-squared test of significance and the result should therefore be seen as a descriptive one only.

Information on the decisions made on redevelopments over the full period (Table 9.14), indicates that applicants were not treated differently by the local authority. Even with the distortions introduced into the chi-squared score by small expected frequencies, the null hypothesis would still be ^{accepted} rejected. However, Table 9.15, does exhibit some noticeable differences between what might be expected and what was actually observed. Banks, building societies and investment trusts have fared far better, and Scottish property companies far worse, than one might have expected.

There are problems in interpreting this last result. For example, it is possible that certain applicants were primarily trying to secure the change of residential property to offices whilst others, like banks, were working to change shops and other commercial buildings into offices. These two very different types of activities could well have different rates of refusal, especially given the councils policy relating to the loss of residential property.

In order that terminological problems of what were 'changes of use' and 'refurbishments' should not cause unnecessary further ambiguity, an indicative chi-squared figure was calculated for refurbishments and changes of use together ³⁶ (i.e. all developments retaining the existing structure). The final calculated chi-squared score was 22.085, against a tabulated value of 22.36 (with 13 degrees of freedom, with local and central government omitted from calculation as being very different types of developers), indicating that it is by no

36. It is not possible to carry out such an assessment on refurbishments alone, since there were no refusals.

Type of Developer	Approved	Refused	Total	Expected	$\frac{(O-E)^2}{E}$
Citizens	0	0	0	0	0
Local Companies	6	3	9	3	0
National Companies	4	0	4	1	1
Scottish Property Companies	10	1	11	3	1.3
English Property Companies	6	6	12	4	1
Scottish Insurance Companies	8	2	10	3	0.3
Other Insurance Companies	4	3	7	2	0.5
Pension Funds	2	1	3	1	0
Property Investment Trusts	1	2	3	1	1
Construction Companies	1	3	4	1	4
Investment Trusts	7	0	7	2	2
Estate Agents	2	0	2	1	1
Local Government	2	0	2	not included in calculations	
Central Government	4	0	4		
Banks and Building Societies	7	1	8	2	0.5
Other	2	4	6	2	2
Total	60	26	86		14.6

Table 9.14: Chi-Squared test to establish whether the Local Planning Authority treated applicants for permission to redevelop differently, Central Edinburgh, 1959-1978

probability of a refusal = 0.302

$v = (14-1) = 13$

tabulated X^2 score at the 95% confidence level = 22.36

calculated X^2 score = 14.6

H_0 : that applicants seeking permission to redevelop sites in Central Edinburgh are not treated significantly differently

This data does not meet the assumptions required for a chi-squared test of significance and the result should therefore be seen as a descriptive one only.

means certain that the pattern of refusals was significantly different from what could have occurred randomly. Indeed, given the likely exaggeration of the chi-squared score, this cannot be claimed at all. However, in spite of these problems, there are still some substantial variations in observed and expected values that are of interest. It appears therefore that much of the variation in refusal rates noted in Table 9.12 is related to the different forms of development in which different types of developers engage. Despite interesting variations in developer performance "within" types of development, we cannot establish that they are significant in statistical terms, especially since there are factors which affect the levels of success for different types of developer even in these more detailed analyses. For example, looking more closely at the type of developer that fared particularly badly in Table 9.15, seven of the eight changes of use applications submitted by Scottish property companies which were refused, were trying to change residential property to offices. Some of the proposals were quite extensive. One was 3,644m² and three others were over 550m² in size. Hence, the chi-squared score given in Table 9.15 has been substantially influenced by the local authority applying its restraint policies rigorously against an opportunistic type of speculative developer. Despite this the lower than expected rates of refusal for banks and building societies and investment trusts cannot be ignored. However, in this case, most of the developments undertaken by banks and building societies were changes of use and refurbishments in established business areas. The local authority might well have thought that the possible benefits of facilitating growth in the banking sector far outweighed the minimal

Type of Developer	Approved	Refused	Total	Expected	$\frac{(O-E)^2}{E}$
Citizens	60	28	88	26	0.15
Local Companies	57	31	88	26	0.96
National Companies	15	5	20	6	0.17
Scottish Property Companies	3	8	11	3	8.33
English Property Companies	18	7	25	7	0
Scottish Insurance Companies	8	1	9	3	1.3
Other Insurance Companies	6	3	9	3	0
Pension Funds	2	0	2	1	1
Property Investment Trusts	2	0	2	1	1
Construction Companies	6	2	8	2	0
Investment Trusts	14	0	14	4	4
Estate Agents	15	5	20	5	0.17
Local Government	6	1	7	not included in calculations	
Central Government	9	0	9		
Banks and Building Societies	22	1	23	7	5.14
Other	22	13	38	11	0.36
Total	253	104	357		22.58

Table 9.15: Chi-Squared test to establish whether the Local Planning Authority treated applicants for permission to change the use of properties to offices differently, Central Edinburgh, 1959-1978

probability of a refusal = 0.281

$v = (14-1) = 13$

tabulated χ^2 score at the 95% confidence level = 22.36

calculated χ^2 score = 22.58

H_0 : that applicants seeking permissions to change the use of a property to offices in Central Edinburgh are not treated significantly differently

This data does not meet the assumptions required for a chi-squared test of significance and the result should therefore be seen as a descriptive one only.

costs in environmental terms, especially given that the developments were retaining valued built structures.

The spectacular performance of the investment trusts is more difficult to explain. They have been involved in several major redevelopments in more peripheral areas of the city centre (see Figure 9.22). Other than these developments, the investment trusts have usually been involved in smaller changes of use and refurbishments in the New Town and the West End. Some of these have included residential properties. It remains unclear why this group of developers has fared so well.

With respect to the last part of the study period, one might anticipate that a policy like the office restraint policy, which was geared to halting speculative development would lead to a non-random pattern of decision-making, with the "pure developers" experiencing higher than expected rates of refusal. Table 9.16 assesses this for all developments in the period January 1975 to December 1978.

As can be seen, there is no case to suggest that speculative developers have been prejudiced against in the application of the office restraint policy. Even if the distortions in the chi-squared score were to be ignored, the null hypothesis would still be accepted. If refurbishments and changes of use are separated off and examined in the same way then a similar conclusion is reached with a calculated chi-squared score of only 14.655, against the same tabulated score of 22.36 for the same period. Hence, speculative developers did not appear to suffer as a result of the introduction of the office

Type of Developer	Approved	Refused	Total	Expected	$\frac{(O-E)^2}{E}$
Citizens	2	8	10	4	4
Local Companies	11	15	26	11	1.45
National Companies	4	2	6	2.5	0.1
Scottish Property Companies	6	3	9	4	0.25
English Property Companies	6	4	10	4	0
Scottish Insurance Companies	2	2	4	2	0
Other Insurance Companies	2	2	4	2	0
Pension Funds	6	1	7	3	1.33
Property Investment Trusts	0	1	1	0.5	0.5
Construction Companies	4	3	7	3	0
Investment Trusts	7	0	7	3	3
Estate Agents	1	4	5	2	2
Local Government	0	0	0	not included in the calculations	
Central Government	0	0	0	not included in the calculations	
Banks and Building Societies	13	1	14	6	4.17
Other	11	8	19	8	0
Total	75	54	129		16.80

Table 9.16: Chi-Squared test to establish whether the Local Planning Authority treated different developers differently between January 1975 and December 1978, Central Edinburgh

probability of a refusal = 0.419

$v = (14-1) = 13$

tabulated X^2 at the 95% confidence level = 22.36

calculated $X^2 = 16.80$

H_0 : that different types of developer were not treated differently by the local planning authority in the period January 1975 to December 1978

This data does not meet the assumptions required for a chi-squared test of significance and the result should therefore be seen as a descriptive one only.

restraint policy, despite expectations that they might do so given the inherent anti-speculative emphasis of the policy.

Finally, with respect to this question of whether particular types of developers are favoured by the local authority, an analysis was carried out to ascertain which developers had been able to obtain non-conforming permissions. Using Table 8.1, which outlined the number of permissions that had been granted in apparent contradiction to office policy in central Edinburgh, the applicants involved in these cases where both the office restraint policy and residential protection policy had been breached were identified. Of twenty four cases³⁷, seven permissions were gained by local companies, three by estate agents, and two each by investment trusts, central government and local people. The numbers are much too small to test statistically and are greatly influenced by the particular range of developers involved in developing residential property. However, the data is consistent with the view that "well connected" local companies and estate agents have some advantage in securing non-conforming permissions.

The Involvement of Outside Pressure Groups in the Development Control Process

Before concluding on the differential success of developers through the development control process, it is important to outline briefly

37. This includes the situation when all three policies (including the Development Plan Zoning) were apparently disregarded. Other categories were not tested in this way for the reasons given in Chapter 8, but the protection of residential property is a fairly clear policy statement to test, especially after the inception of the office restraint policy.

the role of outside interest groups in the development control process. This examination was somewhat curtailed by the reluctance of Edinburgh District Council to permit access to the individual files on each application. Such access would have helped to answer many of the questions raised by this thesis, particularly how active outside groups were in making their opinions known to the local authority when the implications of developments were being considered. However, it was felt necessary to at least get an impression of which groups were involved.

The only available source of information was the voluminous minutes of the Planning Committee and Sub-Committee. Because these minutes naturally contain all the proceedings of a large city committee, and city centre developments emerge slowly over lengthy periods, a certain amount of time and effort was needed to follow the particular history of any developments. However, to make the task a manageable one, the history of forty-two development proposals that had been made during the study period in George Street and St. Andrews Square were reviewed. Although the Committee minutes tended to refer only to a limited range and form of consultation with outside bodies (namely formalised channels of information-exchange), some insights were possible.

Formal contact with outside bodies appeared to relate exclusively to redevelopments. No such contacts were made on changes of use or refurbishment. Outside bodies were consulted on twelve of the twenty-³⁸ three proposals for redevelopment made across the full study period .

38. This includes recurring proposals on the same site.

Consultations were made on almost two thirds of the redevelopment proposals in St. Andrews Square and on less than half the proposals in George Street, possibly reflecting a greater concern with the architectural unity of the former.

Over and above these twelve occasions, the consultees had their unsolicited comments recorded in Planning Committee minutes on three further occasions. Of this total of fifteen redevelopment proposals where outside views were formally represented to the relevant Committees, thirteen responses were opposed to the proposed designs and two considered the proposals to be satisfactory. As far as could be ascertained, nine of the fifteen schemes were eventually permitted after substantial negotiations and six were refused.

Originally, there was a fairly limited range of consultees, primarily consulted on design issues pertaining to new developments (not on whether the redevelopment should take place). This group of consultees, which included the Princes Street Panel, Royal Fine Arts Commission and the Scottish Development Department, was widened by the requirement in the early 1970s so that civic societies should be consulted with respect to any intentions to demolish listed buildings. From that time, the Cockburn Association (otherwise known as the Edinburgh Civic Trust), the Scottish Civic Trust and the Scottish Georgian Society were all consulted with respect to potential demolitions of listed buildings.

There are few conclusions to be drawn from this information except to

note that outside bodies were only consulted on particular types of developments and that their opinions were often taken into account in negotiations over design criteria for new developments. If the outside bodies did not actually stop demolitions taking place nor have much influence on changes of use and refurbishments, they did contribute to debates on the design of replacement buildings and to the local authority's deliberations concerning redevelopments.

Conclusion

This chapter set out to establish which types of developer had been active in central Edinburgh between 1959 and 1978, assess the level of economic, political and land resources they possessed and ascertain whether or not the possession of such resources was in any way correlated with patterns in decision-making through the development control process by the planning sub-committee of City of Edinburgh District Council and its predecessor.

We have shown that there was a fairly wide range of developers operating in the city between 1959 and 1978 and that, in line with the national picture, a development industry has grown and come to dominate the process of office development in the city centre. Parallel to these changes, the motive behind development has also been demonstrated to have changed from a process carried out for owner-occupation to one conducted for short-term profit or assured income through rent. In addition, it has been clearly shown that certain of these developers have become increasingly powerful holders of land resources in central Edinburgh. This is particularly true of insurance companies, property companies and pension funds.

An analysis of development control decisions has revealed some interesting patterns with respect to the level of success different types of developers have had with their planning applications. The main feature has been that certain business interests would appear to have performed substantially better than others, with respect to securing planning permissions for change of use developments at least. However, this conclusion cannot be taken as a firm indication that the local planning authority has been involved in discriminatory activity. There are clear reasons why the chi-squared score was so high for changes of use. The Scottish property companies, many of which were small and based in Edinburgh, were seen to be actively trying to bring residential property into office use in strict contravention of the aims of planning policy. Hence, much of the "discrimination" against the Scottish property companies was directly related to their particular development activities. To a lesser extent this was also true of locally based companies, many of which had tried and failed to bring residential property into office use in the periphery of the central area.

In contrast, the banks and building societies, Scottish insurance companies and investment trusts, fared very well with respect to development control decisions and their low rates of refusal. Much of the redevelopment activity of the Scottish insurance companies and investment trusts was performed when there were few restrictions against such development and many of the developments by banks and building societies set out to rein the existing buildings. However, it is possible to suggest that the potential for economic growth in

the financial sector offered through the arrival of foreign banks in Edinburgh influenced decision-making on office development in the central area, especially since environmental issues were not raised. If the local authority were under the same impression with respect to proposals by investment trust then they have been mistaken since a very high proportion of this group's finished developments have subsequently been let to tenants.

With respect to the more contentious redevelopments, no discriminatory patterns were apparent in local authority decision-making. Presumably, this form of development has such severe impacts on townscape that no discretion could be exercised, especially in the period when such developments were to be restrained. With respect to the period of strict restraint, there was no particular discrimination against speculative developers in the last time period.

Clearly, the results of this and the three previous chapters have implications for evaluating the theories outlined in Chapters 2 and 3, and earlier in this chapter. First and foremost is that the policy of office restraint was formulated and implemented reducing the range of profit-making opportunities for developers. Secondly, within the range of developers active in central Edinburgh, there have been some interesting variations in the levels of success they have experienced through the development control process. There would appear to be very little to support the notion that 'local chauvinism' would prevail in such an arena. In terms of large financial institutions faring well, this could perhaps be seen as a result that was directly beneficial to

the local economy. As such a "big firms" strategy (Lojkine 1977) is also inappropriate since local firms would also have benefited. These conclusions will be examined in much further detail in the concluding chapter.

Although there have been variations in the level of success for different developers, there was also an underlying suggestion that the primary consideration in the minds of the local authority decision-makers when adjudging proposals, was the form of development involved rather than the type of developer. However, it does appear to have been the case that, as Underwood (1981b) has suggested, the whole system is subject to variation and discretion from decision to decision. The success of the investment trusts has highlighted clearly that there is a level of apparent ad hocery in decision-making. There appears to have been a fair number of relatively inexplicable lapses in the implementation of the office restraint policy. This chapter has shown that, at most, only a relatively small proportion of these lapses relate to the nature of the developer. This, therefore, begs the question whether the policy itself contained inherent deficiencies in its form or expression which led to problems in its implementation for particular cases. Policies cannot be made to fit all possible situations and the way a policy is expressed can enhance or reduce its level of effectiveness. The following chapter seeks to establish whether there were any problems in the implementation of the office restraint policy that were inherent as a result of the way in which it had been formulated and expressed. Such problems might help to explain further the apparent ad hocery observed in the decision-making of the local authority.

Chapter 10

Office Restraint in Edinburgh: Policy in Action

Introduction

The past three chapters have made use of development control decisions to illustrate the impact of developers and of state activities on the process of office development. The data provided, suggest that the local authority did respond to political pressures placed on it from outside interest groups and that the restraint policy, which was formulated as a result of those pressures, was applied reasonably equitably across different applicants and was mainly used to discriminate between forms of development.

However, there are still questions that remain unanswered about the implementation of the policy. We know that the office restraint policy was implemented, but not in a mechanical way. This indicates that the outcome of the development control process cannot be predicted with any certainty. Therefore, we need to be able to explain why a state activity like development control is somewhat unpredictable. The political theories outlined at the beginning of Chapter 9 do not provide adequate explanations.

However, in Chapter 6 we noted that the form in which the desire to restrain office development was expressed allowed the local authority substantial 'room for manoeuvre' in its decision-making. The results of Chapters 7, 8 and 9 suggests that this discretion was later used. Could this inbuilt discretion have ultimately proved a weakness for

the implementation as a whole? Given that it is often impossible for a policy to cover all possibilities in terms of the highly varied context for land development, were astute developers able to take advantage of the inbuilt caveats and terminology of the policy to secure permissions, which on first impressions were contrary to the letter and spirit of the policy. At the very least, this may explain a further proportion of the apparent ad hocery observed in the decision-making process.

The examination of the office restraint policy in action will also allow further, perhaps more subtle, interpretations of the patterns of decision-making given in the three previous chapters. Before such an examination it is worth making it absolutely clear why such an interpretation is necessary and why development control decisions are insufficient on their own to judge policy implementation.

Conceptual Problems in Using Development Control Data for Policy Evaluation

It was noted in Chapter 3 that a planning policy should not be viewed as a simple statement of intent or code of practice. Rather, planning policies form the basis for negotiations between interested parties and planning authorities. In general, the development of land is such a varied and complex process, that no simple set of policy rulings or guidelines could possibly hope to form a basis whereby decisions could be made routinely on development proposals. It is primarily for this reason that a simple analysis of local planning authority decisions is insufficient in itself to assess how a policy has been used.

Chapters 4 and 5 showed that the process of land development is complex. Not only are there organisational problems inherent in orchestrating the construction of the building, there is also the need for constant interaction between developers and the local authority over the ramifications and other aspects of a proposal. The larger a proposed development is, the greater the potential externalities will be. Therefore, it is likely that a greater level of public sector/private sector negotiations will be needed for larger developments. This is important since it means that different sized applications are likely to be processed through the development control system in different ways (viz. the larger redevelopments in George Street and St. Andrews Square were discussed differently from changes of use since consultees were involved in the former and not the latter).

It is also worth reminding ourselves that the relationship between a planning policy and the decisions made on planning applications by planning authorities is not clear cut. For example, Kingsbury (1982) has discovered, through investigations in six local authorities, that between 24 per cent and 65 per cent of decisions made on planning applications were not directly related to any policy contained in a planning document. Underwood (1981b) has also noted that despite the desire of development controllers to move away from discretionary towards routine decision making, the sheer variation exhibited by planning proposals results in development controllers being left with a great deal of discretion when making recommendations to planning

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committees .

Healey et al (1982) have also noted that some policies in published plans evolve as a result of consistent responses of development controllers to particular types of proposal. These "policies" have therefore been in informal (or even unconscious) operation even before their eventual crystallisation into formal policy statements in statutory planning documents. This therefore raises questions about exactly when a policy comes into use, and the relevance of any policy to decisions made by a local planning authority.

Hence the relationship between policies and decisions is problematic. To imply that it is not, would be to fall into the misconception pointed out by Barrett and Fudge (1982), that implementation was linearly connected and subordinate to policy formulation. This therefore means that planning policies should be assessed through their role in determining applications and forming the framework for negotiations. Some form of case study applications are needed to establish the real nature of, what is, a complex negotiating process.

Finally, it is important to note that the existence and form of a policy are not unrelated to the level and type of development pressures experienced in an area. Both McNamara (1984a) and Elson

1. Indeed, it should be reiterated that even statutory planning documents, and the policies contained in them, form only a part of the material considerations to be taken into account by a planning authority when determining a planning application. The law states that each application must be viewed on its merits.

2

(1982) have demonstrated² that the very existence of a restraint policy can affect whether developers apply for planning permissions.

The developer's perception of the strength of, say, a restraint policy can well affect his decision on whether to bother submitting a planning application³. Therefore rates of refusal could be quite low in a restraint area, not because the policy has not been implemented, but because the presence of a tough policy has deterred applications that do not conform. Hence, there is a generally applicable rule which suggests that all work on rates of refusal has to be qualified by case study and interview material as a means of interpreting the results of any statistical examination. As stated earlier, this factor also makes the apparent high rates of refusal for developments after the adoption of the office restraint policy even more remarkable.

ence, it can be concluded that, whilst data on planning decisions can be considered useful in evaluating policies in very general terms, the final statistics can only be considered as descriptions (rather than explanations) of the outcomes of what is a highly complex process of public sector/private sector interaction. The exact nature of that interaction cannot be inferred from the statistical analysis, which can only form a basis for investigation. Further information which

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- From interviews with residential and industrial developers working in Hertfordshire, regarding a tight restraint policy in the outer south east of England.
 - It should be noted that, despite the findings of the previous chapters, Edinburgh is viewed by outside investors as a strict planning authority. Indeed, in the 1980s the local authority has become increasingly concerned over this image, especially since it feels that such an image might be deterring investors in a period of deep recession (see Appendix).

pertains directly to that public sector/private sector interaction is also required.

Planning Appeals: An Alternative Source of Information

In order to obtain information relating to the way in which the office restraint policy was operated, a further extensive information gathering exercise was conducted. Unfortunately, access to development control files on individual planning applications was ultimately denied to the present author by Edinburgh District Council⁴. There is no question that these files would have formed the key source of information on the use of the office restraint policy since they record in detail the restraint postures adopted by the local authority and the utilisation of the restraint policy in informal negotiations and other communications with developers⁵. As a result of this setback, alternative sources of information had to be sought. Initially the present author attempted to piece together application histories from publically available documents⁶. This represented the assembly of material from newspaper reports, planning committee minutes and, where possible, existing publications and theses. However, this method of information collection was not cost effective in terms of the results produced. A far more fruitful information search was conducted through an analysis of planning appeal reports, which are held for public perusal at the Scottish National Library in Edinburgh.

