# House Music: Volume 1

My name is Mark Benham, by day I'm head of Real Estate at Lester Aldridge. I advise regional and national housebuilders (and the occasional landowner) on land promotion, acquisition and development, including a fair amount of work advising providers of later living housing and housing with care. Outside of work, my passion is music – whether it's watching a new live act at a small local venue, enjoying music new and old on BBC 6 Music or compiling a playlist on Spotify to share with friends and colleagues.

There is a clear synergy between community assets, including live music venues, and the creation of new housing. In July 2023, Joanna Averley, chief planner at The Department for Levelling Up, Housing and Communities, reminded the planning authorities that they "have an important role in identifying and protecting local grassroots music venues in their area from the effects of new development", referring them to the requirements in the NPPF regarding the provision of suitable mitigation measures. She also flagged how the Music Venue Trust (which describes itself as being like the National Trust of music venues) can offer support to planning authorities when consulting on applications.

Independent music venues are the lifeblood of the music industry here in the UK, breathing life into our towns and cities as part of the "night-time economy". Sadly, 2023 was the UK's worst year for music venue closures, according to the Music Venue Trust, with 125 grassroots music venues closing over 12 months. Without Government support, the sad reality is that the number of venues will continue to shrink.

Our first blog guest is Paul Tucker KC.

Familiar to many as one of the faces of the successful podcast Have We Got Planning News For You, Paul is a



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hugely successful planning barrister with Kings Chambers, winning “Planning/Environment Silk of the Year” at the Chambers UK Bar Awards in December 2023. Paul is also the chairman of the Planning and Environmental Bar Association.

## *Mark: What is your favourite venue for live music?*

*Paul: I think that it would have to be the Manchester Apollo – now the O2 Apollo. A regular venue to see live music, but the stand out visit was when I saw the original line up of Deep Purple there in 2013.*

## *Mark: If you could require one landowner in the UK to do more to facilitate housing growth in the UK, which landowner would it be?*

*Paul: It would have to be local authorities. If you look at any graph of housebuilding in the last half a century then it is obvious that the huge downturn took place in the early 1980s when we stopped building Council Housing for political reasons. Whilst vast unremitting council estates (such as the one in which I was born) had and have problems that isn't a good reason to just stop a project that successfully housed (and still houses) millions.*

## *Mark: What was the first, and most recent, music gig/concert that you attended?*

*Paul: My first was Marillion at the Milton Keynes Garden Party in 1986 (followed rapidly by what turned out to be Freddie Mercury's last concert a few weeks later at Knebsworth. My most recent one was the Hyde Park event this summer headlined by Guns and Roses together with my middle son as the guest of Charlie Banner KC – but the support bands were just brilliant – especially The Darkness.*

## *Mark: You are appointed the Secretary of State for Levelling Up, Housing and Communities for one week. You are given the power to make immediate legislative changes in order to ensure more houses are built. What is the first change you would make?*

*Paul: My first change would be to revoke s.73(5) of the 1990 Act. It idiotically removed no good reason for what had been a useful flexibility to extend time limits in a planning permission. As the law stands – I regularly end up having to advise on very technical issues arising from the iniquities which arise from s.73(5) and which often impacts on large allocated sites for no good reason.*

## *Mark: What band or artist is your dream headline act, who would be the support act and where would the gig be?*

*Paul: Obviously the Beatles, and equally obviously at Shay Stadium. And since its my dream – then the support would be my son's band the Ruby Tuesdays!*



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## *Mark: Week two as Secretary of State and the PM tells you to implement an unconventional housing policy inspired by a successful policy or project from another jurisdiction. What policy would you adopt?*

*Paul: I would tell the PM that there is an overwhelming need to consolidate and rationalise Planning Legislation. The Isle of Man has a fully functioning planning system, matching ours with about a tenth of the legislation. The Law Commission ought to be immediately engaged to start work on this. But for me I would reset the whole plan making system to the system that we had back before 1997, with the housing figures being given to Unitary and County Councils by Government and plan making made on a simple basis and where the test of 'soundness' is just a bad dream.*

## *Mark: If you could sum up the state of housebuilding in the UK by reference to a song, what song would it be?*

*Paul: Jeff Beck's 'Hi Ho Silver Lining' – because I am an optimist at heart and I truly hope that one day there will be!*

## *Mark: What housing scheme or project that you have been involved in are you the proudest of?*

*Paul: Liverpool Waters and the stadium projects in Liverpool – where I have witnessed amazing transformation and investments into an area which had been left as an industrial wasteland by the Mersey Docks and Harbour Company. Though I also have a sneaky pride for having advised on Buckshaw Village in Lancashire at the very start of my career, from the time that it was the Royal Ordnance Factory – a genuine, sustainable new settlement on brownfield land.*

Many thanks to Paul for joining us. Our next episode will be landing next month – sign up to be notified when episodes are published here.

If you need further advice about any of your real estate requirements, please contact Mark via email at mark.benham@la-law.com

*Paul's profile at Kings Chambers:* https://www.kingschambers.com/barrister/paul-g-tucker-kc/

*The Planning and Environmental Bar Association:* https://peba.org.uk/

*Have We Got Planning News For You:* https://havewegotplanningnewsforyou.com/

*The Ruby Tuesdays:* https://www.facebook.com/TheRubyTuesdays/



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*The Music Venue Trust:* http://musicvenuetrust.com/



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