

## **LOCAL PLANS REVIEW**

### **Contribution by Michael Bach**

I am responding to the Call for Evidence on behalf of the London Forum of Amenity and Civic Societies and the Kensington Society, for whom I chair the Planning and Transport Committee and Planning Committee respectively. I am also drawing on my own experience of planning in London over the last 40 years, at the national, Greater London and Borough level. (See Annex 1 for more detail)

### **The London Context**

London is different than most of the rest of the country, although it has much in common with the larger cities. The NPPF and NPPG are totally silent about these differences – you would never know they referred to England, let alone a highly-urbanised country and has barely any recognition of places. Town centres and “rural areas” are the only spatial planning areas that it recognises. As a result it is absolutely essential that the Local Plan provides a vision, strategy and appropriate policies for delivering these and that it has the support of the local community.

Fortunately London has a spatial strategy, which in turn forms part of the development plan for each London Borough. It provides a strategic spatial planning framework, which the NPPF does not provide. In particular, the London Plan provides the London-wide dimensions for planning for housing, economic activities, social infrastructure, town centres, transport, heritage and the environment.

### **Local Context**

London is different, but Kensington and Chelsea is at the far end of the spectrum by any measure you choose - density, property values/house prices, development pressures, including basements, 75% in conservation areas, 4,000+ listed buildings, and very active/articulate citizens. Nevertheless, it illustrates some key issues – a one-size-fits-all approach does not work.

### **The Local Plan**

As a result of the pressures and our experience of market forces eliminating most “low value” uses – higher education, hospitals, sheltered housing, offices, pubs, post offices – our Local Plan has strong themes and policies, developed through active public engagement, which are:

- **Keeping life local** – this provides a clear sequential approach to be followed if social and community uses are to be lost – this has been

developed as the result of the loss of education, health, post offices, pubs, launderettes, etc, with the express intention of maintaining social and community uses – it is supported by the NPPF theme “promoting healthy communities” and by the Localism Act powers for neighbourhood planning and the designation of Assets of Community Value.

- **Fostering Vitality** – this promotes a wide variety of cultural, creative and commercial uses, including support for shops, town centres, business uses, creative, arts and cultural uses, hotels and diplomatic uses. These policies include protecting shops in town centres, resisting the loss of offices (now backed by exemption from offices to housing PD rights Borough-wide), protect light industrial uses in designated employment zones, requirement to reprovide arts and cultural uses (eg cinemas) to an equivalent or better standard, and to resist the loss of hotels. Without this strong commitment to economic activities, housing would take over everything.
- **Better Travel Choices** – this encourages high trip-generating uses to locate in areas of high public transport accessibility, require new additional residential development to be permit free; and promote new stations and step-free access.
- **An Engaging Public Realm** – resist gated communities, drive up the quality of the Borough’s streetscape, resist adverts and additional free-standing structures, resist the loss of open spaces, etc
- **Renewing the Legacy** – require development to contribute positively to the townscape and respond positively to the local context, preserve and enhance the character and appearance of conservation areas, protect the heritage significance of listed buildings, ensure good living conditions for occupiers, control the scale and impact of basement development, drive up the quality of shopfronts, protect and enhance views and vistas, and require new buildings to respect the setting of the Borough’s townscape through appropriate building heights.
- **Diversity of Housing** –achieve a diversity of housing in mixed communities, allocate sufficient housing sites, require a mix of types and tenures of housing, protect HMOs, resist loss of hostels, resist loss of housing units through deconversions, require affordable housing in terms of floorspace for schemes over 800sqm (GEA), and ensure a net increase in accommodation.
- **Respecting Environmental Limits** – reduce C02 emissions from new buildings, resist development liable to flooding and mitigate the effects of surface water and sewer flooding, and control the impact of development on air quality and on noise and vibration.

These themes convey the need for a well-articulated set of policies which meet the specific requirements of the Borough and its places. A set of generic policies would be totally inappropriate. The local plan is also a statement of the vision for the Borough embodying our aspirations and reflecting the community's needs and priorities. It is not just a handbook of development management policies. It is a plan for the future of the area not just a checklist for regulation of development. This distinction – planning is not just a regulatory activity – needs to be understood. The development management policies are there to secure sustainable development not just a regulatory activity with a life of its own!

### **What is a plan?**

In the RBKC Local Plan these policies and their reasoned justification take up 80 pages of a 400-page plan. I have one of very few hard copies of the plan. However, for most people – as in most local authorities – the plan is an electronic document on the Council's website. Whether it works is not a question of its "length" but its accessibility, how well it indexed, sign-posted, whether it is word-searchable and how clearly it is written. I have set out the breakdown of the plan in Annex 2.

The implications of this is that plans need to be tailored to the vision, strategy and local circumstances. Off-the-peg, standard or generic policies are not appropriate in such a complex planning environment that challenges the validity and appropriateness of crude, top-down interventions, such as the current proposals for extended PD rights. These challenge the key priorities of our plan – keeping life local, fostering vitality and ensuring diversity in housing – by rapidly changing the essence of the place that people value.

