

# **MBA Construction and Real Estate**

Title:

**An Investigation into Apparent Gaps between Policy and Practice in Development Management: A Central London Case Study**

Hypothesis:

**During 2014-2018, amalgamation policies in the Royal Borough of Kensington and Chelsea were not clear to the public.**

Prepared by:

**David Reddy**

Date:

**June 2018**



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### **Abstract**

Amalgamation in the context of this report refers to the act of combining two or more residential units into one unit. The literature review analysed the planning system in England and how local plans are adopted. It uncovered issues, such as, the planning system does not align with the political system, housing targets are proving controversial, and local plan adoption is taking too long; in part, due to the lengthy process involved and the time taken by the Planning Inspectorate to approve them. It also found the Royal Borough of Kensington and Chelsea (RBKC) was struggling to keep up with housing targets set in the London Plan, which led it to question the structure its amalgamation policies should take.

Two case studies analysed how the timeline of publications relating to amalgamation in RBKC influenced the clarity of communication between RBKC and the public. A questionnaire then provided professional opinion on the issues raised. The research investigated RBKC exclusively, which generated a small sample of questionnaire respondents.

The data received was coded and triangulated, and led to potential solutions being proposed for:

- Aligning the political terms of office, national planning guidance and local planning guidance.
- Reforming the role of the Planning Inspectorate.
- Updating local plans instantly, without changing the adopted text, using hyperlinks on web-based local plans.

The hypothesis was accepted based on the evidence provided by the literature review, case studies and the questionnaire.

The topic was pursued because the author experienced challenges on a project dealing with amalgamation planning policies in RBKC. His position within an architect's office provided access to information on relevant case studies and various professional contacts to seek their experienced opinions. Unclear communication of planning policies wastes time and money for all stakeholders, so the author wanted to attain a deeper understanding of how planning policies are adopted and why they sometimes conflict with each other.

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## Declaration

I, the undersigned, declare that this is my own work, unless due acknowledgement is made to the contrary.

I also agree that, subject to any confidentiality agreement, UCEM is permitted to use and/or make reference to the material contained in this document within its study materials or any other publication, provided appropriate acknowledgement is made.

I declare that this submission contains 10,738 words and that this is in accordance with the prescribed word count.

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## Glossary

ASI	Adam Smith Institute
Amalgamate	Dictionary.com (2018) define it as; <i>‘to combine, unite, merge, or coalesce’</i> .  In the context of this report it refers to the act of combining two or more residential units into one unit.
CIAT	Chartered Institute of Architectural Technologists.
DCLG	Department for Communities and Local Government.  <b>Note</b> , this has now changed to the Ministry for Housing, Communities and Local Government.
Green Belt	A planning tool used to restrict urban growth. It aims to stop urban sprawl and the merging of settlements, preserve the character of historic towns and encourage development to locate within existing built-up areas (BBC 2007).
LPA	Local Planning Authority.
MHCLG	Ministry for Housing, Communities and Local Government.
MP	Member of Parliament.
NBS	National Building Specification.
NIMBY	Not In My Back Yard.
NPPF	National Planning Policy Framework.
Planning Court	Part of the Administrative Court, a specialist court within the Queen’s Bench Division of the High Court of Justice (UK Government 2018b).
PPG	Planning Practice Guidance.
RBKC	Royal Borough of Kensington and Chelsea.
RTPI	Royal Town Planning Institute.
TCPA	Town and Country Planning Act.



## **1.0 Introduction**

### **1.1 Background & Statement of Research Objectives**

The planning system in England has undergone huge changes from the early 2000's to the present. The most prominent of which have been the introduction of the Planning and Compulsory Purchase Act 2004 (UK Parliament 2004), the Planning Act 2008 (UK Parliament 2008), the Localism Act 2011 (UK Parliament 2011b), and the National Planning Policy Framework (NPPF) in 2012 (DCLG 2012). Throughout this time, the UK government has sought to simplify the planning system (DCLG 2012) and give more power to the public at local level (UK Parliament 2011b). Constant change in legislation and regulation is inevitable in a continuously evolving country with a democratic political system which elects new leaders with conflicting agendas on a regular basis. Revisions to planning policy continue to flow out of parliament, with a recent consultation taking place on a revised version of the NPPF (UK Government 2018a). Commentary on this has been mixed. Gariban and Follett (2018) suggesting it focuses on the right issues but does not deal with structural issues between stakeholders in the planning system.