4. See Chapter 1, Footnote 2.

5. This was made very evident in the research work done in Hertfordshire (McNamara 1984a, 1984b).

6. Two of these case studies were presented in Chapter 6.

As stated in Chapter 3, anyone in Scotland who is refused planning permission for a development proposal has a right of appeal to a higher order of planning authority⁷. An inquiry is held, either in public or by written representations, into every appeal made to the Secretary of State. These inquiries are presided over by a "Reporter"⁸, who listens to the evidence presented and makes recommendations to the Secretary of State on what decision central government should make. This recommendation is accompanied by a precis of the arguments of both the appellant and the defending local authority which, along with the recommendation, is supposed to assist the Secretary of State in making a decision. For the purpose of this thesis, these inquiries, and the reports which they generate, are of great importance, since they succinctly list the range of arguments used by the development industry when trying to circumvent the office restraint policy in central Edinburgh. This sort of evidence allows us to assess the strengths and weaknesses inherent in the policy. It also allows us to interpret central government responses to the existence and implementation of the office restraint policy.

Local authority planning officers (more so than members of planning committees), are constantly aware of the dangers of appeal decisions going against them. In such situations, where their original decision is reversed by a higher authority, an "unplanned" development occurs. In the case of office development with the possibility of many attendant externalities, these ad hoc reverses of policy could have serious repercussions for central area planning. Therefore, planning

7. See Chapter 3 for details.

8. "Inspector" in England and Wales.

officers must constantly bear in mind all the potential arguments that are capable of being used against them when making decisions in the development control process and invoking policies as reasons for refusal. Hence, an examination of the arguments raised at planning appeals against the office restraint policy will produce some important insights about its use and application and its strengths and weaknesses. Individual case studies of planning appeals are largely irrelevant to our interests since they often turn on particular details or site characteristics. However, the arguments used commonly over a number of appeals are useful when viewed together. This is because the recurrence of common arguments indicates potential weaknesses in the office restraint policy, which may ultimately affect its day to day implementation.

Obviously, appeal cases do not form a representative sample of all applications. Firstly, they are all appeals against refusals of planning permission⁹. By definition, this means that these proposals were of specific types that fell outwith the bounds of the policy. They are also untypical of the way that most applications have been processed. Because the appeal inquiry is virtually an "arena of last resort", all the possible arguments which could be assembled against a particular planning policy as applied to a particular site, are brought together. These arguments are then often presented (in writing or at public inquiry) by expert witnesses on behalf of appellants.

9. It is appreciated that appeals can be made against conditions applied to planning approvals or the non-determination of an application within a given time period. However, the local authority contested each of the appeals described here with reasons as to why the developments should be refused.

This is most unlike the informal negotiations which surround the day-to-day decision-making on most planning applications. However, despite these problems, the information from these inquiries is still of great importance to us, given our focus of interest on the role of the state in determining land use patterns¹⁰. The following section outlines the manner in which the office restraint policy was put under scrutiny at planning appeals.

Arguments Used by Private Sector Development Interests Against the Office Restraint Policy

This section presents an examination of all the appeals made to the Secretary of State of Scotland against refusals of planning permissions to develop offices in central Edinburgh since publically available records were begun in 1976. A listing of these appeals is given in Table 10.1¹¹.

By examining the information collected from planning appeal records, it has been possible to derive the main thrusts of argument used by appellants against the use of office restraint policy. They have been:

- a) arguments over the legality of the policy;
- b) arguments over the internal logic of the policy;
- c) arguments over the application of the policy; and
- d) arguments over the terminology of the policy,

10. Where appropriate, arguments used against the office restraint policy at the Lothian Region Structure Plan, Examination-in-Public are included as corroborative material.

11. It will be seen that some of the appeals that have been examined took place after 1978. Evidence taken from these appeals is considered valid for examining the strengths and weaknesses of the office restraint policy, because the policy has remained in force and relatively unchanged to date (October 1983) and consequently the arguments over the policy, at appeals, have not changed. As a result, they allow a fuller store of information to be utilised in assessing the policies.

Reference Number	Address	Appellant	Type of Development
P/PPA/LA/2	129-133 Rose St	A.A. Laing Ltd	change of use
P/PPA/LA/16	5/6 Randolph Cresc	Argyle Securities	change of use
P/PPA/LA/33	9 Blenheim Place	Forth Studies Ltd	change of use
P/PPA/LA/40	24-28 Earl Grey St	James Grant & Co Ltd	change of use
P/PPA/LA/47	21 Chester Street	Mr. Lovell	change of use
P/PPA/LA/50	Hill Street Lane/ Queen Street	Hogarth Shipping Estates Ltd	redevelopment
P/PPA/LA/60	10 Albany Street	Broadlands Property Co. Ltd.	change of use
P/PPA/LA/99*	8 Melville Crescent	J. McLaughlin Ltd	change of use
P/PPA/LA/109*	3 Torphichen Street	n.a.	change of use
P/PPA/LA/119*	34-35 Queensferry St	Huddersfield & Bradford B. Soc.	change of use
P/PPA/LA/151*	5 Walker Street	Scotia Daf Trucks Ltd	change of use
P/PPA/LA/154*	21 Manor Place	Dr. M.C. Finlayson	change of use
P/PPA/LA/162*	14a-16 George St	The Standard Life Assurance Co	refurbishment (1982)
P/PPA/LA/183*	9 Wemyss Place	n.a.	change of use

Table 10.1: Planning Appeals Relating to Offices, Central Edinburgh, 1976-1981

* post 1978 appeal.

Since these different arguments had the potential to undermine the strength of the office restraint policy, it is proposed to take each of these types of argument in turn and illustrate the variety of forms they have taken when used by appellants and their consultants against its implementation. This is followed at each stage by an analysis of the defence made by the City of Edinburgh District Council against such attacks. Following this is a brief look at a major appeal in the South Side to show how the office restraint policies have been used in areas of blight. Together, this detail permits a sensitive assessment of the strengths and weaknesses of the office restraint policy in action to be made ¹².

(a) Questioning the legality of the office restraint policy

This form of attack on the office restraint policy took three principal forms. Firstly, and most importantly, development interests questioned the legal status of the office restraint policy. Secondly, the right of the local authority to use the office restraint policy to halt an office development on a site that had already been in partial or "pseudo" office use (e.g. a dental surgery) was occasionally questioned and, thirdly, the use of the policy to halt certain office developments was often claimed to be unjust in that similar proposals had recently been permitted in the near vicinity. The following section reviews each form of argument in turn.

In several different cases, it was argued that the office restraint

12. Since all the appeals are referenced with P/PPA as a prefix, when individual cases are alluded to in the following text, only the LA/xx part of the reference number will be cited.

policy was not contained in any statutorily approved planning document and, as such, the appellant requested the Reporter to restrict his consideration of the proposal to take into account only the most recent documents with such approval (LA/162, LA/50). In all these cases, the proposal sites were found to fall within the Development Plan First Review zonings for general business purposes, where office use was a preferred land use (LA/2, LA/50, LA/99, LA/162)¹³. Hence, appellants were arguing that their proposal was in full accord with the latest statutorily approved plan. Therefore, in considering the appeal, it was argued that the Reporter and Secretary of State need not concern themselves with the office restraint policy (LA/50). Interestingly, when the office restraint policy was included in a statutorily approved document (the Lothian Region Structure Plan, 1978), this argument was dropped since it could no longer be argued that the policy had no tangible central government or regional council support (LA/16). However, in response to this a new line of attack was designed by appellants. This was based on the fact that, since there was no site specific local plan for the central area, the only statutorily approved plan relevant to specific parcels of land was the old Development Plan First Review. In this way the old argument about the lack of legal status for the office restraint policy was reinstated. Had such arguments about the legal status of the policy been substantiated in the eyes of the Secretary of State then the office restraint policy would have collapsed overnight because most of the central area was covered by old general business zonings. Hence, local authority planners regularly bolstered the office restraint

13. See Chapter 6.

policy in appeals by extra physical planning arguments against granting permission, as noted in Chapter 8.

The defence of the local authority's position in this situation was difficult. Principal lines of defence were either to reinterpret past policies for the central area in a more restraint oriented way or reduce the status of past policies. In one case the local authority argued that the old Development Plan zonings were merely a rough guide for development controllers and did not represent automatic guarantees of planning permission (LA/50). On another occasion the local authority argued that each planning application had to be viewed on its merits, regardless of zonings (LA/99).

The implication of the argument that the office restraint policy has no statutory basis is that the policy has no official support from central government. Therefore, one common defence of the status of the policy was for the local authority to indicate to the Reporter the various other forms of support for the policy that had been issued by central government. Of particular importance here are previous decisions issued by the Secretary of State which supported the office restraint policy. One particular decision was quoted frequently (LA/47, LA/50 and LA/109)¹⁴. In this appeal (at 9 Blenheim Place, LA/33), the Secretary of State had noted that he was:

" prepared to attach considerable weight to this stated policy (of office restraint in Central Edinburgh)", (para 6, LA/33).

14. As Chapter 5 noted, decisions on planning appeals are a principal means by which central government can influence land use planning at the local planning level, if it so chooses.

The level of support for the policy at Regional level was questioned by appellants in two appeals. In response, the District claimed Regional Council support for the policy since:

"A review of the restriction of office development policy in the central area, adopted by the District Council in March 1974, has been proposed by the Lothian Regional Report, but no revision or reversal of policy has yet emerged" (LA/50),

Thus implying that the policy has full Regional Council support.

A large team of Reporters is appointed by central government to deal with planning inquiries as and when they arise. Therefore, appellants, or the relatively restricted number of planning experts who are used as advocates by appellants, are able to repeatedly question the status of the office restraint policy at separate appeals in the knowledge that two Reporters might view the same policy (and the arguments against it) differently. This inconsistency is examined further below.

A number of refusals on small changes of use that eventually led to appeals being lodged, related to the change to full office use of a building already in part office use (LA/50), or in "pseudo" office use (LA/47, LA/154), or in temporary office use (LA/16). The legal questions which arose have largely revolved around whether or not the proposed site was or was not already in office use. The evolution of these proposals into planning appeals is somewhat indicative of differing opinions of the applicant and the local authority over whether the full office use of the building was of consequence for the nearby area. Arguments tended to revolve around whether, say,

surgeries were offices or not, whether residential units would or would not be lost or not, and whether it was right that a temporary permission should or should not be made permanent. These cases tended to turn on the particularities of the individual site concerned.

As McAuslan (1980) has noted, one of the ideologies of the land use planning system is that all applicants for planning permission stand equal before the law. Therefore, any claim by an appellant that he has been unjustly dealt with by a planning authority is a potent argument in an appeal, if it can be proved. In several appeals (LA/16, LA/33, LA/50 and LA/162), the agents acting for appellants produced substantial amounts of evidence to show that other developments, similar in type and location to their own proposal had previously been approved by the local planning authority and that, as a consequence, they had been unjustly singled out for refusal. In this way, ad hocery by a local authority can lead to further problems for that authority at a later stage.

The usual responses of the local planning authority in such situations included:-

- (a) the production of statistics to show how strictly the policy had been implemented in the nearby area (LA/16);
- (b) an analysis of the evidence presented by the appellant to reveal which "so-called" exceptions to the policy had, in fact, been within the types permitted by the office restraint policy;
- (c) arguments to show that the area within which the appellant had gathered his evidence was arbitrary and that a wider area showed the strict implementation of the policy more accurately;

(d) and the argument that each application was viewed on its merits, and that they had, therefore, acted justly in the past (LA/16, LA/99).

It was sometimes in the appellant's interest to argue that his proposal was "special" in some way. This implies that the proposal could not be considered as a precedent by other developers (LA/16), and would not, therefore, lead to further appeals which could cite their proposal as evidence in their favour, or prejudice the implementation of the policy .

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(b) Questioning the logic of the use of the office restraint policy

There were two principal ways in which the logic behind the office restraint policy was attacked by appellants. Firstly, some appellants attacked the general logic behind the policy, claiming that there was a known need for offices in the central area (LA/162 and LA/50) and that the policy was therefore ill founded and illogical. However, it is important to note that an appeal relating to a specific development proposal is not a very appropriate forum for attacking the general application of a policy (since this is considered a matter for wider public debate within the plan-making process), and as such this type of attack was generally ignored by the Reporter. Secondly, and much more commonly, appellants argued that the logic of applying the office restraint policy to a particular proposal was misguided. In the case of office development in central Edinburgh these arguments normally revolved around the logic of keeping central area properties in residential use. Variations on this theme included:

15. In converse, the local authority argued that certain proposals would ultimately establish precedents (LA/99), and should not, therefore, be permitted.

- (i) that the property (or area) was not suitable for residential occupation (LA/2, LA/33, LA/183);
- (ii) that no tenants could pay the rent, if an economic rent was charged after necessary rehabilitation of the property (LA/99);
- (iii) that there was no demand for residential properties in such areas (LA/60).

Although the local planning authority normally contested such lines of attack with various empirical evidence on rents and costs, the arguments tended to be conducted without much substantive evidence on either side.

With respect to arguments over the general logic of the policy, the local authority response was simply to remind the Reporter of the necessity for, and the reasoning behind, the restraint of offices in the city centre. This allowed the Reporter to see a specific proposal in context with the general planning situation and demonstrated that their earlier decision to refuse development was consistent with a defensible policy and was therefore the right decision.

(c) Questioning the application of the office restraint policy to specific proposals in central Edinburgh

In the sense that these attacks on the office restraint policy were aimed at the application of the policy to particular proposals, they were akin to those described in the preceding section. The significant difference in these particular cases was that the "logic" of the policy was not questioned. Indeed, the spirit of the policy was regularly supported by appellants (LA/99, LA/154 and LA/162). However, in these cases it was the over-zealous way in which the policy was being applied which became the focus for appellants'

criticisms. The major criticism was that the office restraint policy was being interpreted too strictly. Appellants' arguments commonly claimed to show that:

- (i) the traffic generation of the proposal was minimal (LA/33, LA/50, LA/154);
- (ii) the additional office space was minimal and would not undermine the policy (LA/2, LA/50);
- (iii) the existing buildings were not precious (LA/50), incongruous (LA/50), unstable (LA/162) or in poor condition (LA/50);
- (iv) redevelopment would enhance the appearance of the building (LA/50) and/or locality (LA/162);
- (v) there was no demand for the buildings in their present, non-office, use (LA/50);
- (vi) there was no other possible use for the building other than offices (LA/162);
- (vii) conservation groups had been consulted and had raised no objections (LA/50);
- (viii) the local residents preferred offices to the present use (LA/183);
- (ix) the area was already predominantly commercial in character (LA/2, LA/16, LA/47, LA/99, LA/154 and LA/196);
- (x) future plans would (LA/60) allocate the property for office use in the next round of planning anyway.

In response to these pleas for flexibility in the implementation of office restraint policy, the attitude of the local authority was neatly encapsulated by their reply to one developer which noted that:

"policies are under constant review, but current policies are upheld until formally changed".

As stated, given the complexity and variety of development situations in a city centre, it is unlikely that any simple and clear cut policies could ever be defined which could clearly divide off

proposals which should receive planning permission from those which should not. As a consequence, there will always be borderline cases where a small amount of flexibility on the part of the local authority could change a refusal into a permission. This would be true if the policy was applied rigidly or not. If a policy is applied flexibly, then a different set of "borderline" cases would inevitably have to be considered. Hence, in a restraint policy, the line has to be drawn somewhere¹⁶ and then defended. Against arguments of over-zealous implementation, the local authority tended to produce statistical evidence to demonstrate the likely effects of granting a permission, which were usually claimed to be significant.

(d) Questioning the terminology of the office restraint policy

The construction of unambiguous policies or statistics is a major problem for any policy maker or legislator. Even the simplest policies can be open to a variety of interpretations. However, it is also true to say that a level of ambiguity within a policy can also allow a level of flexibility and discretion to an implementing agency. It has already been suggested that the form of words chosen for the office restraint policy had this need for discretion in mind. However, as we suggested earlier in this chapter, these ambiguities can also be exploited by development interests as loopholes. Three "phrases" relating to office restraint generated debates over the definition of terms. They were:

- (a) the nature of the "overriding need" that applicants had to show in order to develop in the central area;

16. Or, at least, has to be seen to be drawn somewhere.

- (b) the level of the "extraordinary costs" of rehabilitation, which developers could use as justification for a change of use of a building to offices;
- (c) and the nature of "residential units", which the local authority was trying to keep in the central area.

In one appeal, an appellant was trying to change a temporary planning permission for offices which had run from 1954 to 1979 to a full planning permission (LA/16). As part of their case, they argued that the present tenants (the Property Services Agency of the Department of the Environment) had an overriding need to be located at the site. In response to this claim the local authority replied that:

"this need must arise from the claims of a known occupier. Since the Department of the Environment does not require planning permission, their need is not known and 'overriding need' has not been established".

In effect this argues that, since the Department of the Environment can develop whatever property they need for their operations through deemed planning permission, they are unable to demonstrate why they need this particular property and therefore the landlords of the property, who had secured the original temporary planning permission, could not demonstrate that they or their tenants had an 'overriding need' to be in the central area. Unfortunately, this case is the only one viewed by the present author on the definition of overriding need by an applicant and since it relates to a central government body, it is a special case. The files of more usual planning applications would have been more interesting on this point, since they would have contained details of how applicants were demonstrating 'overriding need' in the course of negotiations over their individual

applications. However, the above case does show that the key element of the proof lies in the "claims of a known occupier". This demonstrates how part of the office restraint policy was aimed at excluding speculative developers who, almost by definition, could not produce evidence of a known occupier's need to be in the central area.

The question of "extraordinary costs" of rehabilitation arose in two separate appeals (LA/99 and LA/162). In LA/99, the appellant argued that the economic costs of refurbishing the proposal site would be of a level unlikely to generate a worthwhile return by its retention in residential use and that this was therefore an extraordinary cost. In LA/162, a similar argument was mounted for an existing retail building. In this case the developers produced figures showing that the job of refurbishing¹⁷ the shop for use as offices (and hence rehabilitating the frontage), would cost £350,000 more than simply demolishing the old building and developing a new office block. The appellants claimed that the costs of refurbishment were demonstrably "extraordinary", but that they were willing to pay them if a planning permission for office development was forthcoming.

The local planning authority disagreed in both cases. In the first appeal it argued that restoration costs could only be considered extraordinary when the present value of the house plus the costs of restoration exceeded the ultimate value of the property. The local authority argued that the building in question could be restored and maintained in residential use at "ordinary" cost and, therefore, the

17. This refurbishment was refused permission in 1981 and is not therefore recorded in tables in earlier chapters.

change of use to offices should not be permitted .

In the second case (LA/162), the local authority questioned the assumptions used by the developers to assess the costs (and returns) of their proposed development. By questioning and suggesting more realistic alternatives to some of these assumptions, the local authority was able to show that the developer could get a very good return from the development whichever way it was performed and that, as such, this development did not represent an extraordinary cost.

Finally, there was even a debate over what constituted the loss of a "residential unit" (LA/33). In this case, the developer proposed to change half of an existing house to offices. The present occupier of the house, it was claimed, found the building too large for her needs. Therefore, she would retain the remaining half of the house after the development was completed and, as such there would be no loss of a residential unit. However, the local authority replied that the development would still represent the loss of residential accommodation which, they claimed, was contrary to the spirit of planning policies operating in the area.

(e) Office Restraint Policy Applied in Blighted Areas

All the previous appeals have related to sites in the First New Town area of central Edinburgh. However, offices were occasionally applied for in other parts of the central area and, on two occasions (LA/40, LA/109), led to appeals. This section will very briefly describe the

18. In the event, the Reporters disagreed with this interpretation, but recommended the dismissal of the appeal on other grounds.

arguments of LA/40, and outline the different use of the office restraint policy by the local planning authority in blighted areas as opposed to its more common use in areas of demand.

LA/40 was a proposal to substantially alter an existing, semi-derelict block of shops and houses in the area of Tollcross¹⁹ (see Figure 6.1). The proposal was to provide shopping space on the ground floor and two floors of offices (1200m² and 600m²) above the shops. Planning permission was refused by the local planning authority because such development was contrary to the office restraint policy.

During the course of the appeal the appellant argued that:

- (i) there was no demand for shops above ground floor level in the area;
- (ii) the development of housing above the shops was not considered economically practical;
- (iii) that a shop nearby had recently been developed with the same specifications included in this proposal. Therefore there was a precedent;
- (iv) the development would provide employment in this blighted area;
- (v) the traffic generation of the offices would be insignificant;
- (vi) the development would bring housing back to the area, by making it a more attractive area;
- (vii) the proposal fitted within the policy of the small area plan for Tollcross which stated that offices should not be allowed:

"other than in exceptional cases of overriding need, including the change of use of the

19. Which, as Chapter 6 has noted, was blighted by a series of road proposals which did not materialise.

buildings which would otherwise become vacant and possibly derelict to the detriment of the environmental amenity of the area and the planning objective of restoring public confidence but subject to proof ... that they cannot reasonably be used for a more acceptable purpose".

(From Tollcross Local Plan, Interim Report).

(viii) the policy was inappropriate in this case, especially since the proposals were only 60 metres inside the boundary of the policy area.

The appellant concluded that:

"It would be a pity if planning blight were to be perpetuated after the abandonment of the road proposals, because of the Office Restraint Policy".

In response the local authority argued that:

- (i) there was no need for any more offices in the central area;
- (ii) they had the support of the Secretary of State for the Office Restraint Policy;
- (iii) the policy they were applying was both logical and necessary;
- (iv) the precedent, quoted by the appellants, was in fact an exception;
- (v) dereliction in the area was not inevitable if the permission was not granted;
- (vi) residential development was possible on the proposal site.

In addition, the District Council provided a witness from the Lothian Region Highways Department (a rare Regional involvement with an appeal) to say that the traffic implications of the twenty to thirty more cars which the development would generate in the Tollcross area were very serious indeed .

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20. This reiterates the concern over traffic in the central area.

Hence, even in an area of blight, 60 metres from the edge of the central area, generating a small amount of traffic and possibly rehabilitating a dilapidated building, the local planning authority were determined to restrain office development in the belief that more appropriate use could be made of the site.

The Office Restraint Policy: Elements of Strength and Weakness

In a recent paper concerned with the restraint of residential development in southern Hertfordshire, McNamara (1984b) listed four²¹ key elements of a strong restraint policy . They were:

- (a) a firm basis in planning law for the ambit and the implementation of the policy;
- (b) Central government support for the policy;
- (c) Support for the policy at local level;
- (d) Clear and unambiguous aims which could be easily understood by developers, development controllers, planning committee members and the public.

