Converging interests to protect urban greenery

case study of Tehran’s privately owned gardens

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Source: https://www.isna.ir/news/

UK-Ireland Planning Research Conference Wed 8 - Fri 10 September 2021
Introduction

• This study is part of a larger research project, Symbiotic Planning, in which we are exploring the changing relationship between the planning and the market.

• We are looking at different policies and practices to better understand this changing relationship.

• Policy on protection of urban greenery and gardens is one of the examples which could help us to trace this changing relationship.

• Tehran’s inner cities gardens are under a lot of pressure to be developed to residential high rise buildings and the planning system is attempting to find a way to balance the need to protect urban greenery and the need for housing construction to address housing needs.
Theoretical background

Relationship between planning and market - both influencing each other

• Healy (1992)
  ‘Instead of simplistic oppositions between planning and the market [...], it is now more productive to explore the interactions between planning regulation and market conditions.’ (Healey, 1992, p. 420)

  ‘Once markets are seen as socially constructed, not given, it becomes fallacious to place planning and the market in a dichotomous relationship.’ (Adams & Tiesdell, 2010, p. 194)

  ‘... call on planners to see themselves essentially as “market actors” intricately involved in framing and re-framing local land and property markets and hence operating as a significant constitutive element of such markets.’ (Adams & Tiesdell, 2010, p. 188)

  ‘The activities of planners help construct the market, making the relationship between planning and the market symbiotic rather than dichotomous.’ (Adams & Tiesdell, 2010, p. 190)
Theoretical background

- **Tiesdell & Allmendinger (2005)**
  Three types of policy instrument through which planning intends to affect market: policy instrument that intends to shape, regulate and stimulate markets. These are the means by which planners help to construct markets.

- **Adams & Tiesdell (2010)**
  Planners’ capacity should be built in three crucial areas to be able to effectively construct markets:
  - market-rich information and knowledge;
  - market-relevant skills; and
  - market-rooted networks.

  ‘As effective market actors, planners need to be able to negotiate financially on level terms with developers, and this requires substantial knowledge not shallow awareness of development economics.’ (Adams & Tiesdell, 2010, pp. 200-201)

  'The challenge for planners is thus to develop more richly grounded market networks that facilitate mutual learning and sharing of experience in a manner that breaks down hostility between the private and public sectors.’ (Adams & Tiesdell, 2010, p. 202)
What is considered as an inner city garden?

- Located within the formal boundary of the city
- An area of at least 500 square metres
- Registered as a garden or garden house (Bagh Emarat)
- Mostly located in northern regions with high property market value

Historic Garden house of Rahnama – District 1
Source: https://www.isna.ir/news/
Legal framework for redevelopment of inner city gardens in Tehran

1980 Act - Protection of Cities Green Spaces Bill - *characterised as restrictive*

- Restrictive
- All the trees should be protected or, if cut with permission, double the amount should be planted
- FAR limits: a maximum of 10% ground coverage with the construction density (FAR) of maximum 20% (i.e., max two floors)
- Penalty for breaking the law
- One-sided, top down law, without any regard for the financial consequences for the owners but protective of gardens

Result

Landowners attempt to dry out their gardens in order to claim that their land was not a garden anymore and they could therefore apply for a normal construction permit
Landowners’ attempts to dry out the garden to claim that their land was not a garden anymore and they could therefore apply for a normal construction permit

Source: https://www.eghtesadonline.com/

Source: https://newspaper.hamshahrionline.ir
**2004 Act - known as the Garden-Tower Directive - characterised as pro market**

- The context for approving this directive was to ‘protect’ the gardens of the city as landowners were attempting to change their status from a garden to normal land.
- Gardens can be built with maximum ground coverage of 30% instead of the normal 60% but in the same construction density as approved for that zone.
2004 Act- known as the Garden-Tower Directive - characterised as pro market

- The context for approving this directive was to ‘protect’ the gardens of the city as the owners were attempting to change their status from a garden to a normal land.
- Gardens can be built with maximum ground coverage of 30% instead of the normal 60% but in the same construction density as approved for that zone.
- At the beginning developers and landowners were concerned about their profit margins but later they found ways to maximise their profits such as constructing underground, density bonus.

Result
- This law is sympathetic and flexible towards the market (market-led). As a result, more than 4,000 hectares of the inner-city gardens have been destroyed to construct high-rise buildings.
- The Garden-Tower Directive has facilitated the conversion of these gardens.
- With up to 100% coverage under the ground, many gardens lost their trees.
Luxurious life on the cemetery of old gardens

Zaferaniye Garden Residential Complex
Garden area before construction: 6,500m²
Building area: 38,000m²
12-floor high-rise building
3 floors underground

Source:
https://www.arel.ir/fa/News-View-6720.html
https://www.archdaily.com
Luxurious life on the cemetery of old gardens

**Niatous Paradise Residential Complex**

Garden area: 6,000m² with 157 old trees
Building area: 70,000m²
26-floor high-rise building
5 floors underground

2010 changing status from garden status to normal land

Source:
https://www.nasim.news
http://luxuryproperties.ir/properties/item/143

Under construction
3D visualisation
2021
Since the approval of the 2019 Act, the tendency to put forward an application for a garden plot has been very limited, if not non-existent (interview, 2021).

Investors and developers have been waiting for the election of a new City Council in 2021 (with the appointment of a new mayor), hoping that the law will be relaxed.

Tehran gardens are recognised as the city’s natural heritage and should be protected.

- Limits the construction to 15% of land and in 2 to 3 floors
- Flexible in terms of function for both the site and the proposed building

At the time of the approval of this Act, approximately 500 applications for development of gardens were under process in Tehran Municipality. The challenge? What to do with them.

**2019 Act - known as the House Garden Directive - characterised as symbiotic, converging interests of private stakeholders, the general public and the city**

- Construction density
  - FAR 30-45%
  - 2-3 floor building
- Ground coverage
  - 15%

**Result**

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Jozi Garden – District 1

Source: Authors

At the time of the approval of the 2019 Act, an application for this plot was under process
[2018-2019 changing status from a garden house to normal land]
2019 Act House Garden Directive

Convergence of interests
- Private stakeholders
  - General public
  - City

Protection Biodiversity & Urban Greenery

Planner
The activities of planners help construct the market

Ineffective process in creating symbiotic relations
- Applicants waiting for a new City Council, hoping that the law will be relaxed
  - In the last 2 years of the new law, only 1 permission application was put forward by the private sector

Market Pressures
- Profitability of large land parcels

Regulatory Framework
- Zoning regulations
  - FAR limits
  - Coverage ratio

Public Benefit

Clash of interests

Public Benefit

Municipality’s budget
Conclusions

Market-rich information and knowledge

Market-relevant skills

Market-rooted networks

Multiplicity of policy makers at local and national level - contradictory rights and rules

Existence of legal institutions which could turn around planners’ decisions (e.g. Administrating Court of Justice)

Ambiguities around what is public benefit for both the law maker and civil society

Overall urban planning framework of the city

Effective process in creating symbiotic relations