The author works in the field of architecture, and focused on the high end residential sector during 2014-2018. Through this experience, he witnessed the consequences of multiple changes to national legislation and regulation first hand. Local Planning Authorities (LPA's) have worked hard to develop and update local plans to take account of the current government's strategic view. However, due to the procedures in place and the contrasting political agendas throughout the country, the publishing of new local plans has lagged behind the strategic level, national documents, by years at a time. They are rarely, if ever, consistent.

This has been further exasperated in London, where the London Plan (Mayor of London 2016a) is updated on a continuous basis and neighbourhood plans are more common than in other parts of the country. Only two years into the tenure of the current plan, consultations on a new London Plan have taken place recently (Mayor of London 2018). Commentary on this has suggested that it sets the right ambitions,



however, it conflicts with the new draft NPPF (RTPI 2018). Local plans of London boroughs need to be consistent with the policy content of the NPPF, the London Plan and the relevant neighbourhood plans. Therefore, any time those documents are updated, the local plan is potentially outdated. The local plan formation procedure requires numerous lengthy steps before adoption by the relevant council (UK Parliament 2012). This means, at any given time, it is incredibly difficult for all local plans to align with the NPPF, the London Plan and neighbourhood plans.

The author witnessed the effects of this in the Royal Borough of Kensington and Chelsea (RBKC) in relation to amalgamation policies during 2014-2018. They proved very contentious. The author worked on a project in Sydney Street, London SW3 which highlighted the consequences of the inconsistencies described above and inspired him to pursue this research topic.

A developer purchased a terrace house in 2015 which was divided into four flats. His intention was to amalgamate three of the four flats into a house; the basement was to remain as a separate flat. The property was grade II listed.

In the three years that followed, a certificate of lawful development and planning and listed building applications were submitted to RBKC with the goal of attaining consent to amalgamate the flats within the building. Even though the building seemed to fall outside the scope of the local plan, a certificate of lawful development was refused. Subsequent planning applications also outlined how the building seemed to fit within the planning policies described in the local plan. However, consent was refused.

This situation resulted in wasting the client's time and money, and led the author to question whether the communication of the council's planning policies in relation to amalgamation were adequately clear to the public during 2014-2018.



The following objectives were set to guide the research:

- Research the process of how local plans are drafted, approved and adopted, and the time required from start to finish. Critically assess the strengths and weaknesses of this process.
- Research the timeline of when planning policies relevant to amalgamation in RBKC were implemented. Use relevant case studies to illustrate how the communication of planning policy may have been unclear to the public.
- Research current debate on the communication of planning policy in England and relevant legal cases.
- Make contact with a range of professionals who were active within RBKC during 2014-2018, to collect their experienced opinions on the issues raised.
- Propose potential solutions to the issues, based on the research findings.
- Draw conclusions from the research and make recommendations.



## **1.2 Justification for Choosing this Topic**

The author, through experience, has identified that planning guidance at national and local levels conflict at times. These misaligned policies lead to challenging experiences for all stakeholders, resulting in uncertainty and the wasting of resources.

The communication of planning policy needs to be very clear for obvious reasons. Planners, consultants and developers all depend on planning policy to guide them to develop property in a sustainable manner. When the communication of policy is unclear for any reason, it leads to confusion and misunderstandings. Well written, clear planning policies provide vital direction for all stakeholders.

Amalgamation in RBKC is an intriguing, topical issue. Recently, the council have refused almost every application, even those that seem to fit within the relevant planning policies. The author has experience of the dissatisfaction encountered by all parties. His position in an architect's office was ideal to for this research. It has provided him with access to key stakeholders who have been affected by changes in planning policies. This has allowed for the collection of primary data with a rounded perspective on the issues, coming from developers, consultants and planners.



## 2.0 Literature Review

To understand if the communication of planning policies in the RBKC local plan relating to amalgamation were unclear, we need to understand how policies are formed and how they are interpreted.

The following chapter begins by reviewing the basic planning system in England. From there, it looks at how local plans are formed and adopted by LPA's. It then takes a closer look at the policies contained in RBKC's local plan which relate to amalgamation. Finally, it gives an overview of relevant legal cases relating to amalgamation. Professional debate is included throughout.