These four elements provide a basis with which we can examine the strengths and weaknesses of the office restraint policy.

As we have seen, it was not the legality of what the policy was seeking to do that was questioned by appellants but, rather, the legal status of the policy itself. As a result of the fact that the office restraint policy was not lodged in a statutorily approved document until the approval of the Lothian Regional Structure Plan, the policy was constantly being challenged by developers. Both the structure of

21. This listing is more specific to planning restraint policies, and as such, is used at this junction. The policy as a whole is considered vis-a-vis the Van Meter and Van Horn model in Chapter 11.

the office restraint policy and the subject of the policy (restraint of offices) are perfectly legitimate in terms of the law of land use planning. However, without the official sanction from central government through the modification and approval procedures for statutory plans, the issue of the status of the policy can be brought into question.

The fact that the existing statutorily approved land use zonings encouraged office development made the local authority's position on restraint even weaker (despite the local authority's argument that the office restraint policy was a further reinterpretation of those old zonings). In addition, the legal standing of the policy was further undermined by the flexibility with which the local authority had applied it²². However, it does not appear that this flexibility has ultimately led the policy into the difficulties in which, in theory, it could have. Rather, it has simply given the local authority planners extra work in trying to refute claims of unfair refusals. One reason why it has not undermined the policy is that appeals have not tended to turn on such issues.

Without question the major strength of the office restraint policy has been the level of support it has received from both central government and pressure groups and others in the local area. Edinburgh, as we

22. Despite the arguments to the contrary by the local authority, Reporters did note (see Chapter 8) and comment on the ad hoc implementation of restraints. This "ad hocery" leads to further problems for the local authority through other appellants and applicants being able to claim that precedents had been set and that they were being treated unjustly.

have seen, is the centre of many national bodies and organisations. The civil servants of the Scottish Office form, by and large, a significant element of Edinburgh's articulate middle class. As individuals they are, therefore, subject to local pressures and unavoidably influenced by local feelings. As an organisation they are capable of being lobbied on a day to day basis by local and national amenity groups, many of whom are based in Edinburgh. These factors must all ultimately aid the aims of the office restraint policy in central Edinburgh since civil servants are socialised into the ideology that "restraint is needed", an ideology which pervades central Edinburgh .

23

Table 10.2 shows that almost two-thirds of appeals made to the Secretary of State concerning offices in the New Town were dismissed. Those that were upheld all appear to be cases where the local planning authority has, in the eyes of the Reporter at least, tried over-zealously to restrain office development. In four cases (LA/109, LA/154, LA/183 and LA/196) the Reporter found the local authority's proposal that the properties in question should be used as residences rather than offices unacceptable either in economical terms or in the likely conditions for their later use as dwellings. One was a basement in a busy thoroughfare (LA/109) another was the only flat left in a tenement block (LA/196) and one had been a dental surgery. In LA/183 the Reporter argued that the use of the property for offices would actually aid conservation policy.

23. Ironically, the civil servants of the Scottish Office are able to view the skyline of central Edinburgh from the windows of the largest (and some say most intensive and ugliest) office building in Edinburgh, St. James House.

	Reporters Recommendations	Secretary of State's Decision	Explanation
P/PPA/LA/2	sustain	dismiss	
P/PPA/LA/16	dismiss	dismiss	
P/PPA/LA/33	dismiss	dismiss	
P/PPA/LA/47	dismiss	dismiss	
P/PPA/LA/50	sustain (limited)	sustain (limited)	
P/PPA/LA/60	dismiss	dismiss	
P/PPA/LA99	dismiss	dismiss	
P/PPA/LA/109	sustain	sustain	blighted edge of of city centre site
P/PPA/LA/119	dismiss	dismiss	
P/PPA/LA/151	dismiss	dismiss	
P/PPA/LA/154	sustain	sustain	very small change of use
P/PPA/LA/162	dismiss	dismiss	
P/PPA/LA/183	sustain	sustain	change of use club to offices
P/PPA/LA/196	sustain	sustain	very small change of use

Table 10.2 The Decisions Made on Appeals by the Secretary of State:
First New Town, Edinburgh, 1976-1981

With respect to LA/50, some limited development of the site was permitted by the Reporter, after a most comprehensive attack on the office restraint policy by a planning consultant had been made. In concluding the Reporter had noted that:

"The refusal of office development, in strict accordance with the policy of office restraint would condemn the site to the retention of buildings with little or no prospect of being used, practically or economically, in the future, unless another acceptable use can be found for the site which however seems rather remote" (para 11.8).

Despite these problems caused by over-zealous usage, Table 10.2 shows quite extensive, practical support by central government. This support now has formal expression in both the approval of the Lothian Region Structure Plan (December 1979) and the statement issued in LA/33 (issued 22nd December 1976).

Chapter 6 has already illustrated the level of local support that existed (and still does exist) in Edinburgh for office restraint. This ideology of sensitively restraining development pervades not only the public sector but the private sector agencies involved with development in Edinburgh as well. We saw in Chapter 8 that even local estate agents who stood to gain from development activity were in support of the general aim of restraint in the city. As such, key elements of the development industry were taking the restraint policy as a justifiable "given", even before beginning negotiations with local authority planners. Since the local estate agents are generally in favour of the office restraint policy, developers from outside Edinburgh quickly become aware of the need for sensitive developments even before they meet with local planners.

A final, but crucial, element of the policy's strength in implementation was that the office restraint policy was easily understood by the local citizenry. The single aim, contained in the

policy's title, was easy to understand and support. As Chapters 7 and 8 have shown, it was largely supported on the basis of a popular wish to retain the architectural heritage of the city centre. Its connection with traffic generation was not articulated by people outside the realms of planning applications and planning inquiries, whereas the simple aims of protecting central Edinburgh from the "architectural barbarism" of modern property developers was sufficient to focus local support for the policy. This, in itself, strengthened the policy since there was political support for its aims and its implementation at all levels, especially when expressed through the amenity and other groups.

The major weaknesses for the office restraint policy related to its lack of status, which perhaps a detailed, site-specific local plan might have enhanced, and the unpredictable way in which the policy was used. Many appellants could not understand why they should be denied the right to develop where examples of permissions existed nearby, often in the same street. In other cases, like the example in Tollcross, its implementation on properties that might have benefited from refurbishment or redevelopment and cost little in terms of externality effects, caused some discontent. The opportunities made available through the way the policy was expressed could also have caused problems for implementation.

Conclusions

This chapter has tried to enhance our understanding of why the local planning authority in Edinburgh permitted certain developments which

appeared to contradict the declared policies of the authority. Some of these "non-conforming" permissions might relate to the type of developer involved and, more importantly, the type of development involved. This chapter sought to establish whether there was also a case to suggest that problems with the policy itself might also have been a further reason for these anomalous decisions.

Without access to the files kept by the local authority on individual development (including the non-conforming ones), it is much more difficult to say how the policy was used, or whether the aims of the policy were difficult to assert in the course of day-to-day plan implementation through the development control system. The information from planning appeals seems to indicate that the policy did suffer from several inbuilt deficiencies. The terminological ambiguities were certainly capable of wide definition and exploitation by office developers and their consultants. The volte face in policy terms, with respect to the stance of the local authority towards office development in the city centre, coupled with the non-statutory status of the office restraint policy further weakened the position of the policy and laid it open to challenge at appeal. Similarly, non-conforming decisions have been shown to have a cumulative effect in terms of weakening a restraint policy, through recourse by applicants and appellants to calls for natural justice.

However, the same analysis of appeals decisions also reveals that there was extensive support for the office restraint policy and its aims at both central government level and, to a limited extent,

amongst estate agents and even some appellants in the city. A general conclusion might well be that the office restraint policy was a fairly tough policy that was strongly supported.

Hence, using the evidence from this and the preceding four chapters we can say that popular resentment against office and transport developments coupled with economic imperatives causing problems for expenditure on roads led to a change in policy regarding office development in central Edinburgh. We have seen that this policy has been implemented relatively successfully. Many more proposals for office developments have been turned down since the adoption of the policy. However, a substantial number have also been permitted, some apparently in contradiction of existing policies. The form of office development in the city centre has also changed dramatically. Much of this must have been related to the existence of the restraint policy or its use in negotiations surrounding proposals. Thus development activities have been channelled by the policy to fit conservation, if not traffic, policies.

We have also seen that the policy was not mechanically implemented, yet only a few of the "non-conforming" permissions can be related to the nature of the developer involved. Similarly, this chapter has shown that the restraint policy itself was relatively tough. Perhaps one can only conclude that the development control process, which deals with very varied proposals in widely differing circumstances in both time and location, is inherently unpredictable. In a regulatory system that examines the merits of individual proposals, there will

always be inconsistency. Without the case study files it will be impossible to identify the reasons why a proposal was given planning permission. However, even given this gap in our knowledge, we have examined a very interesting case of how a local authority has acted under pressure to control one aspect of the spatial reorganisation of land uses in the city centre. We have seen that there is substantial worth in investigating the role of local government in the determination of land use patterns. However, we have also seen that the results of the activities of such agencies can only be predicted to a limited extent. We now turn to evaluate the accumulated evidence and assess its theoretical implications.

Chapter 11

Conclusion

Introduction

In terms of evaluating the role of local government in guiding the spatial reorganisation of the city, the control of office development in central Edinburgh has provided us with a case study which is valuable for a number of reasons. Firstly, the forces pressing for the right to develop property in central Edinburgh have been shown to be potentially powerful in a number of ways, both economically and politically. In this they are not dissimilar to development forces operating in city centres across the United Kingdom and they have also undergone similar changes in composition to those operating elsewhere in the country. There may be unique features about the situation relating to land use planning in central Edinburgh, but the forces behind commercial property development in the city are similar to those in other parts of the country.

Secondly, there has been consistent pressure from developers to obtain planning permission to develop offices in an area of considerable architectural and heritage value. This has resulted in a powerful political lobby being mobilised, over a relatively short period of time, to resist further development. The crucial arena for the resolution of this conflict of interests has been the local authority (and to some extent central government) in whom the right to develop land is vested. The granting or not of planning permissions and the use of planning policy to accommodate, control and guide the pressures

for development are both measures of the impact that these conflicting forces have had on local authority action.

By an analysis of the pressures placed on local government by these interest groups and the effects that these pressures have had, we can add valuable information to the presently limited store of knowledge about how, and for whom, local government operates and the extent to which it influences the complex process of spatial reorganisation in contemporary Britain.

Seven questions were outlined in the introduction to this thesis. The first five can be answered relatively easily from our empirical work. These questions related to the nature of pressures applied to the local authority in order to secure or resist the issuing of development rights, the response of local government to such pressures, the translation of such pressures into political action, the effect of that political action on local government decision making regarding the process, history and resultant spatial distribution of offices in Edinburgh. Conclusions on these questions are recorded in the following section.

However, questions relating to who benefits from state activity and the role of the state in the process of the spatial reorganisation of land uses are more difficult to answer and, given our interests, require more substantial treatment. The way in which local government operates and who benefits are both evaluated in terms of the four questions outlined in Table 2.2. Evidence to answer these difficult

questions is assembled from both the evaluation of how planning policies were formulated to mediate the conflict of interest that existed in central Edinburgh (Chapter 6) and the way in which those policies were implemented (Chapters 7, 8, 9 and 10). Observations are then made on the changing nature of the process of spatial reorganisation and the role which local government plays in it. Finally, the methodology used in the course of this thesis is reviewed.

Pressures on Local Government: For and Against Development

In terms of requests for the right to develop office properties in central Edinburgh, there is no question that the pressure on local government from office developers has been substantial throughout the twenty year study period, 1959 to 1978. These pressures were generated by a wide range of different types of developers seeking to develop in the central area for a variety of reasons. The focus of pressure has consistently been on the First New Town, but some large firms and government bodies seeking cheaper sites for office accommodation have developed large offices in less central locations.

The pressures for development have grown and declined in approximate accord with the national picture of "boom" and "slump". However, Edinburgh has been shown to have had its own, slightly different, history of development pressure owing to sustained interest in the area after the property crash of 1974. In total, the effect of office development in central Edinburgh has been a major transformation in parts of its built form, along many of its central parts. In addition,

there has been some 'colonisation' of new areas on the edge of established commercial areas by some developers and office users. In total, there was an estimated increase of 400,000m² of new office space between 1959 and 1978.

Although the pressures for development have been somewhat cyclical in nature, the range of developers pressing for development right has altered dramatically. A development industry has come to dominate office development in central Edinburgh. Above this demonstrable change in the nature of developers there has been an accompanying change in the 'purpose' for which development rights were being sought. The process has changed from a predominant interest in 'development for own use' to 'development for profit', by sale or rent. A third important change that was revealed by our empirical work was that governmental pressure for office space has dwindled through the study period. Finally, it has also been shown conclusively that financial institutions and property companies have become significant new landowners in central Edinburgh. This means that they are more than likely to continue to be major forces behind future pressures to develop in the central area. Hence, one can conclude that there has been consistent pressure applied to local government in Edinburgh to permit office development in the central area by a decreasing number of increasingly powerful developers.

In parallel with changes in the nature of developers there has been increasing pressure brought to bear on the local authority in Edinburgh to halt further office development and related public-sector

road construction projects in the central area. It has been shown that there has long been a network of societies and associations in the central area through which the feelings of many individuals about the redevelopment of the city have come to be expressed. In working class housing areas to the south of Princes Street and at a number of locations on the periphery of the central area, new groups were formed within the study period to fight comprehensive redevelopment plans and road proposals which directly threatened their homes and the environmental amenity which they enjoyed. These newer groups differed in socio-economic composition, resources and purpose, from the wealthier and more established central area groups and city-wide amenity societies which had large reservoirs of both professional and financial resources with which to assist their campaigns against redevelopment.

When several major redevelopment proposals were made public within a relatively short period of time in the late 1960s and early 1970s, the attention of the entire city became focussed on issues of redevelopment, and the collective outrage of these groups transformed land development into a hotly contested political debate. There is no doubt that the amenity groups and residents groups were extremely successful in translating their sense of outrage into effective political action in the early 1970s. Major public meetings were held to assemble support from local, national and international sources for their cause. In addition, local and national newspaper coverage kept the general public informed about the issues, greatly assisting the cause of the groups by detailed reporting of such matters as the

flying of air balloons over Haymarket Station (see Chapter 6). All this public protest was over and above the direct contact that some groups had previously enjoyed with planning officers and members. It is also true to say that some of these amenity groups, especially those defending the First New Town, had the support of large numbers of Edinburgh businessmen, civil servants and, as has been shown, even some commercial estate agents and developers in the city.

The 1960s ideology of redevelopment reflecting the vitality and virility of a city was rapidly transformed by the political activities of the residents groups and conservationists into an ideology geared to defending Edinburgh's heritage. This newly restrictive posture towards the redevelopment of the central area became increasingly socialised into the ideology of Edinburgh businessmen, government officers and the general public. (It has also been shown that there was no effective tourist lobby supporting such restraints in the early 1970s. Rather, the tourist lobby has developed and become incorporated into the local government structure in the early 1980s because of the increasing importance of the industry to Edinburgh's economy).

In contrast, the developers did not possess a cohesive lobby to defend their interests at the local level. As we have noted, the process of office development became increasingly dominated by outsiders through the period, with a few important exceptions like Miller Developments and Edinburgh-based insurance companies. With respect to office users, the main attitude of the general business community towards

development was one of defending the ability of local office users to find appropriate office space and ensuring that sufficient space for economic growth was permitted by the local authority. The main concern of local business representatives was with the parallel problem of traffic conditions in central Edinburgh and, in this, they were in favour of any measures which improved traffic movement and parking. They were sceptical about suggestions of starting office centres outside the city centre. Developers based outside Edinburgh were usually only engaged in negotiations with the local authority over the determination and progress of individual applications. Only when they secured previous commitments from the local authority, as at Haymarket, or when their arrival in the city carried connotations for the economic well being of the city (e.g. foreign banks) were they able to exert any apparent leverage at all on local decision-makers. Hence, one can conclude that, in the open political arena at least, the concept of restraining office development was largely uncontested except for provisos being made by representatives of local business and estate agents to maintain the potential for economic growth in Edinburgh's central area. This concern was enshrined in the final form of the office restraint policy.

We have seen that the local planning authority acted quite rapidly in response to these political pressures. An indication of their desire to appease the emergent anti-development lobbies was the £450,000 paid as compensation to a developer for modifying his planning permission. However, even more important was the decision to suspend

the road proposals¹. This act resulted in a number of other measures being introduced rapidly to restrain the growth in traffic in the city centre. These included car parking restrictions, bus priority lanes and a policy to severely restrain further office growth. In these ways, the local planning authority was seen to act in response to "grass roots" pressure. Indeed, restraint in the First New Town became officially incorporated into the decision-making body through the establishment of the New Town Conservation Committee upon which the local authority was well represented.

The form of the policy to restrain office development was such that no applicant with an overriding need to be located in the central area would be denied the right to develop. In theory at least, this facilitated development to support economic growth but excluded speculative development, for which the policy outlined alternative locations outside the central area. In practice, the process of office development had become dominated by speculative developers by the time the restraint policy was adopted and such discrimination was not operated. The office restraint policy also facilitated the channelling of pressure for development into a form which retained rather than replaced existing built structures. We have concluded that the policy was made deliberately flexible to permit a fair degree of discretion in its implementation which reflected some concern on behalf of the planners over the economic ramifications of the policy. Our results also show that a fair amount of discretion was in fact used in the implementation of the policy.

1. Although it is recognised that severe problems of financing were part and parcel of this decision.

Chapters 7 and 8 showed that, in general, the policy of the office restraint was implemented quite rigorously after its formulation, leading to a significantly higher level of refusals after its adoption. There is no doubt that it lowered the level of office starts in central Edinburgh at a time of enormous pressure from individual developers (which in turn, was related to a financial situation which affected the economy as a whole). Similarly, there is no doubt that the form of the policy, its use in negotiations with developers and its delineation of development opportunities in the city, resulted in a dramatic alteration in the effects of office development on the built environment (though not on traffic generation) leading to a far higher rate of refurbishments taking place.

Finally, there is no doubt that the office restraint policy affected the location of office development in Edinburgh as a whole. Although, the opportunities it opened up in locations outside the city centre were largely eschewed by speculative developers, the policy did open up new speculative opportunities on the edge of the central area. Given the distribution of modern office blocks around the edge of the restraint area (e.g. Orchard Brae and Trafalgar House), there is no doubt that the office restraint policy has led directly to the generation of office development in these previously undeveloped areas. This was not intended by the local planning authority which has since been found to design further restrictive controls for these areas. This reflects the evolutionary interrelationship between policy formulation and implementation.

The inbuilt flexibility of the policy has been put under close examination at planning appeals with all aspects of its form being questioned. These terminological debates have been supplemented by direct attacks by appellants on the logic of the policy and the flexibility with which the policy had been applied. However, the combination of the office restraint policy and physical planning policies, plus the support of central government for the policy, has provided adequate defence for this somewhat ambiguous policy in times of need. As a result, the policy has remained largely unchanged for the last five years of our study period, except for minor amendments and additions. This has allowed the local planning authority to react flexibly to development proposals and has given them a strong hand in negotiations with prospective developers.

Empirical evidence, interviews and appeal cases seem to indicate clearly that the policy has been used with a certain degree of discretion but, as Chapter 9 has shown, it is not possible to show conclusively that there has been any significant bias against particular types of developers. However, it is worth noting that certain types of developers (e.g. banks and building societies and investment trusts) have had lower rates of refusal than others (e.g. Scottish property companies and locally based companies) for similar types of development. It has been suggested that the policy was designed to permit discretion and that discretionary practices have been engaged in by the local authority. This has mainly favoured applicants whose presence in the city intimated potential economic growth. This may well have been seen as a relevant material consideration when decisions were being made.

Factors Affecting Implementation

What does our case study of office restraint in central Edinburgh show us about the nature of policy-making and implementation? Firstly, it showed a local planning authority constantly reacting to an evolving situation and producing a policy which synthesised the demands of the various interests. Hence, the pressure for the policy was largely "bottom-up". Secondly, we saw how the form of a policy changed incrementally through the experience of implementation. Although the policy remained basically the same, the need for some redevelopment in the Haymarket area was grafted on to the office policies in Lothian Regional Structure Plan in 1978. The Regional Council also extended the restraint policy into the inner suburbs as a reaction to the ring of offices that had been developed on the edge of the central area. It has been argued that the appeals system can play a part in policy evolution by forcing a regular reconsideration and possible redefinition of the terms within a policy. This did not occur in the case of the office restraint policy because of solid central government support for the existing policy.

In the light of the factors affecting implementation, outlined in Chapter 3, what were the factors that assisted or hindered implementation in the case of the office restraint policy? With reference to the level of powers and resources available to achieve implementation, the main strengths of the office restraint policy were that it had enormous public support, that it was using powers that were indubitably legal and defensible within a framework of land use planning law and that it had the support of higher tier planning

authorities (i.e. both Lothian Region and central government). However, as Chapter 10 has shown, the inbuilt ambiguities of the policy, the flexibility in its implementation, the lack of a site-specific plan supporting the policy and the lack of statutory approval for the policy, did give rise to some debate which might have weakened the policy had central government support been less than wholehearted.

In terms of the level of agreement between the various agencies over the implementation of the policy, we have shown that there has not been a consistent and concerted opposition to office restraint over the whole study period. Amenity groups and general business interests both had their interests incorporated within the form of the office restraint policy. Interviews have also shown that the policy had the tacit support of a range of influential commercial estate agents who acted as important "go-betweens" for developers and investors and the local authority. This was an important feature assisting implementation. Hence, the situation in central Edinburgh cannot simply be described as an antagonism between developers and the local authority. There were other important groups involved. However, it is also true to say that the policy was implemented in a period when the office market was depressed and pressures on the local authority for the right to develop were appreciably lower.