Maintaining the local economy which depends on SMEs, retaining the range of facilities within walking distance, maintaining a mixed and balanced community in the face of market forces fuelled by housing being just another investment asset, and the idea of objectively-assessed need should actually shape the supply of new housing, are among the challenges which, left to market forces, would produce a residential desert.

In short, the Kensington and Chelsea Local Plan is customised to its local circumstances and the ambitions of the local community. The vision, strategy and policies are the local expression of what the type of future the community wants. A short set of generic policies could not capture these ambitions nor be an effective means of delivering them and creating or maintaining the type of place it is.

Neighbouring London Boroughs – City of Westminster, Hammersmith and Fulham, Wandsworth – all have their own aspirations which likewise require customised policies. They each tackle plan making in their own way, presenting it

in different way – as one document (RBKC) or two documents. In practice this should not matter as few people own these “books” but look at them on-line.

The key criteria for assessing plans should be:

- effective in expressing policy so that the purpose and reasoning is clear to all users – developers, the local authority and the community. It should make clear what the authority is seeking to achieve and how proposals will be assessed. Policies should be clear and unambiguous;
- an easily accessible and navigable one-stop shop – to be found in one place, well indexed and sign-posted, as well as word-searchable.

### **Process and speed of delivery of plans and their alteration**

Given that we already have a fairly comprehensive local plan in place, the main concerns relate to the speed and effectiveness in responding to the need for policy change.

Examples of the need for policy change and the ability of the local plan process to respond to change are:

- **an effective policy framework for resisting the loss of pubs** – soon after the adoption of Local Plan in December 2010 pressure for conversion to housing became very evident. The Council resolved to develop a new policy in December 2011. The process of developing and adopting a new policy took until October 2013;
- **a new basement policy** – following full engagement of residents and basement development contractors a new policy was adopted in January 2015)
- **a new policy is needed to secure greater housing delivery and a more appropriate housing mix to meet the objectively-assessed need for people living in the Borough.** This will need a much stronger policy on the size and mix of units rather than supply buildings as investments rather than for occupation. This review has been delayed and the problems persist – a new policy could take two years!

## **Overall Assessment**

Local plans should:

- **respond directly to local needs and concerns and help shape the pattern of development of the area** – the Local Plan is the key tool for expressing the vision and strategy for shaping the character of the place. This means that generic, off-the-peg, top-down imposed policies will be inappropriate.
- **the process of changing policy could be streamlined, but developing and consulting on new policy takes time.**
- **national government interventions to “simplify” planning have made local policy more difficult, destabilised the local market and undermined the delivery of the vision and strategy of the Local Plan.**
- **the process of developing or updating guidance for sites could be speeded up, but this should not be at the expense of public accountability.**
- **All substantive proposals for policy change, site allocations and major developments should be subject to public scrutiny.**

**The key issue is prioritise the completion and updating of Local Plans by finding more resources for the plan-making process and to stop producing initiatives that result in the diversion of resources, such as the need to produce Article 4 directions to maintain the supply of office floorspace.**

**Michael Bach**

**31 October 2015**

## **Annex 1: Background: London and Kensington and Chelsea**

I have been actively involved in local plan-making in Inner/Central London, especially Kensington and Chelsea, Westminster and Hammersmith & Fulham since 1975. With regard to Kensington and Chelsea, I originally suggested local planning forums and participated in the preparation of the Borough Plan, District Plan (1982), Unitary Development Plan (1992), LDF/Core Strategy (2010) and revised policies for pubs/A Class uses (2013), conservation and miscellaneous policies (2014) and basements (2015). I have appeared at every examination. The next reviews, starting before the end of the year, are enterprise and housing.

I have been a trustee of the **Kensington Society** since 1974 and have chaired the Society's Planning Committee since 2008. The Society has helped shape the vision, strategy and policies on the Local Plan, including pressing for new policies on offices, pubs, basements and on housing, SPDs as well as commenting on development proposals.

The **London Forum of Amenity and Civic Societies**, founded in 1988, was the regional version of the Civic Trust, and is the umbrella group for over 100 amenity and civic societies in Greater London. The London Forum has been comprehensively involved in the development of the London Plan, has responded to all consultation and has been a leading player at all of the EiPs. Since 2005 I have chaired the London Forum's Planning and Transport Committee. We respond to Government proposals for the planning system (eg the NPPF, the changes in permitted development rights, etc), the development of Mayoral plans and strategies, Assembly Scrutinies and the EiPs into the London Plan.

## **Annex 2: Kensington and Chelsea Local Plan 2015**

<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

The Consolidated Local Plan for the Royal Borough of Kensington and Chelsea (July 2015) is 400 pages and consists of:

- **Executive Summary** 1-10 - 10 pages
- **Section 1: Spatial Strategy** 13- 113 - including Spatial portrait, Vision and strategic objectives, Spatial Strategy and 14 Place strategies 100 pages
- **Section 2: Delivery Strategy**
  - Strategic site allocations 116-145
  - Policies and Actions 148-226
  - Infrastructure 227-249
  - Monitoring, risks and contingencies 250-306
- **Section 3: Supporting Information** 307-400

The London Forum has been actively involved in the consultation on changes to the London Plan and have appeared at all the EiPs since 2005.