### 2.1 English Planning System

Figure 1 shows the top down/ bottom up system in place. The government set strategic level, national policy which guides the formation of operational level documents. The key outputs are local plans. Communities can contribute their opinion to their local plans.

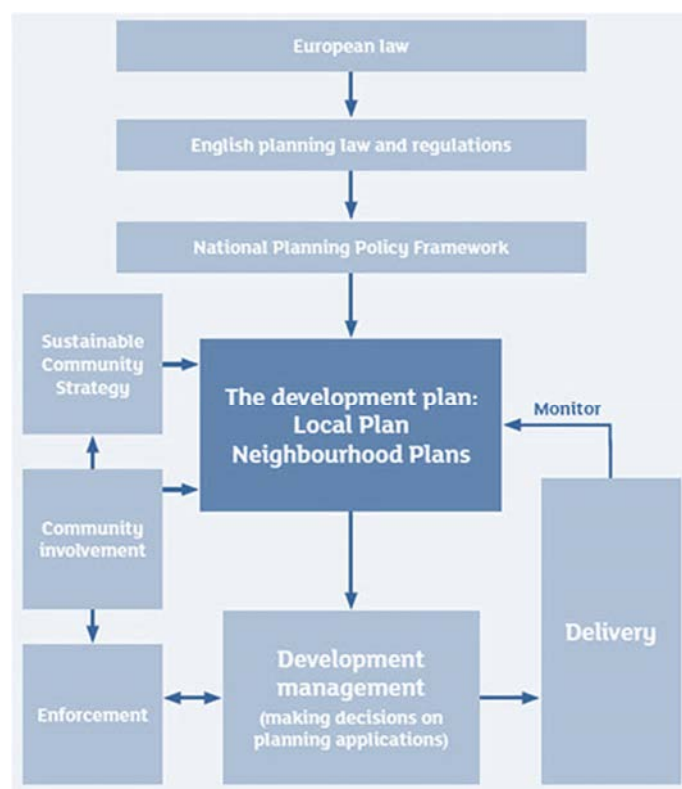


Figure 1: Key Components of the Planning System (Planning Help 2017)



The primary planning legislation in England stems from the Town and County Planning Act 1990 (UK Parliament 1990) and has been built upon over the years with various acts introduced. Among others, Mynors (2018) believes it all needs to be consolidated. It could be like the proposed changes in Wales, where from 2020, two acts will cover everything.

These strategic level policies are silent on the topic of amalgamation as they need to be broad and applicable to the whole country.

The National Planning Policy Framework (NPPF) (DCLG 2012) was introduced to replace all previous planning policy guidance and statements. Planning Practice Guidance (PPG) to support the framework is now published online (DCLG 2017a). The NPPF and PPG are also silent on amalgamation, as again, policy at this strategic level does not deal with matters in fine detail.

The draft revised NPPF had a consultation period open to the public until 10th May 2018 (UK Government 2018a). This update is being interpreted as a major overhaul and puts even more focus on the delivery of housing. Geoghegan (2018) notes that the new revision is due to put more pressure on LPA's. From 2020, if they do not meet a minimum of 75% of their housing targets over a three-year period, a presumption in favour of sustainable development activates and applications will be judged against the NPPF rather than the local plan.

In a public statement, Housing Secretary Sajid Javid noted, *'an entire generation is being locked out of a broken housing market as prices and rents race ahead of supply. Reforming the planning system is the crucial next step to building the homes the country needs'* (CIAT 2018). From the research the author has carried out, none of these reforms seem to include better solutions for aligning the publication of national planning documents with local ones or improving the communication of constant changes to them.



## 2.2 Local Plan Formation

Local plans must be consistent with national policy and be prepared in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (Planning Inspectorate 2012). Paragraphs 150-185 of the NPPF offer guidance to LPA's in developing local plans which are specific to the needs of their area (DCLG 2012).

Planning inspectors play an important role by examining the local plan documents prepared by LPA's. Impartially and publicly, they reach a decision on whether the plan is sound or not (Planning Inspectorate 2012).