Finally, in terms of the level of control that the local authority had over the necessary powers and resources to generate a new distribution of offices within the city, our case study has demonstrated significantly different results for the promotional and restrictive

halves of the office restraint policy. As we have said, the local authority had the requisite powers to restrict development in the central area. This was not the case with promoting new growth nodes in the suburbs. These outer locations were not attractive to the developers who, it was anticipated, would be the main implementing agencies for this aspect of the policy. Consequently, development did not occur. Instead, it occurred on the edge of the central area where, through the areal limitations of the office restraint policy, the local authority did not possess sufficient powers to halt it (until a policy was specifically created at a later date to give them the requisite powers). This situation reflects the powers and resources of the planning system which has commonly been found to be more adept at restricting than promoting development.

Towards A Review of Theories of the State: Evidence from Central Edinburgh

The above evaluation of the factors which affected plan implementation can and should be located within a more theoretical framework with respect to how and for whose benefit local government operates. To this end, the four questions defined in the summary table produced in Chapter 2 (Table 2.2) are used as a means to organise our findings. Rather than review the implications for theory at the end of our findings on each of the four questions, the various theories of the state are reviewed in the light of all the assembled evidence at the end of this section.

(a) Who Benefitted from Local Government Activity?

This is by no means a simple question. In effect, the situation in

Edinburgh has shown that a range of different interest groups have been affected beneficially or adversely by the actions of the local authority. General business interests, who had an interest in land and its development for their own use, were never seriously damaged by the local planning authority. When this group were the main developers, there was minimal restraint. When further development was restrained, the eventual form of the policy contained caveats to protect their investments. (In fact, in 1983, when the local authority became increasingly concerned that the restraints on developers and the lack of attractive office space in the city might actually be hindering economic growth, there was talk of relaxing the office restraint policy, see Appendix 8).

In contrast, those who viewed land and its development as a means to making profit through sale and leasing of new office space, have had their business opportunities altered substantially. The office restraint forced them to turn to potentially more costly refurbishments and away from redevelopments. They were encouraged to develop less attractive peripheral locations instead of central area sites. Both changes were highly likely to affect the likelihood and level of profits for "pure developers". So much so with respect to outer growth areas that developments were simply not considered to be economically feasible since potential rents could not justify the expenditure of development. However, it is interesting to note that the changes in the structure of the development industry have meant that "general business" land users are increasingly leasing sites developed by "pure developers" rather than developing their own sites.

Thus the office restraint policy is increasingly having to show flexibility towards speculative developers to facilitate or protect economic growth. However, this situation is not (as Ambrose and Colenutt, 1975 might indicate), for the benefit of developers but, rather, to ensure that general business has space to operate in.

A third business group, those who make profit from visitors who enjoy the architectural heritage of Edinburgh, have also benefited indirectly from a policy which retains the value of their "assets", even though they possess minimal ownership rights over the architecturally valued streets and squares of Edinburgh.

Interestingly, with respect to theoretical issues, all the above interest groups might be described as 'capitalist'. Yet they all have widely different perspectives on the office restraint policy. Indeed, some are positively in favour of restraint, thus appearing to share a common interest with certain non-capitalist groups. This suggests that any division of interest groups in local politics by reference to the relationship of their members to the means of production has to be done with greater care than many past studies of the effects of land development have taken. In addition, it should also be noted that the same "capitalists" can have several different interests in land at the same time and, thereby, have mixed feelings about the policies of local government. For example, in Edinburgh, a Scottish insurance company like Standard Life Assurance Company is a landowner, developer and land user. In this case, the policy of office restraint might enhance the value of their let properties, whilst being a

hinderance to the accumulation of future profits through development activities and, yet, facilitate the maintenance of the prestige of the premises they occupy in an architecturally valued thoroughfare. Hence, the notion of particular groups having particular, often predictable, interests is rather more complex than many studies have argued in the past. In this case, there are few simple relationships to be drawn between what a capitalist organisation does and what its reaction to government policy will be. Different sets of interests will vary in importance over time. With industrial land users, for instance, a predominant interest can perhaps be identified. With financial institutions who are gathering money in and re-investing it, the idea of a predominant interest is less easy to define.

Similar problems of definition affect the division of non-capitalist groups. The conservationists were of two main types, those who defended their dwellings from destruction by office development and those who defended areas other than those they lived in because of the enjoyment they took from them. The material interests and the political struggles these groups fought were quite different, although manifestly both interests could easily be held by one and the same person. In contrast, it could be argued that the office restraint policy had seriously affected the job prospects of construction workers in central Edinburgh². Hence for some "workers" the policy was welcomed, for others less so, although it is recognised

2. On this point, Penfold (1978) noted that "Obviously the ban on permissions in the central area is not as rigid as it is sometimes painted... It is suggested that one factor working in favour of a possible easing of the office restrictions has been a desire by the city council to ease serious unemployment in the local building industry" (p.23). Also see Appendix 8.

that neither the Trades Council, Labour Party nor construction workers' unions made any comment on office restraint in central Edinburgh to this effect.

It must also be noted that, before office restraint was enforced, many households were removed to large housing estates on the edge of the city resulting, for some, in costlier journeys-to-work and lower levels of social facilities than they enjoyed before. The effects of office development on these displaced people would be one important complement to the work in this thesis. Unfortunately, time and space did not allow the present author to undertake such work.

In summary, the primary beneficiaries of this policy have been those who own sites in the city centre and those who enjoy the amenity of central Edinburgh. The main cost of the government activity has been borne by those companies primarily concerned with developing land for profit. However, it has been shown that the likelihood of being refused planning permission is primarily dependent on what type of proposal was being made by a developer, rather than who the developer was. There was some evidence that certain types of large firm were treated more favourably than others but, again, much of this was partially explained by the development activities of the firms in question. Other evidence of large firms receiving preferential treatment was exhibited in the letting of property in the St. James' Centre. However, the discriminator here was not local government but a private sector developer seeking "safe tenants", such as chain

store retailers, to guarantee a steady return on a major investment (see Haug 1976).

(b) Around what Social Divisions were Interest Groups Organised?

The land use planning system has been designed to accommodate and mediate conflicting pressures for land and, as such, is frequently forced into decisions between whether parcels of land should be used for the production, consumption or exchange of goods. However, the example of office development in central Edinburgh and the policies to restrain it show clearly that interest groups do not always divide, or cannot always be defined, on the basis of their position in relation to the production process, as some Marxists believe (also see Crouch, 1981). We have seen a coincidence of interest between hoteliers (as a form of capitalist for when office restraint maintained Edinburgh tourist status and their income) and conservationists (the vast majority of whom are, in the strictest sense, proletarians). There is a similar coincidence of interest over the office restraint policy between construction companies and their work forces, which Cawson (1983) has called a 'functional interest'. Therefore, although the land use issues can be viewed as directly related to production and consumption processes, and individuals in a society might be ascribed to the capitalist or working class by reference to their relationship to the means of production, in terms of their involvement in local political conflicts over the use and development of land, interest groups and the alliances they make are not necessarily confined to one side or other of the production-consumption dichotomy. This has major implications for the theories of the state reviewed in Chapter 2.

(c) How Did the Local Authority Interact with Interest Groups Outside the State?

Our case study has provided us with an interesting example of change through time with respect to the way in which the local planning authority was seen to interact with outside interest groups. In the first half of the study period, the local authority was in regular informal contact with general business interests through the Chamber of Commerce. In addition, professional expertise was also hired in this early period and used by the local authority to examine and report on the designs of new developments for the city centre.

Meetings with the amenity societies, although common, were not usually of this kind. Lobbying by the various amenity groups was constant throughout the 1960s but this was more by letters of protest to the local authority and newspapers and through their internal publications, than through formalised channels of communication. In the event, the lack of attention paid to the amenity societies' case was such that more public protests were organised and the issue of redevelopment in central Edinburgh became far more politicised. Not only did this course of action rapidly lead to substantial progress towards meeting the aims of the conservationists and others, it also had significant effects on the nature of interaction between amenity groups and the local authority. Conservation as a policy and conservationists as an interest group became incorporated into the planning philosophy of the city by virtue of the links between the New Town Conservation Committee and the local authority. In the South Side, the South Side Advisory Panel and the South Side Planning Workshop were established by the local authority to explain policy in

the area and be sensitive to political action and reaction in the area. These groups were developed after increasing protest at the area's redevelopment, led by the South Side Association. This led Armstrong (1976) to note with reference to the City Centre that:

"Planning has now changed to such an extent, that local involvement is positively encouraged ... However will local opinion be listened to and will demolition give way to improvement?" (p.25)

Both City of Edinburgh District and Lothian Regional Council sought the comments of a wide variety of groups to proposals, preferring negotiation and discussion to open public debate of development issues³. There is also some evidence to suggest that there have been attempts by Edinburgh District to establish a property investors group with whom the problems of property development and the economic prospects for the area could be discussed. However, this initiative was not undertaken until towards the end of the study period when concerns over the effects of development restraint on economic growth were rising.

Obviously, there were many individual interests that were not incorporated, but this applies equally to property developers as it does to local citizens. No evidence has been collected by the present author to suggest that the City of Edinburgh has sought to incorporate certain interest groups and exclude others. Rather, it has sought to package sectional protest and interest into "units" with which it can negotiate. Interest groups have been left with the option of either getting involved and trying to influence policy

3. Although, the impact of legislation on public participation is also seen as a major factor here.

through negotiation or choosing to stay outside organised channels and fighting policy in more public arenas. However, in general terms the City of Edinburgh has shown itself willing to meet outside groups whatever their *raison d'etre*.

What Role did the Institutions and Actors within the Local Authority Play in Decision-Making?

Without access to the case study files on particular developments and files relating to the evolution of the office restraint policy, it remains difficult to satisfactorily answer this question. However, the evidence from the formulation and implementation of the office restraint policy suggests that the discretion available to local planning officials on any issue largely depends on the level of "politicisation" of that issue. It is quite clear that the local authority's philosophy of growth and development did not alter in advance of the public display of protest against it. Rather, we have seen that these outside pressures turned the issue of city centre redevelopment into an overtly political (and public) struggle to which elected representatives responded quickly by altering the policy stance of the local planning authority. In addition, the policy that was produced was a compromise aimed at satisfying a wide range of outside forces, vocal or otherwise. This would suggest that, when issues are politicised, the power of officers is reduced.

In terms of the much less public arena of development control, it would appear that a substantial degree of discretion has been used in making individual decisions. Several appeal cases have argued that

apparently similar proposals have been treated very differently by the local authority. This flexibility indicates that officers and members have a considerable discretion in these matters. This, in turn, implies that they are not merely reacting to outside pressures but formulating their own opinions and acting upon them. This would support Underwood's (1981b) thesis that the formulation of planning policies and the negotiation on individual decisions are essentially different types of political process, the former being more public (and hence more pluralist in character) than the latter. The less public arena leaves the planning officer more discretion. (Also see Reade, 1982a, on negotiations over planning applications and corporatism in planning). However, it was also seen that the controversial nature of office development in central Edinburgh was such that the different forms of political process seen in the formulation and implementation stages, did not materially affect the outcome of the new restraint policy. The policy was largely implemented as formulated.

A Review of the Theories of the State

It is neither possible nor is it the intention that this thesis should "prove" or "disprove" any of the various theories of the state, described in Chapter 2. Indeed, reasons have been suggested why empirical material such as that collected in this thesis could be described as insufficient for such a purpose. However, taking Saunders' (1981) position on the need for counterfactuals (i.e. statements that can be tested, see Chapter 2), this thesis is able to examine each of the different theories from within their own internal

logic. Table 2.2 outlined how each theory might hypothesise answers to the four questions discussed in the previous section. By examining the evidence from central Edinburgh, those "hypotheses" can be commented upon. Not only should this permit a critique of each theory but it should also allow a list of features to be drawn up which any theory relating to how, and for whom, local government works should be capable of explaining in relation to case studies like our own in central Edinburgh.

In terms of the representationalist-pluralist perspective on local government politics, it certainly appears true that public political protest is an extremely powerful force at a local level, especially when it is accompanied by the possibility of being translated into votes at election time. Increasingly, vociferous demands for restraint in Edinburgh have resulted in an appropriate policy being established. It is also true that, as pluralists would suggest, the alliance of interest groups that combined to fight office development would be unlikely to re-form in the same way over other issues.⁴ Similarly, it also appears to be the case that the local planning authority repeatedly sought political compromises to balance the different pressures being placed upon it from outside groups. However, it is not true to suggest that these compromises were simply interpretations of conflicting pressures in an open and public political arena. Certain interests seemed to be implicitly incorporated into policy.

4. For example, one could suggest that the working class areas of the periphery would show very different voting patterns to those middle class residents of the First New Town when voting on the general policies of the local authority.

The interests of the general business community were protected in the formulation of the office restraint policy without those interests uttering more than a few words in public on the subject or fighting any political or propaganda campaign. Hence there would appear to be more to interest representation than simply "who shouts loudest".

The policy towards central area redevelopment in Edinburgh was demonstrably disjointed and incremental, as Lindblom (1959) suggests. However, this incrementalism was contained within certain limits. Business interests would have been seriously affected by any moratorium on offices, but since economic growth was seen to be in the "public interest" (or even synonymous with it, Doak 1983), there seemed to be a link between the polity and general business interests over the underlying assumptions of planning policy in the city. We cannot necessarily infer anything "structural" from this, as some Marxists might hope, but we can throw serious doubt on the pluralist concept of the "neutrality" of the state in the evolution of capitalist society and in controlling the spatial reorganisation of that society.

When one considers the elitist school of thought, there is no doubt that there has consistently been an interpenetration of local business interests and the local council for a considerable time in Edinburgh (Elliott et al., 1978), with many City of Edinburgh councillors being drawn directly from the business community, as well as officers, members and businessmen being drawn from the same socio-economic

5

background and occasionally mixing together at social functions .
However, whilst this might explain how general business interests became enshrined in the office restraint policy, there is no evidence whatsoever to show that local businesses have been favoured in any way over other developers with respect to obtaining planning permissions in central Edinburgh. Indeed, large outside businesses appeared to fare better with respect to the rates of refusal they experienced. General business interests were protected but, if the elitist theory was correct, then surely some form of traffic scheme would have gone ahead to appease the most basic and most vocally expressed fears of the business community⁶ (see Chapter 7).

As stated above, with respect to Marxist based theories of the state, one cannot identify from a limited piece of empirical research, whether the link between the local authority and general business was "structural" or not. Despite this, the fact that there was a direct link between business interests and the form of the office restraint policy might satisfy some structuralist and instrumentalist authors. However, even a cursory inspection of the data shows that local authority actions were not merely orchestrated to appease the needs of local capitalists. Similarly, we have seen that land use planning in central Edinburgh was not conducted for the sole benefit of property developers as Ambrose and Colenutt (1975) have suggested. Even if one takes Johnston's (1982) concept of instrumentalism as local government 'captured' by particular groups, the case of Edinburgh shows the local

5. The evidence for this statement comes from interview material.

6. It might also be argued that it was this local business bias that kept the road proposals alive for as long as they were.

authority synthesising opposing pressures rather than being directed by any particular pressure group. Although this thesis cannot comment on whether, in the final instance, the state will ultimately act on the behalf of capitalists, it does reject the mid-1970s view of a deterministic link with local authorities as simply serving the interests of capitalists and land use planners simply serving the interests of property developers.

Saunders' (1981) has outlined the difficulties of using empirical work to question Marxist-structuralist thought on how and for whom the state works. However, the case of central Edinburgh has raised a number of important points. Firstly, there is no doubt that the interests of the local business community were protected by the form of the office restraint policy. We are unable to identify from our material whether this link is inevitable through the structure of contemporary capitalism or whether the links relate to planners simply assuming that the "public" interest is defined by assured economic growth. However, it is suggested that the office restraint policy has been implemented at some cost with respect to overall capital accumulation. Obviously, one cannot perform a cost-benefit analysis on such an issue but, in terms of the redevelopment of central Edinburgh at least, one can suggest that the strategy of new roads and further office growth in the central area would have led to a higher rate of capital accumulation than a strategy which prolonged the problems of traffic circulation in the city, led to higher costs for

7. The ramifications of such a study are immense and would require a multitude of hypotheses about the various costs and benefits of the various strategies that could have been undertaken.

land (through restricting the supply of office space), raised the cost of leasing property and generated a locationally sub-optimal ring of "peri-central" office developments. Are the structuralists correct to say that, despite this set-back, this stance will ultimately lead to a higher rate of capital accumulation, as government acts invariably do, in the long term? It is difficult to see how they could, except to cite lower public expenditure (and lower rates) by the local authority through lower road construction costs and increased revenue from tourism. Such factors are, in any case, only indirectly related.

Secondly, and of great importance for structuralist thought, the case of central Edinburgh has illustrated clearly that not only are there "functional interests" (Cawson 1983) which are held jointly by proletarians and capitalists (e.g. construction companies and building workers unions and members) but there are also "non-functional" commonalities or coincidences of interest (e.g. owners of existing office blocks and conservationists). These findings therefore lead us to reject the concept that the relationship to the means of production is the only satisfactory way of describing the basis for the generation and involvement of interest groups in local political struggles. It also rejects the notion that localised political struggles can always be conceived of as forms of "class struggles". This has serious implications for Marxist analysis of local politics.

It is not possible to "disprove" the dualist theory of the state since our study here has only really concentrated on one of the two levels of government operating in Britain, but we can make some comment on

its hypotheses concerning local government. We have also only concentrated on one issue, and Saunders speaks about local politics generally being about consumption issues and generally being conducted in public, pluralist-type arenas. However, by looking at land development we see immediately that production and consumption cannot be split either in terms of the process of land development itself or in terms of the politics of land development. For example, a building is produced by a company and "consumed" by users. It also affects the amenities and assets of others. Even if the individuals could be split into producers (capitalists) and consumers (workers), we have demonstrated that their interests in terms of local politics cannot. In addition, we have seen that the political struggle surrounding the office restraint policy quickly led to the most active interest groups becoming incorporated, rather than continuing to fight in an open, pluralist-type arena. Since there is no reason to suggest that office development in central Edinburgh is fundamentally different to any other process of land development then, with respect to the land use planning area at least, Saunder's dualist thesis, as presently formulated, must be viewed as inappropriate for examining land use planning as a governmental activity.

Despite the ambiguities which persist when outlining corporatism, if we concentrate on Simmie's (1981) definition (see Chapter 2) we can see that the concept of imperfect pluralism has some merit for describing what transpired in relation to office restraint in central Edinburgh. At different times we saw the local authority using different ways to mediate between different groups. However, this did

not lead to tri-partite discussions between local government,
8
developers and amenity groups .

It is also true to suggest that some groups had to earn their incorporation by becoming more powerful through organising public protest, whereas others, like the Chamber of Commerce, were incorporated without any such campaigning. However, on the particular issue of restraining office development, there were some very "powerful" landowners and developers who remained largely outside the local political system despite the overtures that were made by the local authority to establish a dialogue with them.

In general, our evidence would support Simmie's (1981) idea that the more incorporated an interest group is, the more influence or power it has. General business interests have been incorporated for a substantial time and proved influential. Conservation interests were given much better access to policy making after the establishment of the Edinburgh New Town Conservation Committee. Indeed, these facets of an organisation would seem more important in terms of responses from local government than references to the amount of capital and land it has. However, unlike Simmie's (1981) rather special case of traditional landowners in central Oxford, the new and powerful landowners of central Edinburgh do not, as yet, appear to have exerted

8. Although, of course, all three were involved to varying degrees in public debates of issues like the Lothian Region Structure Plan, Examination-in-Public.

pressure through formal or informal channels . Hence, the possession of the potential for power does not necessarily lead to the exertion of that power. In Oxford, the powerful college landowners possess extensive landholdings in the immediate area of their day-to-day activities. This is not the same in the case of large insurance companies who spread their investments around the country. However, as with our comments on other theories, in this instance the concept of "production" and "consumption" groups used by many corporatist theorists is rejected by the evidence gathered in central Edinburgh. We have also shown that the local authority has been keen to incorporate all types of interest group irrespective of their characteristics and have found the negotiative mechanism attractive for dealing with all manner of groups. It also brings conflict away from public view. Hence, in conclusion, corporatist negotiation in Edinburgh is on the increase in this case, but it embraces groups of all kinds, not just "key" groups.

Finally, with respect to managerialism, there is some evidence to suggest that government officers and the organisations to which they belong are able to act independently of pressures put upon them. In line with Simmie's (1981) view, the granting of a planning permission is akin to a form of resource allocation. However, it is not part of any expenditure programme, but is more a reaction to pressures placed on local government from outside. The demands for development rights

9. It is quite conceivable that this limited range of landowners in Edinburgh have no clear idea of how much land other institutions and property companies own. Hence, they are unaware of their collective power. This is a further difference to Oxford where the colleges are all too aware of their power.

lie outside the control of the authority and there is no absolute limit on the allocation of such "resources". Therefore, if anything, the development controller is a "reactive" rather than "premeditative" gatekeeper. We have seen that the development controller in conjunction with other members of the planning department have substantial discretion to negotiate and be flexible, which also suggests that planners can sometimes operate somewhat autonomously rather than simply respond to the balance of pressures upon them at any particular time. Therefore, some planning activities like plan preparation are quite pluralist whilst others, like development control, are much more managerialist (although this does lead to a sort of corporatism through negotiation, as Reade, 1982, and Underwood, 1981b, suggest). However, when the planning issues get politicised, the flexibility and discretion of the officers is reduced by politicians reacting to public pressures.

Hence, in the light of the evidence produced by this thesis we have found all the 'theories of the state' listed in Chapter 2 to be flawed in some respect as explanatory tools to satisfactorily describe the actions of the local authority we have observed with respect to its control of office development in central Edinburgh. However, if we review our findings we can suggest what the essential elements of any such theory might be. (They also act as conclusions to this section).

Any theory of how, and for whom, local government works should be capable of explaining the following within an internally coherent logic:

- (i) that groups of individuals with different relationships to the ownership of means of production can have coincidences of interest over a range of issues;
- (ii) that interest groups often form around issues rather than around their relationship to the ownership of the means of production;
- (iii) that general business interests and economic growth tend to be implicitly protected by local government action as an expression of the 'public interest' (see Doak, 1983);
- (iv) that local government officers and the organisations they serve do act on their own initiative within the bounds set by (iii) and in so doing,
 - (a) act in ways which tend to maximise their opportunities for discretion,
 - (b) act incrementally in reaction to pressures, and
 - (c) seek to legitimise their actions
- (v) that local government bodies seek to incorporate pressure groups, whether concerned with production or not, whilst seeking to avoid the politicisation of issues in an open and public arena;
- (vi) that public protest at the local government level can significantly influence government action and have lasting results, even if it lowers the level of capital accumulation in a particular area.

This list suggests that further research is needed on the influence and autonomy of local government officers, and on the ideologies of local government officers and members. In addition, there is a definite need to refine our understanding of the interests, aims and motives of pressure groups and their members, and the interrelationships between interest groups and the polity at local government level.

The Nature of Spatial Reorganisation and the Role Played by Local and Central Government

Although it is immediately recognised that one case study cannot hope to examine all the elements or aspect of a process like spatial reorganisation, we have clearly shown that spatial reorganisation is neither simply an economic nor a political process, but is rooted firmly in the whole social dynamic of society. The demands for land and land uses are changing, the agents that satisfy those demands are changing and the social institutions which control the requisite land use changes are evolving. In addition, it should be remembered that these various agencies and institutions and their interests are not necessarily mutually exclusive from each other. The study of spatial reorganisation has suffered from the false division of planner and developer, public sector and private sector. The two are not always diametrically opposed and developers, like the "private sector" in general are extremely varied in character. Remedies to these oversimplifications can only come from further empirical work and reflection.

Even in our limited case study, we have seen major change in the range of developers active in reorganising city centres. The range of developers has changed dramatically in a twenty year period from a multiplicity of land users developing sites and buildings primarily for their own use, to a sophisticated development industry, increasingly financed by some of the most powerful financial institutions in Britain, developing for future incomes or profit .

10. The speed of the change should not be underemphasised. The development industry has grown up and come to dominate commercial property development in a very short space of time.

This has a number of ramifications, not least of which is that the historically localised link between developer and local authority is quickly being lost and a new set of links between planning consultants, agencies to assist development, large financial institutions and local planners are being forged. The emergent development industry tends to have its main political strength at the national rather than the local government level, where it secures the general conditions for profitable activities through land and property development.

In terms of spatial reorganisation, this change to profit-seeking developers means that opportunities for development will actively be sought with perceptions of the likely needs, rather than expressions of the actual needs of possible land users. Hence, the process of spatial reorganisation is likely to be based on market analyses of anticipated needs rather than occurring through the incremental relocation decisions of individual land users. Similarly, it demonstrates clearly that some aspects of spatial reorganisation, like commercial property development, are now specialised forms of a commodity production process themselves rather than merely adjuncts to facilitate other commodity production processes. This means that land use patterns in twentieth century Britain must increasingly be interpreted through reference to the relationship of the property sector to the economy as a whole and what opportunities were available for developers at different times, rather than by simple reference to the locational needs of land users (which are rarely fully satisfied by a developer). Although developers seek to satisfy the needs of

land users as best they can and thereby increase their returns from development, their ability to do so could well be constrained by the political decisions of planners or the problems of securing the necessary land rights through the land market that are an essential pre-requisite of the development process. In theory, land use patterns will reflect the usual locational requirements and the ability of land users to pay. In reality, the actual land use patterns will come to depend on the variable ability of developers to satisfy these requirements at the right price.

In terms of the politics of land development and spatial reorganisation in general, the change of use of land in central Edinburgh to offices has been shown to represent a redistribution of resources (economic or otherwise, like amenity) between members of a society. The profits of developers were often coincident with the loss of amenity or dwelling places for others. In relation to this it was seen that not only do people have an interest in their own land, but they also have interests in other people's land; interests which they are able and willing to defend. These issues are of extreme importance at local level. In terms of examining the impact of the political system on the spatial distribution of land uses, this thesis has concentrated particularly on political activities specifically designed to produce predetermined patterns of land use. However, we have also seen that the plans and policies (and their implementation) needed to achieve those spatial goals are socially determined phenomena. The outcomes are not determined in any a priori fashion; there is no certainty of implementation. In short, there is no

determinism concerning the ability of town planning to influence land use change. The example of the ring of office developments on the edge of the central area in Edinburgh illustrates this clearly. Although it would be impossible to explain that pattern without reference to the office restraint policy, the pattern is not what the policy prescribed. This aspect of the policy failed because it ran contrary to the economics of commercial property development and, since it was the interest of private sector developers which determined implementation in this particular case, the offices were built adjacent to the centre rather than at growth nodes outside the centre.

We have also seen that land use planning at the local level is almost totally circumscribed by central government decision-making. It is here that the legislative framework for control is designed, the fiscal aspects of development are determined, advice notes and circulars are issued, financial support for government development projects is allocated and support to locally determined planning policies is given (or withheld). The content of these governmental initiatives may be fashioned under pressure from a similar array of interested parties. However, the ability of those interested parties to compete at the central as opposed to the local level is very different¹¹. Chapter 5 has shown the property lobby to be powerful

11. It has been suggested that the developers lobby has a distinct advantage at this national level where they are very influential through their huge financial resources. As such the national and international financial institutions concentrate their efforts on securing a framework of land-use planning which permits profits to be made. In contrast, many urban based amenities groups are predicated on a limited areal base and, as such, are unlikely to form political bodies, which will be effective at central government level.

with respect to a whole range of influential decision making bodies at central government level. The increasing flow of financial institution funds into property is making it even more significant. In contrast, there are only a few urban-based, nationwide, amenity groups operating at central government level, in contrast to rural groups like the Council for the Protection of Rural England or the National Trust. (Edinburgh may be an exception here, being the base for national amenity groups like the Scottish Civic Trust). Supplementary research to that of Colenutt (1975) and Massey and Catalano (1978) is needed on the ability of the property and development lobby to structure the framework for land use planning and thus affect planning at the local level.

From the above it is obvious that land use patterns cannot be explained by simple reference to the needs of the land users. They must also include historical examinations of general economic conditions, general attitudes and ideologies about the extent and style of planning controls, the existence of other significant political and fiscal instruments affecting developers and the development process and, finally, the changing attitudes towards the desired patterns of land use in the local political arena. Spatial reorganisation is a social process. Knowledge of social processes makes interpretation of changing land use patterns easier, whilst an examination of spatial patterns can in turn shed some light on how society is organised and how it changes. Geographers have much to offer in this area.

A Reappraisal of the Findings and Methodology of the Study

Before concluding it is important to review our findings in two ways. Firstly, to what extent can the results of our study be considered as general and, secondly, in what ways could the methodology of such a study be improved in the light of experience.

(a) A Reappraisal of Findings

In trying to assess how general our case study findings might be, there are two important questions to answer. The first is how typical was the case study policy as a representation of state action to control spatial reorganisation and, secondly, how typical was the context of central Edinburgh? In terms of the policy studied, the office restraint policy represents a situation where it was possible for a compromise to be struck between interests, where the costs of that compromise (either in traffic increases or the further displacement of residents from the centre of the city to peripheral estates) were relatively invisible to the major interests actively campaigning around the issue. Some of these deleterious ramifications were capable of being resolved through other policy fields. If this possibility of compromise was the case, then the office restraint policy has much in common with many land use planning policies. For example, the costs of restraining housing development on the urban fringe for those wishing to move out of inner city areas are relatively intangible, perhaps manifesting themselves in higher land prices. Hence, profiteering housebuilders rather than restrictive planning policies may get blamed for frustrating their desires. The costs to the planning authority are minimal. Other examples would

serve equally as well. As such, in comparison to other state policies, the nature of land use planning is more regulative than directly active, its effects less immediately obvious. Studies on who benefits from changes in state housing, education or health policy might well reach different conclusions from those derived here.

In terms of planning policy, the office restraint policy is possibly a little unusual in that it related to a bigger issue than most, showed a wider range of interests than most and was politically more contested than most. As such, the study might be said to have concentrated on the more "spectacular" end of the spectrum of planning issues. With respect to such criticism, it should be pointed out that these features may have made the study more feasible in the first instance, since less would have been said or recorded about a lesser issue. However, the criticism is almost certainly a valid one. This, therefore, suggests that further study on less controversial issues is required to get a clearer impression of who benefits from the general process of land use planning.

Turning to the typicality or otherwise of Edinburgh as a case study, we mentioned in Chapter 6 that the urban morphology, topography, history and outstanding architectural quality of its central area made it a rather unusual case study area. However, we have shown that similar issues of office restraint have evolved in many other cities, pitching very similar sets of interest groups against one another. Edinburgh probably does represent an example of higher than usual levels of pressure for, and discontent over, development. It was an

area with less than the usual room for compromise (i.e. no war damaged sites for new roads), but results of this study will remain of some interest to reseachers monitoring other city centres. Naturally, its contents will be of more interest to those working in other historic or highly valued centres like Bath or Chester. In both cases, the information on the composition of the development industry, its evolution through time and the extent of their land resources will be of general interest.

(b) A Reappraisal of Methodology

Since there have been calls both by the present author and others (Elliott and McCrone, 1982 and Blowers, 1980) for future research into the questions raised in this thesis, it is important to appraise the methodology used in this piece of work as a means to facilitating more searching studies in the future. The current author feels convinced that a detailed history of policy is necessary for any study of this sort. Without one, the information on decisions and policy formulation cannot be interpreted easily. In this context, the use of interview material is important. If this study was to be repeated, more interviews would be undertaken. However, having said this, a sound data base on decision-making remains important, in order to put the (potentially) subjective interviews into context. In respect of interviews the development control decisions were an integral part of identifying who the main interests were. A purely interview-based study might not have achieved the requisite detail.

It was clear at the time of doing the study that the key source of

information on the development control process was the case files kept by the local planning authority. The subsequent denial of access was an undoubted blow to the implementation of the study. Many of the questions which took months to answer would have been found relatively quickly had such access been available. Indeed, having worked in other local authorities and used such files (Healey et al., 1984, McNamara 1984a), the present author would consider the existence of the necessary access to such files as being a major consideration in selecting a location for case study work. The material must of course be treated confidentially, but there are ways and means of using the material whilst ensuring that such confidentiality remains.

Similarly, given the advent of computer storage for development control records, it is advisable to try and find a case study area that can provide such material easily and quickly. In some cases, this material can be recoded by college computer departments, thus reducing the laborious process of data assembly and coding.

However, the above discussion leaves out the matter of whether the questions were approached in a reasonable manner. It is firstly important to note that, even if they were adequately approached, only half of the question as to who benefits from state activity has been tackled here. It is necessary, as Ambrose and Colenutt (1975) suggest, to consider the effects of development and policy on those households forcibly dispossessed of their homes or the amenities of their local area through the action of developers and the local authority. Having said this, the current author feels reasonably

satisfied with his limited attempt to answer questions, some of which lie at the heart of political theory. This was achieved by a consistent lowering of the earliest aims of the thesis to ones which were manageable. Perhaps, for some, it would have been better to take just one theory of the state and pursue it in depth using a case study. However, this thesis set out to ask wider questions about the role of government in guiding the spatial evolution of contemporary urban society. Given such a question, no one theory can assume an epistemological superiority, but the criticism of spreading effort too thinly is taken as a potentially valid one.

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Appendix 1

List of Interviewees*

City of Edinburgh District Council, Planning Department (2)

City of Edinburgh District Council, Planning Department, Development Control

Lothian Regional Council

Edinburgh-based Commercial Estate Agents (3)

Edinburgh-based Insurance Company, involved in property investment

Cockburn Association

Personal Communication in Writing

Edinburgh Chamber of Commerce and Manufacturers

Scottish Tourist Board

Edinburgh-based Commercial Estate Agent

Scottish Development Department

*The names of individuals are not given since confidentiality was promised before interviews took place.

Appendix 2

Scots and English Land Law

Of primary importance here is the recognition that the differences between the two systems of land law in Scotland and England are only of minor importance in terms of the findings of this thesis. There are subtle differences in the nature of rights in land and in the form of the registration of rights in land and it is on these differences that we will briefly concentrate. It should be noted that there are two extremely valuable and extensive texts available to readers interested in following the historical evolution of the differences. They are Farron (1958) and Kolbert and Mackay (1977). As Farron (1958) notes:

"It is suggested, from the present inquiry, ... that there is a large measure of similarity between the two land law systems (of England and Scotland)" (p.251).

They both possess a universally derivative tenure of all land from the sovereign (with the limited exception of some land in Orkney and Shetland). In addition, both systems are without a full register of title (although Scotland has the remarkable Register of Sasines). In addition to these two basic similarities, Farron (1958) also notes that:

"There is scarcely an institution tenure of the Scots or English feudal system which has not at one time existed in the other system" (p.252).

The major differences in the system relate to the retention of a basically feudal land system in Scotland, centuries after its demise in England. Indeed, Farron argues that the Scottish land system lags behind the English in nearly all areas with the exception of the

methods of land registration.

In conjunction with the need to be able to parcel up the rights in land in order to sell them as in identifiable and transferrable entity, the evolution of freeholds and leaseholds developed with the advent of capitalism in England (see Hill 1940, and MacPherson 1975) as an essential adjunct to an economic system based on private property rights. However, Scotland could also be described as a "capitalist" country yet its feudal land system has persisted to this day. Farron (1958) has suggested that the feudal system in Scotland was never so overshadowed by the supreme power of the sovereign as in England because the Kings of Scotland were much more dependent on 'local magnates' for the raising of any armed forces. Hence, a legal system evolved which gave much more power and attention to the rights of the feudal lords in a way that was unknown in England. The system was still evolving until the time when James VI of Scotland succeeded to the English throne and a stronger, more centralised administration was developed which was more capable of directing the evolution in the form of land rights.

The contemporary English system is relatively straightforward. Although all land in England is 'held' of the sovereign in "socage tenure", it is quite usual to speak of people holding absolute rights in land. As Dalton (1983) notes:

"All land in England is freehold because someone somewhere always holds the fee simple (i.e. no time limits are imposed on the enjoyment of the land) of a particular piece of land" (p.5).

The freeholder can make grants for the enjoyment of the land to others for limited periods. This can either be for the life of a tenant or, more commonly, for a term of years. This is known as a leasehold. The freeholder may impose conditions on the leaseholder. When the lease expires the land all its improvements revert back to the freeholder. In the interim the granting of a lease is usually accompanied by the extraction, from the leaseholder, of a rent.

The Scottish system depends on the feudal relationship between a feudal lord and a vassal. Originally, a feudal lord could permit a vassal to occupy and use his land for the payment of an annual sum of money, in perpetuity, and a declaration of loyalty. This right of occupation was not viewed as a real right in land until it was registered by a notary public. Indeed, any claim to rights in land was and still is considered worthless without such a "sasine" being made. Originally, the registration of sasine was actually performed on the relevant parcel of land, with the feudal superior physically placing rock and soil in the hands of the vassal (or feuar), the event being recorded by a public official and a witness. This ancient practice has now been changed to a clerical task (see Kolbert and Mackay, 1977, Chapter 27).

There were problems in the Scottish system. For example, if the vassal wished to relinquish his rights or the rights he possessed were to be passed on through inheritance, then the new vassal would need to make a new homage of loyalty to the feudal lord (or superior). This would require a further investiture. Obviously, this system of

constant reapplication to the feudal lord was too impractical and expensive for a society with a growing population and, as a result, a system of "subinfeudation" developed whereby a vassal was able to issue lesser rights in land to a sub-vassal. This left the sub-vassal in a difficult position if the feudal superior had not approved the arrangement and had alternative plans for the land. This evolved into a system whereby an inheritor or purchaser of rights could replace the vassal in his relationship to the feudal superior, with a particular charter. Hence, a two-tier (or possibly more) relationship of feudal superiors and vassals has remained in Scotland until very recently. This system entails the payment, by vassals, of "feuduties" to feudal superiors on an annual basis. In certain cases, the feudal superior could impose conditions on the use of the land either at the beginning of the feuing or, occasionally, at times during the feuing. The position of the vassal was far from safe.

In the 1970s the Government made far reaching reforms to the Scottish system, to bring it more in line with the English system of freeholds and leaseholds. Reform was seen as necessary to rid Scotland of terms like "superior" and "vassal", to remove possible conditions on vassals which were constructed at the whim of the feudal superior and which might interfere with the amenity or enjoyment the vassal had from his land, to remove charges from superiors to alter feudal charters, to remove the need for particular feuars to collect unallocated feudities from neighbours and pay the cumulo feuduty to the superior, to remove the autocratic position of the superior and to reduce the costs of securing mortgage deeds (see Kolbert and Mackay, Chapter 30).

The Halliday Committee (Cmnd 3118) was appointed in 1964 to analyse conveyancing practice and legislation in Scotland. When they reported in 1969 they advocated the abolition of feudal tenure and its replacement by absolute ownership and leases (i.e. akin to the English system). Two bills moved towards this. They were the Conveyancing and Feudal Reform (Scotland) Act, 1970 (on purchasing procedures for property) and the Land Tenure Reform (Scotland) Act, 1974. The later bill allowed vassals to pay a 'once-for-all' sum to redeem their feuduties and thereby remove the need for annual payments in perpetuity. No new feuduties were to be issued after September 1974 and, the redemption of feuduties was compulsory in the course of any sale of property. Therefore, as Kolbert and Mackay (1977) note:

"The feudal system is not abolished by these provisions. However, feuduties can no longer be imposed and existing feuduties will gradually disappear" (p.335).

Feuduties in Scotland are usually under £10 and have been fixed in perpetuity (or until such time as the property is sold or the feuduties are redeemed). Hence, their value has dwindled over time through inflation. As such they do not affect the value of commercial property. (However, they could conceivably lead to some imposition of conditions of occupation by the feudal superior). Since 1974 it appears that there has been little voluntary effort made by vassals to actually redeem feuduties. The feudal system will therefore slowly die out as properties are transferred.

Of interest to this thesis is that the importance of public written records to Scottish land conveyancing means that there is information

on landownership in Scotland that is wholly unavailable in England. This had led to a general openness about landownership. As a result, both the Register of Sasines and local authority Rateable Valuation Rolls carry information of who owns which land parcels. In terms of the concerns of this thesis, such data is invaluable.

Appendix 3

Scots and English Land Use Planning

Given the interests of this thesis, it is neither appropriate nor necessary to catalogue the multiplicity of minor differences that exist between the two systems. These differences exist in almost every aspect of planning law, be it the preparation of local plans, the issue of central government guidance, the planning responsibilities of the different tiers of the authority, the interrelationships between authorities and, in certain ways, the appeals system. Presumably, for those interested, some time spent working through the comparable sections of Grant (1978) and Young (1978) would generate results.

With respect to our work it should be noted that Scotland has instituted most of the principal changes that have occurred in England and Wales. The right to develop land was nationalised in 1947 and the changeover to the new form of structure and local development plans occurred a year after it was introduced in England and Wales, as was the case with local government reorganisation generally. As with most large metropolitan areas south of the border, planning in Edinburgh is two-tier, with a structure plan laying down the guidelines for local plan content. Unlike the English case, the district authorities do not need to obtain a 'certificate of conformity' with the structure plan before presenting it to the Secretary of State for his approval. However, a regional council can, according to Young (1978), assume responsibility for the production of a local plan. The district can appeal against this. However, in the case of central Edinburgh, the lack of plan preparation for the central area reduces the significance

of these differences. In most other respect (e.g. public participation, public local inquiries, need for a survey) the two system are very similar. As with English cities, development control decisions are normally made at the district level, they must 'have regard' to the provisions of the development plan and they too might have consultation with the region over previously agreed forms of development.

As Chapter 2 notes, there is a third tier of planning in both England and Scotland. In England, the Secretary of State for the Environment is informed of land use planning issues (and influences those same issues) through the regional offices of his or her department. Hence, the Secretary of State is particularly concerned with environmental issues but is divorced from the situation through the filter of a regional office. In Scotland, the environment is only one of a wide range of functions that the Secretary of State for Scotland must monitor and act upon. However, there is no regional filter. The Secretary of State and his department are much more directly involved in local planning matters.

The issuing of guidance to local authorities by central government differs. In Scotland, local authorities are advised through Planning Advice Notes whereas, in England, one has circulars which influence the interpretation or carrying out of planning practice. This had led to some differences in practice. For example, local authorities in Scotland were advised (Planning Note 28, 1981) to produce district-wide plans rather than a mosaic of small plans, whereas no such advice

has been issued in England. However, suffice it to say, for the requirements of this thesis, the differences are minimal.