Part 6 of the Town and Country Planning (Local Planning) Regulations 2012 set out the process for preparing a local plan (UK Parliament 2012). The basic steps needed to put in place an up-to-date local plan are as follows:

- Initial evidence gathering and consultation by LPA
- Publication of draft local plan
- Submission to Planning Inspectorate
- Found sound by Planning Inspectorate
- Adoption by LPA

(Planning Inspectorate 2018b)

Looking at the progress of local plans recorded by the Planning Inspectorate (2018b), the amount of time it takes from the publication of the draft local plan to the adoption of the plan by the LPA is typically 18 months. In some cases, this has been as short as 12 months. However, in some cases, it has taken several years.

Mike Harris, deputy head of policy and research at the Royal Town Planning Institute (RTPI), notes that the government believe planning is too bureaucratic and slow. Planning is perceived as part of the problem, rather than being part of the solution. Tony Burton, executive chair of Sustainable Homes, says criticism of planning has become '*more systemic across government*'. LPA's ability to influence development have been curbed by a series of reforms (Blackman 2016). The government have



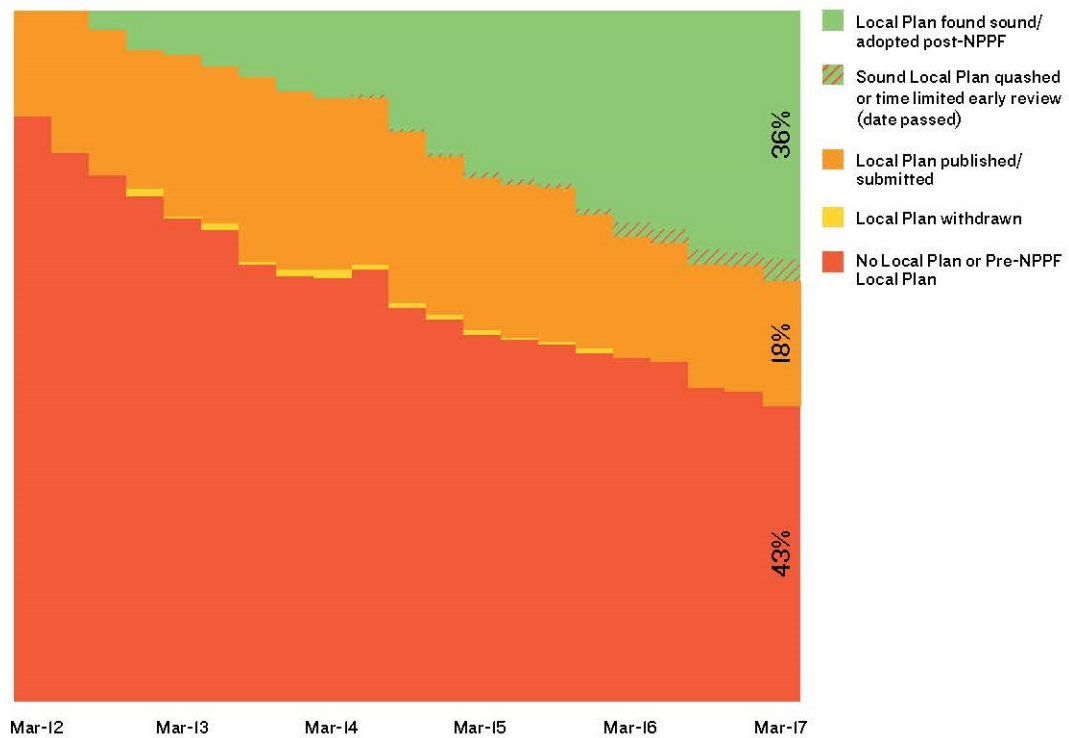
been blamed for the pressure currently on the planning system, due to lack of resources and numerous changes to the system (Bridges 2017).

DCLG (2015a) stated that a local plan should meet local needs by being produced in good time and being kept up to date. DCLG (2015b) stated that the government accords great importance to authorities getting up to date local plans in place and supporting them in doing so is a priority.

In DCLG (2015b), the Secretary of State noted the importance of getting a local plan in place at the soonest opportunity, even if it had some shortcomings which were not critical to the whole plan. The letter referenced planning guidance that noted local plans could be accepted conditionally subject to a review in whole or part within five years of adoption.