Appendix 4

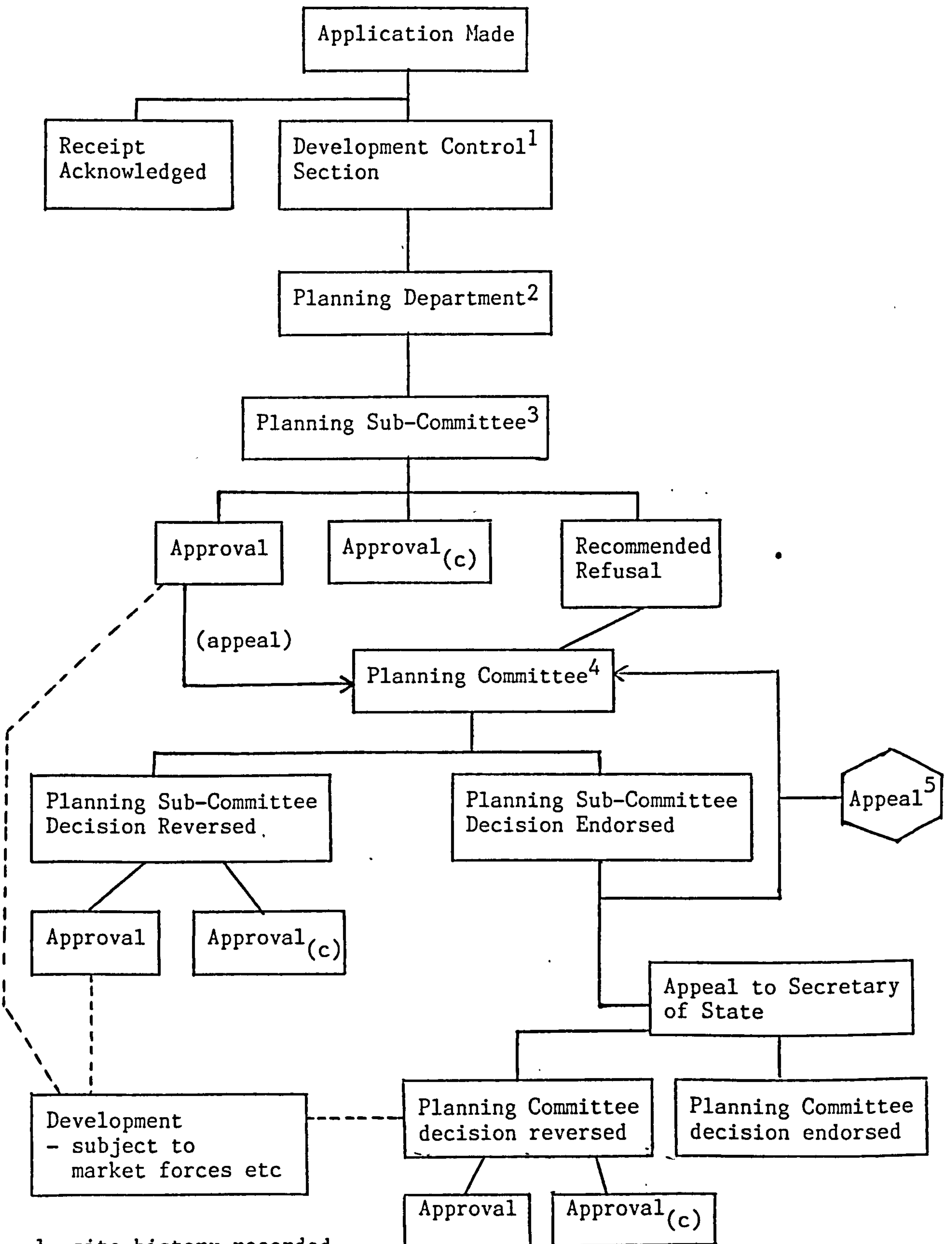
The Development Control System in Edinburgh

The system of development control operated within City of Edinburgh District Council and its predecessor the City and Royal Burgh of Edinburgh is akin to that used elsewhere in other British local authorities. However, there are a few idiosyncracies which are worthy of note.

In Edinburgh, there is a Development and Planning Committee which has a Planning Sub-Committee. Although it is a sub-committee, the Planning Sub-Committee is composed of the same elected representatives as the full committee. However, it is particularly concerned with making decisions on small issues such as individual applications for planning permission, whereas the full committee concerns itself with wider strategic and policy issues. The political composition of those committees is determined, as with other committees of the local authority, by the political complexion of the full Council. The ratio of elected members on the various committees reflects the general political composition of the authority.

As Figure A4.1 demonstrates, when an application for planning permission is submitted to the local authority, it is considered by the relevant parts of local authority itself, and statutory notifications and consultations are carried out outside the local authority (e.g. conservation groups, Highways Department of Lothian Region). This information is collected together and synthesised into a report for the Housing Sub-Committee, which is presented by the

Table A4.1 The Edinburgh District Council Planning Control Mechanism



- 1 site history recorded
- 2 application evaluated report made for D of planning
- 3 fortnightly meeting - decision
- 4 monthly meeting - decision of R Rs
- 5 perhaps with personal representation

(a), (b), (c) - decision recorded

District Planning Officers. Notification of the application is then placed on the 'Continued Planning Applications' list. This is the first official notification to councillors concerning the application. The Councillors can then inspect the reports, read planning officers' recommendations and prepare to discuss the application at the Planning Sub-Committee.

The Planning Sub-Committee has the right to grant planning permission to applicants (with or without conditions). It does not have the power to issue a refusal. The Planning Sub-Committee can only recommend to the full Development and Planning Committee that a refusal should be issued. In effect, this recommendation to themselves allows the applicant a chance to "appeal" against the recommendation and perhaps produce further evidence to support his or her case. In some cases, the applicant is personally invited to speak to the full committee, in other cases written representations might be made. After further deliberations, the full committee makes a decision. If a refusal is issued then the applicant still has a right of appeal through the statutory mechanisms made available to him. It is this internal appeal system which makes the Edinburgh system different from that in most other local authorities.

Appendix 5

Costs to be Assessed in the Course of a Commercial Development

There are four types of cost incurred in the usual commercial property development. The following sections detail those various costs.

(a) Professional Costs

The professional costs or "on costs" (Pilcher, 1975) can be split into two distinct groups, namely legal costs and professional costs. Legal costs are normally incurred through the convenancing of property rights (if any) through the process of development and the management of the construction and maintenance of the property if ownership is retained by the developer. Professional costs include payments for surveyors, valuers, engineers and architects. Another form of professional cost is the letting fee paid to an estate agent for introducing a tenant to a developer. Pilcher (1975) notes this cost in an example of a commercial development, as being 10% of one year's rental.

(b) Financial Costs

Newell (1977) correctly notes that the type of financial costs incurred in the development is dependent on the type of finance used. Although the financing of development is mentioned in more detail elsewhere, the main varieties of finance for development can be listed as;

1. internally raised
2. loans (short-term, medium-term, long-term)
3. equity finance.

Internally raised capital bears an "opportunity cost" determined by the opportunities for investment and return that have been lost by the investor through his tying up capital in a development.

The other forms of finance cost are more tangible. Loans tend to come in two main forms (short-term and long-term) to match the preparation and implementation stages of a development. Equity capital, raised by the issuing of shares, again incurs a cost. That cost is paid out of the profits of the company. For a company to attract such interest, a certain criteria of success must have been programmed through time¹.

(c) State Costs

Lichfield (1956) identifies a third type of cost for the developer. These "state costs" are included in the annual costs of any investor and include tax on the profits from development, or companies associated with development. Manifestly, if the profit from the development process is heavily taxed then the net return of such activity is reduced. It is therefore the net return to the investor that must be compared alongside the net return of other investments. High taxation of development profits was one of the problems leading to low levels of investment in property in the early 1950s (100% development tax) and had led to a perennial debate throughout the post-war history of planning². Some would argue that deals struck with local planning authorities to facilitate the granting of a

-
1. The ability of central government to affect all of these aspects of development is given in Chapter 4.
 2. For detailed discussions of "compensation" and "betterment", see Cullingworth (1979) and Ratcliffe (1976).

planning permission (sometimes known as "planning gain"), is another form of locationally specific tax.

A second form of state cost is the local property tax paid by proprietors to British local authorities - the "rates". Commercial and industrial buildings now contribute very substantially to the revenue of local authorities. However, these local taxes tend to be passed on to the occupier rather than be borne by the developer. The existence of company and property taxes greatly affect how much development is carried out, and the developers strategy in terms of the sale or leasing of finished properties.

(d) Physical Costs

A fourth, obvious, area of cost is that paid out for the construction of the buildings. Barras (1979), gives a very detailed account of these costs and tendering arrangements made for the development of buildings. In addition to the construction costs, there are also costs of connecting the development's essential services (e.g. electricity and water) and maintaining the building.

Appendix 6

List of Variables for which Data was Collected and Stored

Approvals

Reference Number

Location

Type of Applicant

Development Plan Zones

Type of Development

Size of Development

Land Use Change

Purpose of Development

Number of Office Applications on the Site

Construction of Approved Development

Date of Decision

Time Period of Decision

Refusals

Reference Number

Location

Type of Applicant

Development Plan Zone

Type of Development

Size of Development

Land Use Change

Number of Office Applications on the Site

Date of Decision

Time Period of Decision

Reasons for Refusal

Number of Reasons for Refusal

Appendix 7

Comparison of Office Development in Central Edinburgh with Other City Centres

As a measure of the extent to which the results of this thesis can be generalised to other cities, it is important to establish whether the pressures for development in Edinburgh, and the range of developers operating in central Edinburgh are akin to those operating in other city centres in Britain. This appendix briefly sets out to ascertain whether this is the case. Unfortunately, the data to achieve this goal was difficult to assemble and therefore the choice of city centres with which to compare central Edinburgh has largely been determined by the availability of data. The three centres chosen for comparison are Manchester, Bristol and City of London. The data for Manchester are taken from a paper by Catalano and Barras (1978). The data on office development in the City of London has been taken from a report produced by James, Lang and Wooton (1980). The data for Bristol were obtained from official statistics presented to the author by the City of Bristol Planning Department (1979) and processed by the author¹.

Table A7.1 illustrates the differences in the magnitude of office floorspace between the different cities. Edinburgh can be seen to be the smallest of the four centres having only half the office space of Manchester and 80% that of Bristol. All the provincial centres are dwarfed by the sheer size of the City of London figure².

1. The data have been standardised wherever possible.

2. It must be remembered that City of London represents only a part of the total for London.

	Manchester	Bristol	City of London	Edinburgh
Central Area	1,636,200	1,074,415	5,759,940	821,256
Vacant Space	312,700	69,677	325,158	34,188
Outside Central Area	458,893	164,809	n.a.	491,836
% Outside Central Area	21.9	15.3	n.a.	37.5
% Vacant Space (Centre)	19.11 ⁶	6.5	5.6	4.16 ⁵
Total Area	2,095,093	1,239,224	6,085,098	1,313,092

Table A7.1; Office Development in Selected Centres (m²)

1. Catalano and Barras (1978)
2. City of Bristol Planning Department (1979)
3. Jones, Lang, Wooton (1980)
4. 1978 figures
5. Strutt and Parker (1979)
6. Est. from Catalano and Barras (1978)

The percentage of office space lying vacant acts as a good indicator of the balance between the supply and demand for offices. Except for Bristol, the figures quoted relate to 1977 and as such relate to the end of the 1970s property slump. Manchester can be seen to have nearly a fifth of its central office space lying empty. This is by far the highest proportion of vacant space of all the centres, being three to four times that of the others. Edinburgh has the lowest vacancy rate of all.

Edinburgh has far more of its office space outside the (locally)

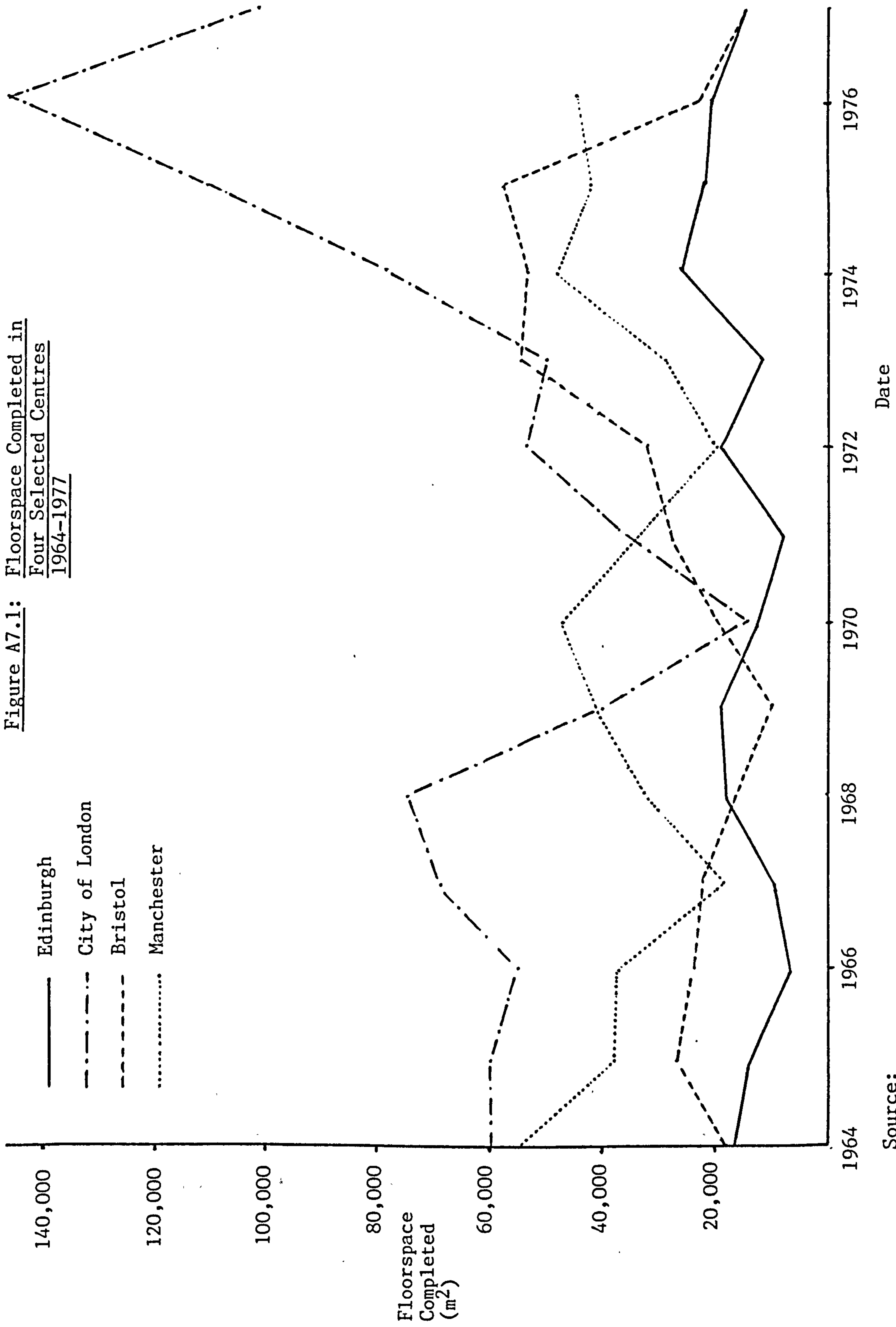
defined central areas. Indeed, over a third of its office space is located outside the centre. However, as Chapter 7 illustrates, many of these non-central offices are actually located around the edge of the central area, thus reducing the contrast. In Manchester, planners are actively trying to keep offices in the centre, which might go towards explaining the differences between comparable figures for both cities.

Figure A7.1 illustrates the pressures for office development felt in the four centres throughout the 1960s and 1970s³. As can be seen, all four cities experienced periods of high and low growth. It can also be seen that the peaks and troughs for each location do not necessarily coincide. There is no regular pattern to suggest that cities "lead" each other. Bristol had a trough in 1969 whilst Edinburgh had a minor peak. The City of London's largest peak occurs at a time when Bristol and Edinburgh's office completions were declining. Except for Manchester, there seems a marked tendency for the peaks to get higher through time. In Edinburgh troughs have a level of approximately 5,000 m² per annum. The corresponding figure in Bristol is 10,000 m² per annum and 20,000 m² per annum in Manchester.

Figure A7.1 suggests that each city centre has its own distinct "wavelength" where each city has its own requirements for office space which developers attempt to satisfy. Edinburgh exhibits a wavelength of 5-5.5 years, Bristol of 7-7.5 years and Manchester of 4-4.5 years.

3. Based on completions. Therefore Edinburgh has been used with an assumed three year time lag to make it comparable with other areas.

Figure A7.1: Floorspace Completed in Four Selected Centres 1964-1977



Source:

Table A7.2 takes the four time periods used by Catalano and Barras (1978) to describe boom and slump in the office market in Manchester and compares their findings with those from the other three centres. The rates of application include both approved and refused applications in order that some attempt can be made at assessing the "pressures" for development.

	City of London	Bristol	Manchester	Edinburgh
1959-1965	n.a.	5.14	10.4	3.7
1966-1969	35.5	5.5	5.5	3.25
1970-1974	57.8	7.8	12.0	6.4
1975-1978	29.5	3.25	2.0 *	6.5

Table A7.2: Average Number of Applications (Per Annum) for Office Developments (Over 1000 m), Selected Centres 1959-1978

* = 1975-1976 base

The pattern of boom and slump in Manchester, referred to by Catalano and Barras (1978) is readily visible. The rate of application in the "slump" of the mid-1960s period is half that experienced in the later boom periods. The last slack period seems to indicate a complete collapse in the office development process in central Manchester (see Damesick, and City of Manchester Planning Department, various). However, the Manchester experience was not general. Although, London followed a similar pattern, the swings were (proportionally) not as extreme. In contrast, Bristol and Edinburgh seemed to show steady growth throughout the 1960s. Bristol peaked in the early 1970s whereas Edinburgh doubled its 1960s level of applications and remained

constantly high throughout the greater part of the 1970s. Edinburgh is therefore different with respect to the pressures it experienced from office developers (see Chapter 7 for explanations of this).

In terms of the sizes of proposed developments Edinburgh is again seen to be very different from other centres as Table A7.3 shows.

('000m ²)	City of London	Bristol	Manchester	Edinburgh
1-5	63%	66%	32%	87%
5-10	17%	19%	27%	11%
10-20	10%	15%	24%	1%
> 20	10%	0%	17%	2%

Table A7.3: Proposed Size of Office Developments, 1959-1978

The most distinctive feature of the office development process as experienced in Edinburgh is the small scale nature of proposed developments. In proportional terms, Manchester has over thirteen times the amount of large developments (over 10,000m²) experienced in Edinburgh. However, Manchester shows itself to be a location where there is an extreme bias towards very large developments. Bristol and London experience lower proportional levels of pressures for very large developments, revealing a more even spread, across the size categories.

A further breakdown of Table A7.3 into separate time periods reveals a general tendency for more smaller offices to be proposed in a period of slump than in a period of boom (see Table A7.4).

	1959-65			1966-69			1970-74			1975-78		
	Man.	Bris.	Edin.	Man.	Bris.	Edin.	Man.	Bris.	Edin.	Man.	Bris.	Edin.
1-5	18	74	85	44	55	85	28	69	88	-	54	85
5-10	46	20	8	11	32	8	31	9	12	-	31	15
10-20	18	6	4	28	14	0	28	22	-	-	15	0
> 20	18	0	4	18	0	8	14	0	0	-	0	0
	100	100	101	101	99	101	101	100	100	-	100	100

Table A7.4: Size of Proposed Developments (Per Cent) Selected Centres, By Time Periods, 1959-1978

(not always equal to 100 owing to "rounding up")

Man = Manchester; Bris = Bristol; Edin = Edinburgh

The comparative work which follows uses the detailed material collected by fieldwork from sources in Edinburgh and the excellent survey carried out in Manchester by Catalano and Barras (1978). Since similar data was not immediately available for Bristol or the City of London, only Edinburgh and Manchester can be compared.

Table A7.5 shows that property companies were the predominant developer for all sizes of development in Manchester⁴, especially over 20,000 m². The second most important type of developers were "financial institutions", who accounted for almost a quarter of all applications. Industrial and commercial applicants were the third most important group.

Financial institutions, property companies and industrial and commercial developers were the three most important developers in

4. See Chapter 8 for a detailed examination of types of developer in central Edinburgh.

central Edinburgh. However, it was the financial institutions that were most important developers, with the exception of the medium sized developments between 5,000 to 10,000 m².

	Size of Developments ('000m ²)									
	1-5		5-10		10-20		> 20		all sizes	
	Man.	Ed.	Man.	Ed.	Man.	Ed.	Man.	Ed.	Man.	Ed.
Property Companies	52%	24%	44%	38%	48%	0%	63%	50%	50%	26%
Financial Institutions	26%	50%	28%	23%	26%	0%	0%	50%	22%	45%
Public Sector	3%	4%	0%	8%	9%	100%	6%	0%	4%	6%
Industrial/Commercial	3%	16%	20%	3%	4%	0%	25%	0%	11%	11%
Other	16%	6%	8%	0%	13%	0%	6%	0%	11%	5%
Number	31	80	25	13	23	2	16	2	95	97

Table A7.5: Developers Active at various scales of development; Manchester and Edinburgh, 1963-1976 (Percent of applications relating to developments over 1000m²)

In terms of the nature of proposed developments, Edinburgh is again shown to be different to other large cities like Manchester and Bristol. Table A7.6 shows that in Edinburgh nearly 40% of all development proposals intended to retain the existing built structure (i.e. change of use or refurbishment), whereas in Bristol and Manchester, over 90% of all such applications were for the replacement of existing buildings.

Type of Development	Manchester	Bristol	Edinburgh
Redevelopment	92%	94%	60%
Extension	4%	0%	1%
Refurbishment	4%	5%	15%
Change of Use	0%	1%	24%
Percentage	100	100	100

Table A7.6: Percentage of Applications (over 1000 m²) by Type of Development, Selected Centres 1959-1978

Further differences are shown by looking at the land use changes engendered by the development proposals. Table A7.7 shows that over half of the office developments in Manchester were carried out on established office sites with the stock of offices being expanded in situ. The figures in Edinburgh is approximately a quarter.

Land Use Change	Manchester	Edinburgh
Vacant Ground	7%	2%
Office	60%	26%
Shops	4%	14%
Storage	4%	6%
Recreation/Leisure	3%	18%
Transportation	6%	0%
Industrial	1%	3%
Residential	0%	15%
Miscellaneous	14%	17%
	100	100

Table A7.7: Land Use Change to Offices, Edinburgh and Manchester, 1963-1976 (over 1000 m²)

Table A7.7 also shows that a far higher proportion of land in residential and recreational use has changed to offices in Edinburgh than in Manchester. The major differences relate to the fact that many large Georgian houses have been turned over to offices in Edinburgh. In some instances this transition has occurred via an intermediate stage of change of use to hotelling (hence recreation/leisure)⁵.

Summary

In summary, one can note that office development in central Edinburgh has experienced periods with a high level of pressure for development separated by periods with a far lower level of pressure. The situation in Edinburgh shows a prolonged stability of pressure for development after the property collapse of 1973/74 which is not repeated elsewhere.

Edinburgh experienced less pressure for development than either Manchester or Bristol and there was a far higher proportion of that pressure aimed at developing smaller scale redevelopments and large refurbishments. This reflects a far higher concern to retain existing built structures in Edinburgh than in the other cities reviewed. Despite these differences, it would appear that the important developers in Edinburgh are very similar in composition to those operating in Manchester, but what they are building is very different.

Hence, one can conclude that Edinburgh was experiencing the same types

5. See Chapter 7 for further details.

of pressure for development, from similar types of developers, as other cities in Britain. However, the manifestations of those pressures (scale, type of development etc) were related to the particular features and requirements of central Edinburgh. Although Edinburgh is unique in this sense, it possesses enough features in common with other cities to make the experience of central Edinburgh pertinent to other cities in Britain, especially those with historic or valued town centres.

Appendix 8

Post-Script. Situation at September 1984

The period under study finished over six years ago. Therefore, it is perhaps of interest to readers to briefly outline changes that have occurred since 1978. This appendix presents information taken from recent publications relating to the property market in Edinburgh and interviews with local authority planning ^{officials} in the District and Regional Councils.

As elsewhere in Britain, economic conditions in Edinburgh have been changing since the end of the study period. Unemployment in the city has been on the increase. Local authority planners at both District and Regional level have become increasingly aware that Edinburgh has a reputation among property developers and investors for being a difficult area to obtain office planning permissions in. As a result, there is a growing feeling at both tiers of local government that the office restraint policy might be instrumental in turning employment away from the city through developers not even trying to obtain permissions. Hence, there are some suggestions that it is perhaps time to demonstrate Edinburgh's willingness to accommodate further development by making amendments to the office restraint policy.

Interestingly, these moves come at a time when the market for offices in the city is picking up for the first time since the mid-1970s. A recent report by a local estate agent (Ryden and Partners, 1984) noted that two large and eight smaller office lets had substantially reduced the amount of office space immediately available in Edinburgh.

Reasons underlying the buoyancy of the market were continuing spin-offs from North Sea oil, increased industrial investments, improving export prospects and changing arrangements connected with Stock Exchange practices. Therefore, there is the distinct possibility that the office restraint policy may be relaxed before it has ever really been put to the test. The political will has moved with increasing problems of economic recession and unemployment, towards a far greater concern with job prospects and a feeling that Edinburgh's status as a financial centre must be maintained. This move may be enhanced by the election of a majority Labour administration for the first time in the City's history.

As yet no firm proposals are in existence with respect to new office policies. However, interviews with planners suggested that apart from simply relaxing the policy there may well be moves to drop the unsuccessful aspects of the policy relating to promoting suburban office centres and new policies designed to concentrate office development in and around a redefined central area. Some of the office complexes that have evolved on the edge of the city centre are to be encouraged, probably through a relaxation of car parking controls in the vicinity whilst other areas remain tightly controlled. However, control over the effects of development on the townscape are still in existence. Dobson (1984) notes that:

"planners (in Edinburgh) have been adamant that 'the strictest control must continue over new office proposals'".

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The role of local estate agents in the residential development process

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Summary

The estate agent is usually seen and theorized as a gatekeeper responsible for directing certain people to certain parts of the city (Williams, 1976). However, estate agents are capable of performing many more functions other than simple house agency. This paper presents results from a series of structured interviews with housebuilders and estate agents carried out in Hertfordshire by a recent research project (Elson, 1982) which reveals the extent to which certain estate agents are involved with organizing land purchases for builders and negotiating development proposals through the planning system.

Keywords: Residential development, estate agents.

1. Introduction

There are two basic variants in the modelling of the land development process. One type concentrates on the 'actors' involved in the process and views the passage of sites through the development 'pipeline' (Barrett *et al.*, 1978), as they move from one actor to the next (Massey and Chandler, 1973; Chapman, 1978). The second type concentrates on the distinct pattern that the circulation of capital has in the land development form of commodity production (Boddy, 1981). Since both models are concerned with revealing the general characteristics of the land development process, they are, of necessity, abstractions of reality. However, as this paper will show, the structure of actors involved in the land development process is not general but varies across both time and space with respect to identifiable features of the development process.

When cataloguing the stages which comprise the land development process, the passage from one stage to another is rarely considered to be problematic. However, in some parts of the UK the act of finding sites and obtaining planning permission can be extremely difficult. These difficulties have led to the emergence of a variety of intermediate agents in certain parts of the country who specialize in helping developers stay in business and make profits through 'unlocking' difficult sites. The role of these agents is not usually considered in models of the land

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development process. This therefore results in an incomplete understanding of: (a) how the land development process actually works, (b) the variable range of actors involved, and (c) how private sector agencies involved with land development interact with local planning authorities.

This paper examines the variety of agents involved in finding sites and negotiating development proposals through the planning system in an area where developers experience acute difficulties in getting sites released. Particular attention is paid to the 'local' estate agent who is more usually seen as a gatekeeper directing certain types of people to certain types of housing but who is increasingly found performing both *site find* and *planning consultancy* functions for residential developers in parts of the outer south east of England. Other forms of agent are discussed where appropriate. The information upon which this paper is based comes from a series of interviews carried out with housebuilders, estate agents, planners and council members in late 1981. As a result, the findings are largely descriptive, but some tables are included to show the extent to which local estate agents are used by various types of residential developer to perform specific functions. As a means of introduction, the next section briefly outlines the nature and history of estate agency in England and Wales in order to put the more recent trends in the profession into perspective.

2. The development of estate agency

Estate agency is a relatively new activity, emerging in the early nineteenth century with the growth of a land 'market' based on the distinct and alienable rights which characterize the capitalist land tenure system. The definitive activities of the estate agent (as defined in the *Estate Agency Act 1979*; Card, 1979), are:

- (a) After receiving instructions from a client, (to) effect an interview with a third party for either the purchase or disposal of an interest in land.
- (b) To effect the sale or purchase of an interest in land, after a vendor and purchaser have already met and come to a decision over such an interest in land.

The early estate agents were largely concerned with the transfer of rural land. As such, many surveyors, auctioneers, stewards and estate managers undertook estate agency (Stephens, 1981).

The fragmentation of proprietary rights which accompanied urbanization in eighteenth- and nineteenth-century Britain, helped to establish a major market in land and property. The growth of owner occupation from 10% in 1914 to 56% in 1974 (Stephens, 1981) has continued the dispersal of freehold land rights to a greater number of people than ever before. This has led to a concomitant growth in the need for agents to connect the growing number of buyers to the growing number of vendors.

The growth of estate agency is therefore largely due to a proliferation of 'urban' based agents who were often drawn from businesses with a knowledge of those wanting to buy and sell property, like furniture and upholstery companies, builders and, even, undertakers. From these small beginnings a major profession has developed. Williams (1976) estimated that, in 1974, estate agents dealt with over £4500 million of property in England and Wales. Some of these agents have become specialists in particular fields, operating across a region or county (e.g. industrial or commercial property agents) whilst others have remained active in a variety of

fields at the local level. As such, the present day profession of estate agency reveals extraordinary variation. Highly complex patterns of communication concerning properties have evolved between the various types of agent. These linkages are poorly understood by those outside the profession but are of critical importance in understanding how individual land users come to locate on particular sites.

3. Estate agents, land and the planning process

It is generally recognized that there are four conceptually distinct stages in the development process, namely, finding a site, obtaining social sanction (in the form of a planning permission) for the development of the site, constructing the buildings proposed and making use of the finished product (by selling, renting or owner occupation). The performance of any of these tasks will involve a developer (as opposed to an occupier) incurring a cost, which can be financial if another person or company is employed to perform the task or a labour cost if the task is performed by the developer.

The true entrepreneurial developer borrows capital to hire skills for all four key sections of the process, whilst builders, by definition, are involved in the construction process at least. As such, builders might wish to concentrate on their principal activity and hire specialists to provide the other skills (finding sites, obtaining planning permission and selling the finished product). Estate agents are capable of helping builders in all the tasks other than construction, and the provision of this help forms the central theme of the paper. The full list of present day functions which one might expect an estate agent to perform are given in Table 1.

Table 1. Possible functions of an estate agent.

Agency
Valuation
Surveying
Auctioneering
Mortgage and insurance broking
Property management
Planning consultancy
Investment consultancy
Development consultancy

Sources: Williams (1976), Ratcliffe (1978), Card (1979) and Stephens (1981).

The full range of agents involved with the tasks of finding sites and negotiating planning permissions are shown in Table 2. The agents performing these functions tend to vary with respect to three variables, namely, the extent of the area they operate across, the range of expertise they possess and, finally, the extent to which their expertise is contained within the structure of a building company or not.

Table 2. Types of agents involved in the land development process.

Type of agent	Finding sites for development ^a	Obtaining planning permission ^b	Selling property
Local estate agent	Local chains of estate agents	Local agent Agents specializing in a particular field	Local chains of estate agents
Freelance agent	Land agents working freelance	Planning consultant working freelance	—
Retained land agent	Agents, working for a development company	Planning consultant working for a development company	—
Incorporated agent	Land agency departments within a development company	In-house planning experts	Sales department within a development company

^a From McNamara (1982b).

^b From Henderson *et al.* (1980).

As can be seen, local estate agents have been identified by both Henderson *et al.* (1980) and McNamara (1982b) as being involved in all aspects of the land development process other than construction. It is also noticeable that there are large development companies who have the capacity similarly to carry out all these activities through specialist departments within their company structure. This internal specialization is indicative of the requirements of a large development company which needs to control the various aspects of its work closely. Between these two extremes there exists a wide range of specialists performing one function or another.

4. Agents involved in finding sites for development

This section explores the variations in the types and activities of agents involved in finding development sites for housebuilders.

4.1. Local agents

Although the primary source of income for local estate agents is, of course, the commission earned from the successful sale of interests in land, the local agent can be doubly rewarded by becoming involved in the land development process. Stephens (1981) lists the type of services that a local estate agent should be capable of providing for a builder as being:

- (a) To identify the ownership(s) on a site
- (b) To assess the value of those separate proprietary interests
- (c) To discuss the form of the development with planners

(d) To negotiate any acquisitions

(e) To give detailed advice on design and planning matters such as the density of the site and the types of house that should be built to fit a local market

but he also notes that (Stephens, 1981, p. 309):

(F)or the (local) agent with the necessary enthusiasm, flair and knowledge, (involvement with the land development process) is perhaps the most rewarding and constructive field of activity.

The nature of house agency work means that local estate agents are constantly travelling around their local areas looking at or valuing properties. In so doing, they come to know their 'patches' intimately and, almost by a process of osmosis, identify the sites in those areas that have development potential at any given time. Some of these sites might be spotted whilst in transit, others (e.g. infill sites) can be spotted from the views afforded into secluded backland areas from the upstairs of properties being valued. Many sites of varying size and quality come to the attention of local agents through these rather haphazard methods. If the vendor's property has development potential then, by the ethics of the estate agency profession, this should be pointed out and the agent is rewarded by the enlarged commission resulting from the higher sale price of the property. However, if a site is spotted as having potential but is not for sale, then the agent might approach the relevant landowner to make that person aware of the value of the land.

The 'double reward' for estate agents arises from a 'gentleman's agreement' between a builder and agent to the effect that, if the agent introduces a builder to a site then the agent will receive the rights to advertise and sell the finished dwellings. Thus, the agent earns a form of secondary commission on the new houses over and above the normal commission obtained from the original land sale.

Local estate agents interviewed in Hertfordshire saw their role in the land development process as being one of a catalyst, finding and matching sites with appropriate builders (McNamara, 1982b). The tight planning restraints on development in the county meant that any development sites that were found were of great value to builders. This encouraged local estate agents to become involved, and the importance of these local agents to local and medium-sized builders in areas like Hertfordshire cannot be underestimated. Nine of the ten Hertfordshire-based builders interviewed named local estate agents as their primary source of development sites. It is not surprising, therefore, that these builders deemed good personal relationships with local estate agents as 'essential' to their businesses, since to renege on the gentleman's arrangement could result in a builder struggling to find enough new development sites.

However, there is some evidence to suggest that this relationship is specific to areas where planning policies are aimed at restraining development. Wood *et al.* (1982) noted that in Banbury (where the overall development situation is one where large residential land allocations have been made by the local planning authority, but in which little interest had been shown by developers), the locally based estate agents played only a minor role in finding sites for development. One agent indicated that he would only involve himself in site finding activities if he was especially commissioned to do so or he had a specific client in mind.

4.2. *Freelance and retained agents*

Freelance land agents are concerned primarily with spotting sites that have development potential and putting the vendor in contact with a buyer. As with local agents, the freelance agent will receive remuneration in the form of a percentage of the sale price as well as an introduction fee from the developer. If, for instance, the agent was taking 1% of the sale price from both the vendor and the residential developer, this could amount to as much as £3200 per acre in some of the restraint areas in the outer south east of England. Freelance agents, like local agents, also have an extremely detailed knowledge of their areas and all the factors likely to affect the development potential of land in their areas. Given their specialization in site finding, these freelance agents tend to operate across quite extensive areas.

A 'retained' land agent performs a similar range of functions to that of a freelance agent except that in this case the agent is paid a retainer to direct sites to particular builders. The ability of a builder to pay such fees implies that the company has a relatively large turnover and is capable of building in widely dispersed locations.

4.3. *Land agents within development companies*

The last type of agent is found within the land agency departments of volume builders. Although there is not enough information to generalize, it is possible to discern that in some volume building companies, specialist departments are created to progress sites efficiently through the stages of the development process. Site find is one such specialized stage and many volume builders have developed specialist land departments to identify sites with potential.

Given the scale of activity with which volume builders are involved, the need to ensure a steady flow of sites is essential. By internalizing the function to their own company structure they gain more control over their future flow of sites. Obviously, this is not to say that sites do not come from other sources. As in the case with all builders, great numbers of sites are offered directly to volume builders by proprietors. In larger companies these are evaluated by a separate land purchasing or negotiating department. Information from Hertfordshire suggests that over three-quarters of sites offered in this way were immediately dismissed and only one-fifth of the rest were likely to have any potential.

Volume builders also obtain sites from local estate agents who cannot find interested builders in their local area. However, interviews in Hertfordshire indicate that a certain level of antipathy exists between large builders and local agents over introductions to development sites. A problem arises from the different methods used by the two groups for selling finished houses. Several local estate agents who were interviewed (McNamara, 1982b) preferred to be offered the right to sell finished houses than to receive a site-introduction fee from the volume builders. In contrast, many large builders have their own sales departments which are geared to selling large numbers of houses quickly. Hence they would prefer to pay a site-introduction fee than to depend on sales through local estate agents over whose actions they have no control. This conflict leads some larger builders to view local estate agents as 'interfering' and 'grasping', whereas many local agents believe themselves to have been maltreated by large builders having provided development sites for minimal returns with respect to furthering their house agency business.

5. Estate agents and the local planning authority

Apart from finding sites for developers, the other essential role which an agent can play in the land development process is to help in the realization of development potential by obtaining planning permission for development proposals. As with agents involved in finding sites, agents which interact with the planning system vary considerably in form and function. This interaction can occur for a variety of reasons and is, for many local agents, a regular occurrence. However, there are specialist agencies which only contact a particular local authority over specific issues, normally for the sole purpose of securing a specific planning permission. As shown in Table 2, Henderson *et al.* (1980), listed the agents involved in planning applications as varying from local agents through specialist and freelance agents to 'in-house' planning experts. This range exactly parallels that for site-finding.

In some areas, the complexity of local planning issues and the potential rewards from obtaining residential planning permission are such that many individuals or small companies can profit from helping developers realize the development potential of sites. As a result, the evolution of ever more complex restraint policies to control the rate and location of development in areas like south-east England has led to a growing number of planning consultancies. The professional origins of these specialists is varied but often they come from development companies deprived of operating finance, professions attached to the building industry (architects and surveyors) and, most importantly, local authority planning departments.

5.1. Local estate agents

Local estate agents need to have a reasonable knowledge of local planning policy in the normal course of their business to inform clients of planning proposals affecting the value of a property. However, a more extensive knowledge of local planning policy is required for evaluating the development potential of a site accurately or for becoming involved with the landowner or developer in realizing that potential.

Interviews with local agents and builders in Hertfordshire established that most small builders were largely ignorant of the nuances of planning policy. Some did not possess any planning documents whilst others kept only the relevant maps (see McNamara, 1982b). The local estate agents acted as planning consultants for local builders experiencing difficulties with local planners over certain sites. They also acted as intermediaries between builders and planners in negotiating applications through the planning system. To illuminate these important interactions more closely, the next two sections examine how local agents interact with local authorities and the extent to which they are used by builders. The evidence is again taken from interviews in Hertfordshire.

5.1.1. Communication with the local authority. Local agents were very conscious of the need for good personal relationships with the local planning authority. As such it was rare for them to press overly hard for applications which they considered had little worth or chance of success. McNamara (1982b) has listed four distinct forms of contact that private sector development interests had with local planning authorities. These are shown below.

(a) *Informal-general*: This is characterized by discussion between those with development interests and planners on general matters of policy, general land availability and development opportunities.

The close personal interconnections that characterize the land development process at the local level ensure an enforced etiquette of public politeness in all interactions. It is in everybody's interests that it should be so. There is also a tendency for many of the leading council officers and members, local builders and local estate agents to be involved in the same organizations and clubs in the local area. In the course of these nondevelopment-related activities, opinions on general issues can be aired and the private sector view made known.

(b) *Informal-specific*: This is characterized by negotiations between the local planning authority and developer held before a planning application is submitted, or whilst it is being processed, to iron out problems likely to cause a refusal of planning permission.

Most major planning applications are generally discussed informally by agents and local planning officers before submission. In this way, various forms of compromise can be reached between the local planning authority and the developer which enable potential problems which might lead to a refusal of planning permission, to be circumvented. Given the expertise of some local agents in local planning matters, these discussions are generally well informed and have a high rate of success. Another 'informal-specific' channel of communication is for the agent to lobby council members directly over an application.

(c) *Formal-general*: This is characterized by formal meetings to discuss general planning policies, such as plan inquiries.

In Hertfordshire, local estate agents were quite active at local plan inquiries but were largely inactive at the more general Structure Plan Examination-in-Public. This reflects their interest with site specific issues, which only local plans can address. Wood (1982) noted in another restraint area (High Wycombe) that a major local agent there believed that informal contacts and lobbying were more 'cost-effective' in terms of influencing policy than formal planning inquiries.

(d) *Formal-specific*: This is characterized by the formal submission of planning applications, the site specific activities concerning planning appeals or site specific issues that arise at planning inquiries.

In terms of formal meetings to discuss specific applications, two different estate agents mentioned that it was common for them to attend, as members of the public, planning committee meetings considering applications they were dealing with. It was also common for a local estate agent to advise a local builder on the possibilities of appealing against a refusal of planning permission and to represent that builder at appeal proceedings.

Therefore, by a combination of informal, often personal, pressures and formal debate in statutorily defined planning arenas, the local estate agent is capable of influencing the overall attitudes of the local planning authority with regard to development on specific sites or development in general.

Table 3. Use of agents in applications for residential planning permission in the Dacorum District, Hertfordshire, 1974-79.

Number of dwellings applied for	Percentage of applications using an agent	Number of cases
More than 50	57	14
10-50	77	65
2-9	85	33

5.1.2. *The use of local agents.* The use of local agents by building companies seems to vary inversely with the size of building companies. Table 3 shows that a higher proportion of large-scale applications are made by developers not using an agent (i.e. who internalize that function) than is the case with small-scale developments, presuming that there is a high level of correlation between the size of a building company and the size of development proposals.

Table 4 indicates the type of agents used for different sizes of proposal in Dacorum District, Hertfordshire, and the extent to which local applicants make use of local agents in seeking planning permissions. As can be seen, local agents are used more than twice as often for small proposals than for large proposals. There is also a tendency for larger applications to be negotiated without any agent at all and, finally, a very strong link between local builders and local agents is implied. When larger developers do use an agent, they are less likely than a local builder to use a local agent. This is corroborated by Table 5 which shows that the most common pattern to emerge in the builder-agent relationship is that, when used, the agent tends to originate from the same area as the builder.

To summarize, the local estate agent can be viewed as an important channel of communication and as an interpreter acting between local builders and the local planning authority. The activities of such agents can help to influence the attitude of the authority over development in general or on individual sites to one more favourable to builders' interests. The increased turnover of sites and houses forms the reward to the agent. Obviously, the more difficult the planning stance is towards development, the more valuable the services of the local agent might be.

Table 4. Use of agents on different sized applications: residential development, Dacorum District, Hertfordshire, 1974-79.

Number of dwellings applied for	Origin of agent (%)				Total	Percentage of local applicants. District and county	Number of cases
	Hertfordshire (Dacorum) %	Non-local	No agent				
More than 50	29 (14)	29	43	100	21	14	
10-50	45 (28)	32	23	100	55	65	
2-9	67 (48)	18	15	100	76	33	

Table 5. The relationship between the origin of estate agent and planning applicant: residential development, Dacorum District, Hertfordshire, 1974-79.

Number of dwellings	Agent closer to site than applicant	Agent and applicant from the same district	Agent more distant from the site than the applicant	No agent	Total
More than 50	14	36	7	43	100
10-50	18	39	20	23	100
2-9	18	52	15	15	100

5.2. Freelance and retained agents

As seen in Table 2, Henderson *et al.* (1980) noted two types of freelance agent. One specializing in some specific field related to planning. The other with a more general knowledge of planning and the logic behind planning policy at strategic and local levels, as well as an extensive knowledge of planning law and recent precedents in planning practice which can be used to support any particular application. Both types of freelance agent have only minimal contact with any individual local authority and, given that this formidable set of specialist or general skills is very expensive to hire, it is usually only in an 'arena of last resort' such as a planning appeal that builders use them.

Specialized consultants are normally contracted by more general experts to tackle specific aspects of planning appeals. For example, McNamara (1982a) noted that one particular specialist agent in Hertfordshire was contracted regularly by different planning consultancies, working in different local authority areas, to assess the quality of soil on development proposal sites. This evidence was then used to counter local planning authority decisions to refuse residential development on the grounds of good agricultural land being lost. Similar specialist agents can be hired to look at transportation-based objections or design-based objections.

Many of the planning consultants who organize appeal cases have a legal background (Queen's Counsels are used frequently by those who can afford them). Their training in legalistic debate can make them formidable opponents against an understaffed or busy local planning authority. Their general experience in dealing with a wide variety of different areas gives them a greater overall view of a particular development situation than is generally available to a local planning authority officer or solicitor (for whom planning appeals or inquiries are just a small part of his or her job). As a result, the planning consultants can normally be expected to employ far more resources in researching the case for a specific site than the local planning authority. These services are extremely expensive to hire but the potential rewards from obtaining planning permission are often high enough that developers are more than willing to pay the price.