The Department for Communities and Local Government (DCLG) references above illustrate the government has recognised that the process of putting a local plan in place takes a long time. These statements were made in 2015, eleven years after the Planning and Compulsory Purchase Act 2004 was published outlining the process to be followed and three years after the NPPF was published. Lichfields (2017) noted that five years after the introduction of the NPPF, only 36% of LPA's had adopted an up-to-date local plan. This is an unacceptably low rate. Figure 2 shows that 43% of LPA's have no local plan or pre-NPPF local plan. MHCLG (2018) notes the government have advised fifteen LPA's they are intervening to ensure they prepare a local plan.





*Figure 2: Local Plan Adoption Rate (Lichfields 2017)*

Matthew Spry, senior director of Lichfields planning consultancy and an advisor on the Department for Communities and Local Government Local Plans Expert Group in 2016, notes that most of the debate and disagreement in the approval of local plans has been due to housing numbers. Almost half of the plans found sound by the Planning Inspectorate needed to amend the housing numbers before approval was given (Edgar 2017).

Two of the biggest critics of the planning system, the Adam Smith Institute (ASI) and the Institute of Economic Affairs, believe it's holding back the economy and causing the housing crisis. They would like to abolish the TCPA 1990 and the green belt. They argue it does not meet the needs of today and they want to be more liberal with the use of land. However, others argue this simplifies a complex situation, based on the view that free markets operate more efficiently. Cliff Hague, past president of the RTPI, noted that we know the market is not perfect. It may work in textbooks but not in the real world, taking account of the practicalities of development (Blackman 2016).



In response to the criticisms of the current green belt policies, the draft NPPF (UK government 2018a) allows strategic plan making authorities to review green belt boundaries if they can illustrate they have maximised brownfield sites and underutilised land and optimised development densities (RTPI 2018). The Autumn Budget 2017 also increased funding to increase the supply of housing (Burgess-Salmon 2017).

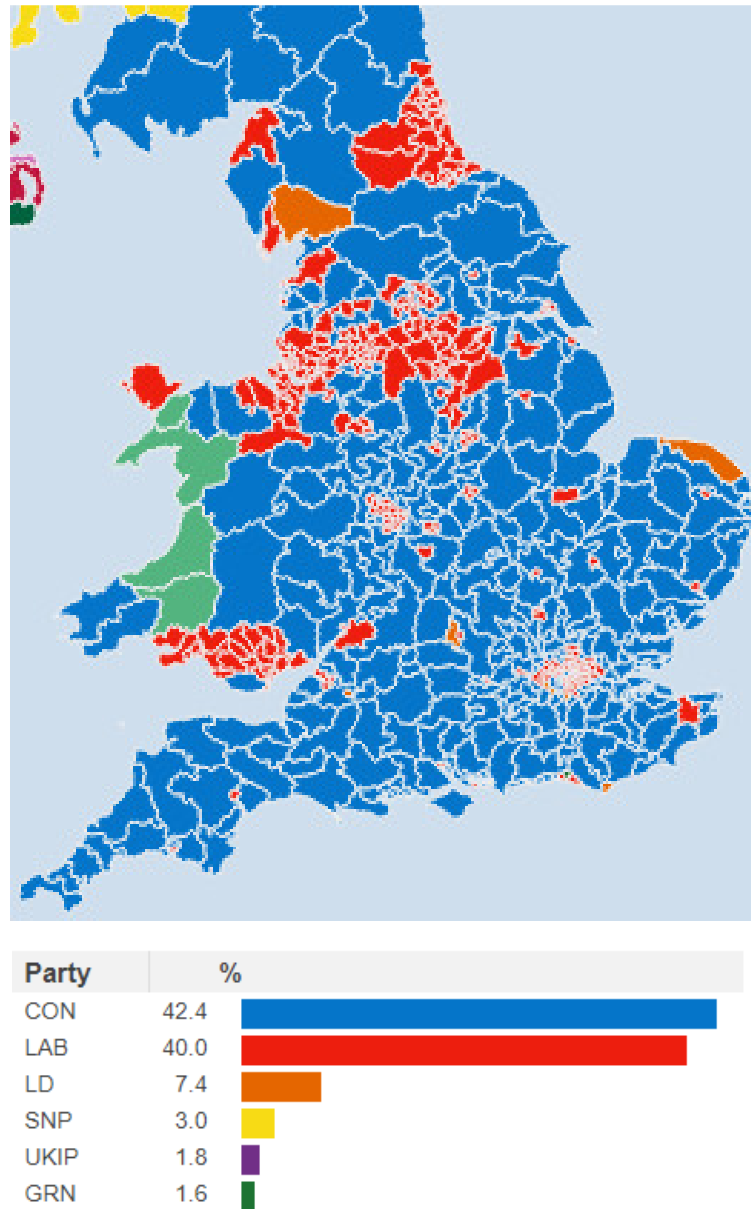
Bridges (2017) recognises that LPA's are politically led organisations and planners need to listen to what councillors or ministers are trying to achieve. Developers and consultants also need to work harder to understand political priorities to build a less adversarial culture. Halfpenny (2016), director of communications at the British Property Federation, believes the relationship between developers and planners does not need to be fractious and communication is key to the relationship. It is not just how this communication happens but also that all parties are willing to communicate.