The use of such freelance consultancies is limited by their cost, and they tend to be contracted only in situations where both the developer and the consultant feel that they can win their case. Consultants do not like to worsen their 'track record' by taking on cases that cannot be won. When they are used they can prove formidable opponents to the local planning authority.

Although some large development firms do possess similar expertise within their company

structure, it might be suggested that such 'in-house' skills are likely to be less potent than freelance skills since successful freelance activity is so attractive and lucrative that it takes many of the good consultants from individual development companies. However, there is insufficient evidence available to comment substantively on this.

6. Conclusions

This paper has shown the importance of intermediate agents to the current functioning of the residential development process in one part of the UK. It has shown a wide variety of agents at work. They can either be specialists or generalists, free from building companies or incorporated into them, and they can operate across limited or wide areas. It has been suggested that the importance of these intermediate agents varies through time and space, depending on the difficulties experienced by builders in obtaining planning permission for residential development. Increasingly, restrictive policies are leading to fewer acceptable sites for development and a greater level of conflict and negotiation with the local planning authority over particular sites. Since builders are rarely able to allocate sufficient resources to performing these functions adequately, a variety of agents has evolved to assist them.

In theoretical terms, variations in the 'diameter of the development pipeline' (i.e. the availability of developable sites) can therefore affect the range of actors involved in the development process and, ultimately, the distribution of profits from that process. Information and expertise about land development and land-use planning have become marketable commodities in some parts of the UK and, in contrast to conventional wisdom, estate agents are not simply involved with the last, marketing, stage of commodity production. They are seen as being heavily involved in facilitating profit-making activities. The estate agents are not only gatekeepers directing buyers to houses, but they also direct builders to sites.

We also see variations in time and space when viewing the relationship between local planning authorities and the development industry. In some areas the locally based estate agents are capable of influencing the attitudes of the local authority towards specific applications and general policy matters. In other areas, they are only of minor importance. The reasons behind these variations need to be explored further.

A further aspect of the relationship between agents and the development process which has not been covered in this paper is how different types of agents interact to pass information about sites between each other. This is of extreme importance when trying to explain why certain investors or industries locate in specific areas, since potential users approach agents to find sites meeting their requirements and, by the vagaries of this communications' network, eventually find sites. As such, we need to know more about the complex networks of agents, developers and land users in order to understand more fully why particular employers and developers locate, or are active in, certain locations. Similarly, we need to know more about the extent to which agents can influence planning policy in its formulation and implementation in order to understand more fully the process of urban growth and the specific forms it takes in various towns.

Finally, this paper has only looked in detail at residential development in one part of the country. In order to understand the land development process in general we need to look at the

activities of the full range of agents actively organizing all the other aspects of land-use change across the country.

An understanding of the complex networks between different types of agents and builders is essential to comprehending the patterns of who is building where. Similarly, a knowledge of the interaction between agents and planners is essential to understanding where and why sites emerge and the specific forms that urban growth takes. Hence, our present knowledge of how sites come to be developed in certain locations, is incomplete. There is, therefore, a need for more detailed empirical research into both the interagency and interdeveloper information networks and agent-local authority interaction. It is hoped that this paper has, at least, demonstrated such a need and helped to close this gap in our knowledge.

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TOWARDS A CLASSIFICATION OF LAND DEVELOPERS

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Increased research activity focusing on the process of land development has generated a multiplicity of models describing the acts, actions and activities of developers. Most classifications of land developers have been generated from the modelling of the development process and reflect the minutia of those models. This article attempts to produce a typology of developers from a closer examination of the meaning of development, using some empirical work from research in Edinburgh. It is hoped that the typology of developers presented will aid the conceptualisation of the land development process and aid future theorisation.

1. Introduction

The processes involved behind the development of land have increasingly become an area for study over the last decade. Frustrated with the large scale modelling of land use and land users [1,2], many critical analyses of the way urban development is conceptualised were started [3,4]. In parallel to this drive towards more detailed understanding of the development process there has also been a growing concern to investigate the impact of the land use planning system on the development of land. So widespread are the issues involved and so fragmented are the studies that, as yet, it is difficult to identify areas of common interest and thought with any ease.

One of the major causes of the fragmentation in the field is that many of the researchers in the field have tried, in their own way, to represent the process of land development. These attempts have varied from inductive interpretation from empirical studies of the residential property development industry [5,6] and case studies of the commercial property development industry [7], to the production of complex models of the development process [8,9] and a variety of different theoretical perspectives on the process of land development [10-13].

Models of the process have tended to result in large and highly complex

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systems models being produced [14]. As such they have proved too complex to provide a way in which to both view development and provide any adequate or simple typology of developers. It is the intention of this article to try and generate a classification of developers from an investigation of the nature of the development process itself. By analysing the components of the land development process, a classification of developers should follow logically. Past attempts at classifying developers have emerged from the minutiae of models [15] or from the superficial features of available data [16]. As a result the classifications produced have tended to be useful for the analysis of the data from which they emerged. It is hoped that the classification produced in this article can be used as a base for any analysis of the land development process since it is based on the components of the process itself.

The classification of developers presented in this article is based on the changing property rights held by developers throughout the period of a site development. Illustrations from data on office development in Edinburgh will show that many, superficially similar developers act differently when developing land and that many superficially different types of developer act in a similar way. It is hoped that the new classification produced will aid planners to more thoroughly assess the types of developers active in their areas and thereby gauge more accurately the likely effects of their actions on the process of land development.

2. Defining development

The base from which to start a search of classificatory tools is a working definition of development. One such definition is given in the Town and Country Planning Act 1971, section 22, which sees a development as being: "the carrying out of buildings, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land". By such a definition the government separates off those developments which require governmental sanction from those which do not. This is done by fixing a set of size or use criteria to the notion of what constitutes a material change. Therefore this definition is inadequate since it merely sets out to define the physical reality of development for the purposes of defining the boundary of government activity. A fuller definition of a development might be: "Land development is a purposive and premeditated material change in, or intensification of, the use of a parcel of land, brought about by an investment of labour and capital in land."

As such, the following elements that constitute a development can be listed:

- (a) there is a material change in the use of land;
- (b) there is an "investment" of land, capital and labour; and
- (c) there is a purpose behind the act.

In a society based on the concept of private property rights (which pertain as much to real property as any other type of property), one must obtain certain rights over land before being able to develop it. For many developers the purchase of rights in land is part of their investment and the sale of those rights is their return on that investment. Therefore, development forms a fusion of land rights, labour and capital. If any one of these elements is missing, then only the simplest and most minor developments can be performed.

Development is also an act that is fixed in time and space. It occurs at a location at a given date (or between dates). However, since the orchestration of land rights, labour and capital into the necessary fusion takes time, and the product of the fusion generally has a long life, then it might be said that a development can be viewed at a number of points through time.

In examining the transference of rights to and from the body organising the development, one can view the land rights of the developer at various stages. Intuitively three stages can be identified as being before, during and after the development has taken place.

3. An illustration

Figs. 1 and 2 illustrate data received about the gathering and dispersal of land rights that took place during the various stages of certain office developments in Edinburgh between 1959 and 1978 [17]. The types of developments chosen for *illustration* are those carried out by property companies and those carried out by insurance companies. All available data on the land rights purchases involved in these developments are shown.

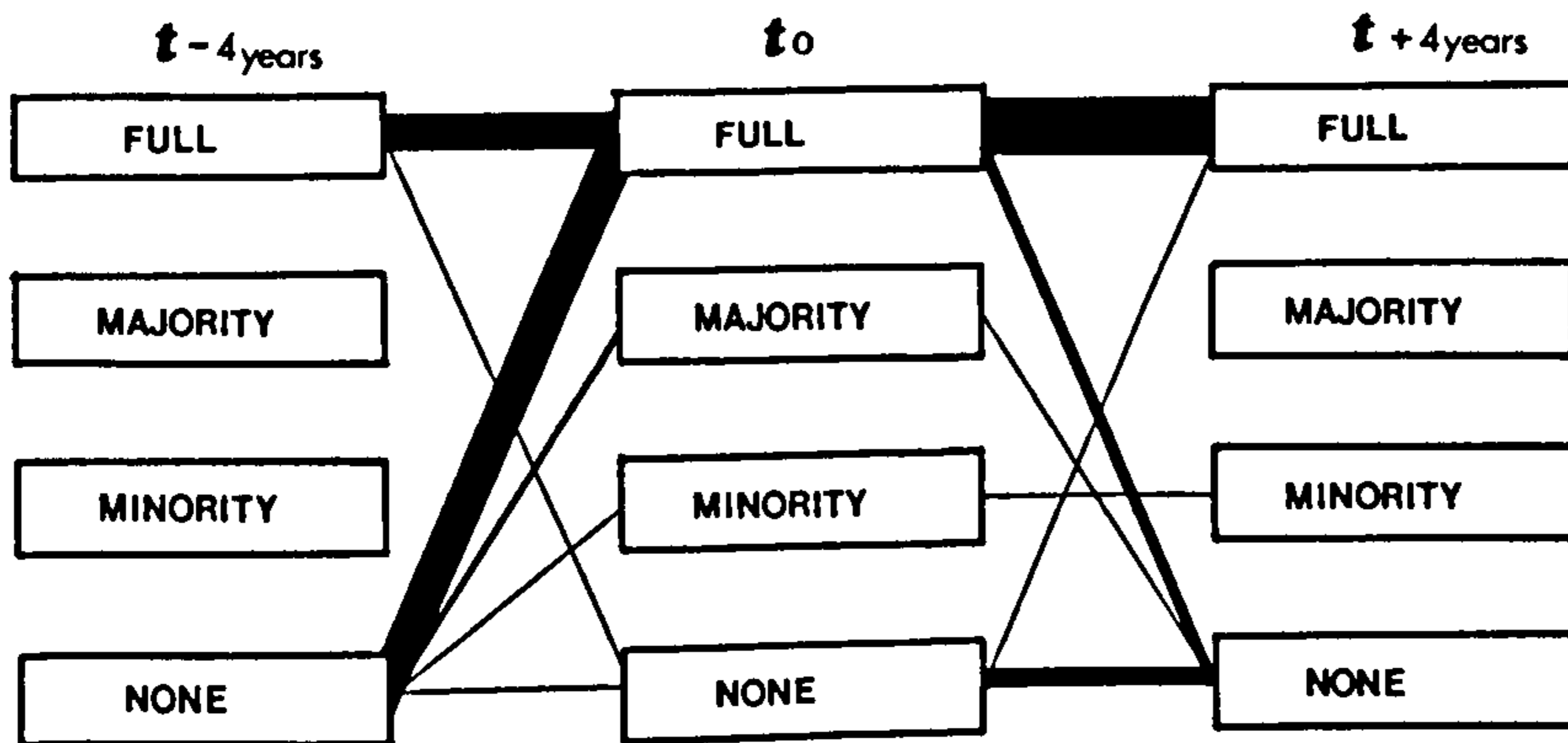


Fig. 1. Office development in central Edinburgh, 1959–1978. Applicant's interest in property: insurance companies (four years before to four years after). (| = ten transactions).

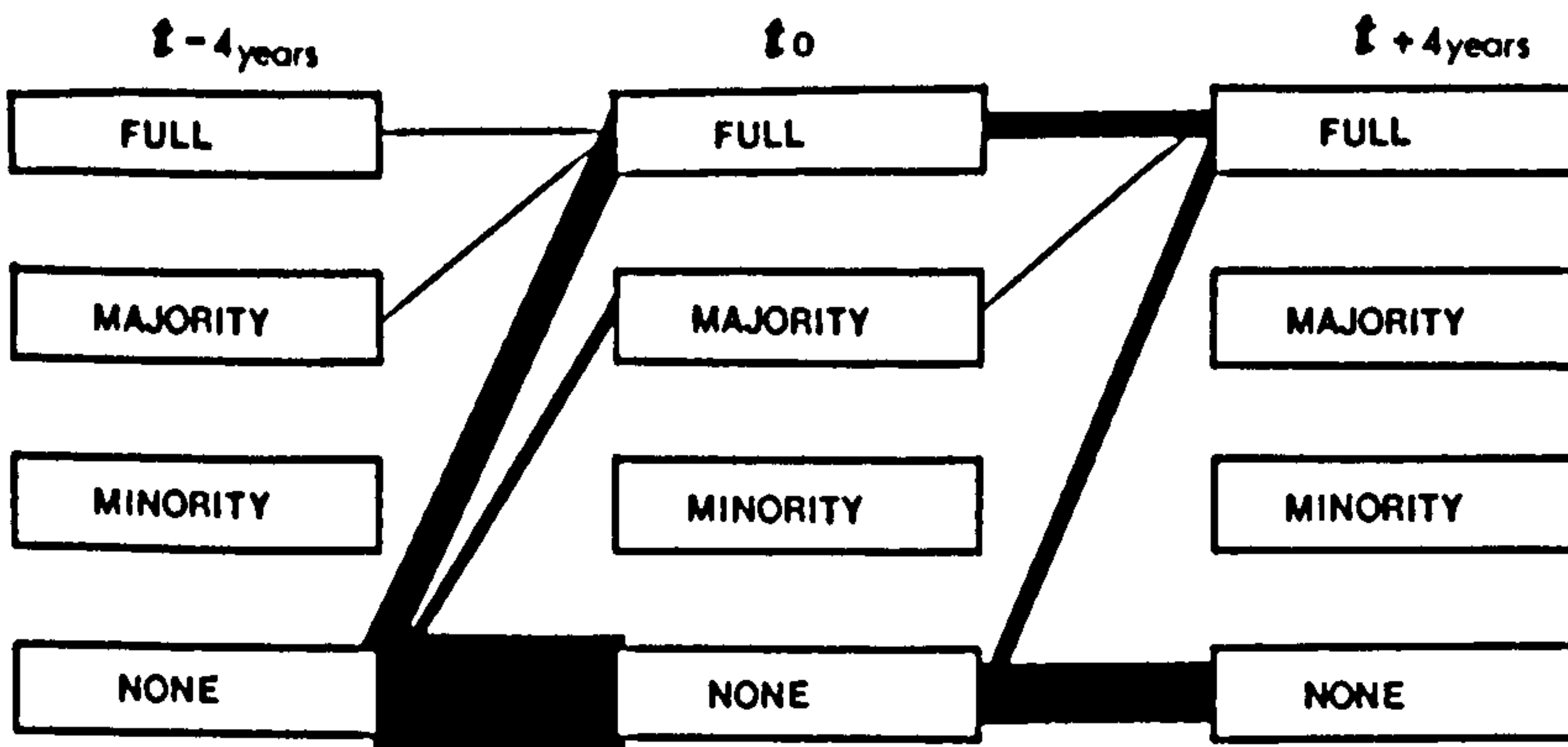


Fig. 2. Office development in central Edinburgh, 1959–1978. Applicant's interest in property: property companies (four years before to four years after). () = ten transactions).

The figures represent the changing level of interest that developers have in parcels of land through the course of developments. The boxes (full, majority, minority and none) indicate the level of a developer's interest in the development site at a given time relative to the act of the development. As can be seen, the level of a developer's interest changes throughout the course of a development. These changes can be represented by flows. The completed diagrams illustrate the various attitudes that different developers have towards the timing of the purchase and dispersal of land rights in the development process.

It will be appreciated that the four-year periods before and after the act of development, used to reveal the developers interest throughout the development, have been selected arbitrarily. However, it is also clear from these figures that, given adequate data, the purpose of various developments can be revealed. Fig. 1 shows that, in developments completed by insurance companies in central Edinburgh, the developers did not usually own the development site four years before application ($t - 4$). This has completely changed by the time the application is submitted to the planning authority (t). Four years after the application was made, nearly all the development sites were still in the hands of the *same* insurance companies.

Property companies, active in exactly the same kind of development process, in the same location, contrast vividly with the pattern described above with respect to their "tactics" of land rights purchase and disposal. They rarely own the property to be developed four years before application. Even at the time they make an application for planning permission, many of them do not have any rights in the land and very few properties are kept by them after they have made an application.

This article relates to a method of investigation rather than to a detailed

analysis of results, and as such the significance of the diagrams lies in the fact that they illustrate two very different patterns of purchase and sale between two different groups of developers operating in exactly the same area. Insurance companies “buy short” and hold properties; property companies tend to “buy short” and “sell short”. Equally important is that there exists a wide variation in development tactics between various members of the same group.

It will be appreciated that “Insurance Companies” and “Property Companies” illustrate the type of arbitrary classification of developers that is both difficult to establish or defend. The present author does not endorse such a classification but rather has used it to show that one “type of developer” can represent several different attitudes towards land and its purchase and development.

4. A possible classification

What figs. 1 and 2 show then is that the whole set of actions that could be described as developments can first be cut up into types of land use change (*e.g.* offices) and secondly that classifications of developers can relate, indeed should be related, to the *purpose* of a development. An attempt to classify developers in terms of their purpose of development (*i.e.* their tactics of purchasing and selling land rights throughout the development process) is given in fig. 3.

There have been attempts to classify developers in relation to their source of finance [18]. Researchers desiring to follow such a classification might well consider one based on relatively abstract notions of “the purpose of development”, to have fundamental details missing. However it is argued that there are acute problems for any classification that tries to take such a feature as finance into consideration. Nearly all developments of any substance will require a

Before dev	After dev		
	SHORT TERM	LONG TERM (leasing out)	LONG TERM (owning & occupying)
Short term	Entrepreneurial builder	Land Developer- investor	Developer- user
Long term (leasing out)	Asset clearing, probably in- vestment switch	Property improv- er/rentier	Expanding developer- user
Long term (owning & occupying)	Capitalising assets	Change in returns from property	Owner-occupier/ developer

Fig. 3. Classification of developers by purpose of development.

developer to seek outside finance. The larger companies and financial institutions can often generate their own capital, but for most developers this is not possible. To try and categorise developers or developments by their source of finance neglects the reality of the searches that many developers make for sources of credit, often moving from one financial sector to another. To state that property and finance are integrally interrelated is true but unhelpful for empirical work [19].

Finance is often sought in both the short and long term, resulting in a double problem for classification. Financial involvement in property development is best included only as it interacts with land rights purchase. If financial assistance results in some form of land rights transfer, then the classification outlined above will record it. If there is not transfer of such rights, then financial capital is being used in its normal way, facilitating production and securing its return from such a task.

In the past crude attempts have been made to try and classify developers by their "external" appearances. The classification in fig. 3 deliberately avoids such rudimentary categories as "property companies" and "investment trusts". As illustrated by figs. 1 and 2, such groupings are relatively meaningless. In many cases it is very difficult to identify exactly *who* the developer is when the complex interrelations between agents, investors and creditors are appreciated. Consideration of the purpose of development circumvents these problems. A further problem for these crude "feature" classifications is that, for example, a property company is very difficult to classify when it is 20, 40, or 60% owned by an insurance company.

State development is deliberately omitted from the classification as presented. Obviously any classification of developers by "purpose" of development will keep the profit-oriented private sector agent from the community-oriented public sector. However, an exactly parallel classification could be created to examine the purposes to which the state puts land since, in the system of private property rights exhibited in the U.K., land rights are generally vested in a "person", whether an individual, property company or local authority.

It might be claimed that there is no adequate mention of speculators in land who operate before a development takes place. However, the classification is aimed at illustrating the types of *developer* that exist. Developers have been described as "impresarios" orchestrating development [20], bringing the land rights, labour and capital together at a particular place and time. The classification seeks to follow this interpretation of a developer and since such speculators as mentioned, like contract builders or estate agents, are adjuncts to the development process, they cannot be included for classification. This in no way implies a lack of importance for these groups or an acknowledgement that they are not affected by planning policy.

The classification differentiates "long-term" and "short-term" holding of

land on the basis of whether or not the finished development is immediately sold by the developer after completion. Obviously there is a problem relating to the definition of "long-term" holding for investment purposes, since long-term for, say, a property company may well be relatively short-term (in absolute terms) for an insurance company. Therefore in this particular case it is important for researchers to come to some accepted notion of what is "short-term investment holding" and "long-term investment holding". It is suggested that this is most adequately done by assessing the yields required by the developer from his investment. The higher the yield, the more short-term is the developer's view of his investment. Naturally any consideration of yields would also require a knowledge of whether the property was considered prime property or not, yields tending to be lower on "safer" prime developments.

5. Conclusion

By examining the fundamental features of the process of land development as it operates through time, this article has sought to establish a classification of developers for use in future investigations into the field. Land development was seen as a fusion of land, labour and capital at a particular place at a particular time. It was considered that these three essential elements had to be retained if any meaningful or useful classification was to be made. Consequently, the resultant classification relates solely to the act of development.

Evidence from the land dealings of certain arbitrarily chosen groups of developers, operating in the office development market of central Edinburgh, was used to show that within such groups different "purposes for development" exist. For example, insurance companies tend to retain finished developments, showing a tendency to make investment in land via the process of development. Property company activity was mixed between retaining and selling finished developments. Hence, there was variation within the groups of developers chosen. As such, these arbitrary classifications were seen to hide as much as they reveal. Analyses of the development process or the effects of planning policy on developers would be grossly misled by such classifications and as a result of this a first step was taken towards a classification of developers by their purpose of development.

By recognising that all developments, by definition, are purposive acts, a classification by purpose becomes possible. A ninefold classification was then suggested, based on the purchasing, holding and selling of land rights by developers throughout the timespan of a development. This represents a very elementary first step towards a full classification, recognising that more information on the land assembly and land disposal activities of developers would assist the advancement of this whole area of study. However it is hoped

that this basis will be of use, either practically or conceptually, to researchers active at the moment.

Finally, it is hoped that, by establishing a classification of developers, planning policies will be more able to identify the characteristics of the development industry in their area and thereby calculate more fully the likely impact of their policies on the land development process. A policy is far more likely to affect similar development (by purpose) groups than it is to affect artificially derived groups.

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