Political rivalry is sometimes perceived as one of the main reasons for the lack of local plan adoption. The UK Parliament sits for a fixed term of five years in accordance with the Fixed-term Parliaments Act 2011 (UK Parliament 2011a). General elections normally take place in accordance with a schedule set out in advance. However, a vote of no confidence, or a two-thirds majority vote in the House of Commons, can still trigger a general election at any time. The Conservative Party held power from 2015 until the latest general election in 2017. They retained power by forming a coalition with the DUP party in Northern Ireland.

The author briefly investigated if a connection could be made between political motivations and the lack of local plan adoption. One theory might suggest that anywhere the Conservative Party, or the DUP Party to an extent, do not have the support of the people, local plan adoption would be affected. However, the author found it is impossible to draw such broad conclusions in the political world as the agendas of councillors in local government differ from members of parliament, even within the same parties (Downs 2014). Figures 3 and 4 below confirm this.

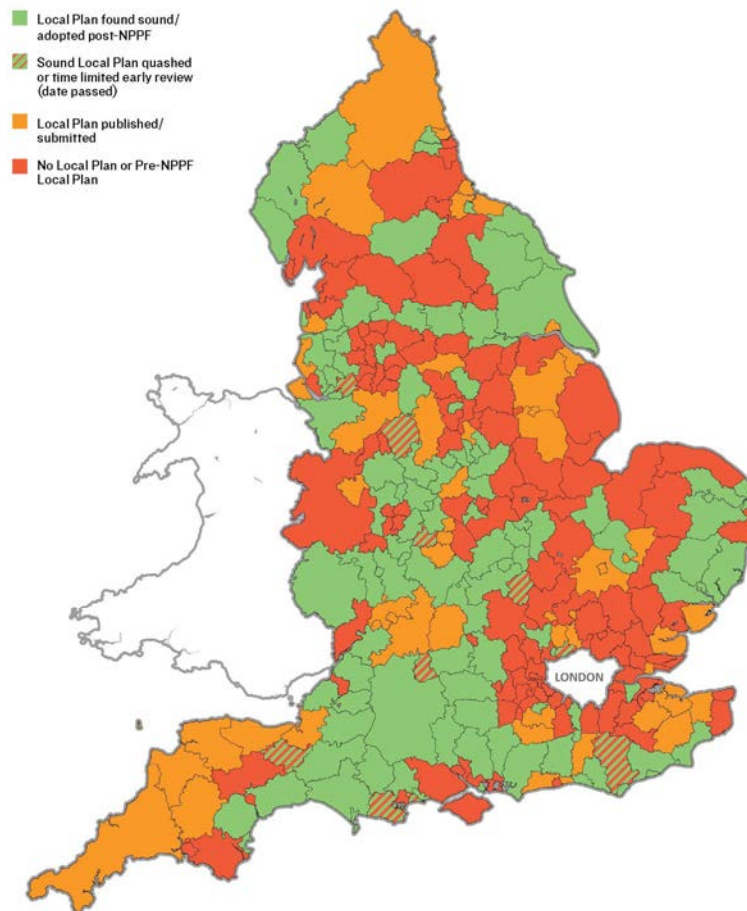


Figure 3 shows the results from the 2017 general election. Figure 4 shows the status of local plan adoption. No meaningful correlation could be extracted from this comparison.



*Figure 3: General Election Results 2017 (BBC 2018)*





*Figure 4: Local Plan Status (Lichfields 2017)*

Appendix D outlines a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis of the local plan adoption process the author has prepared based on the analysis above.



### **2.3 RBKC Local Plan – Focus on Amalgamation**

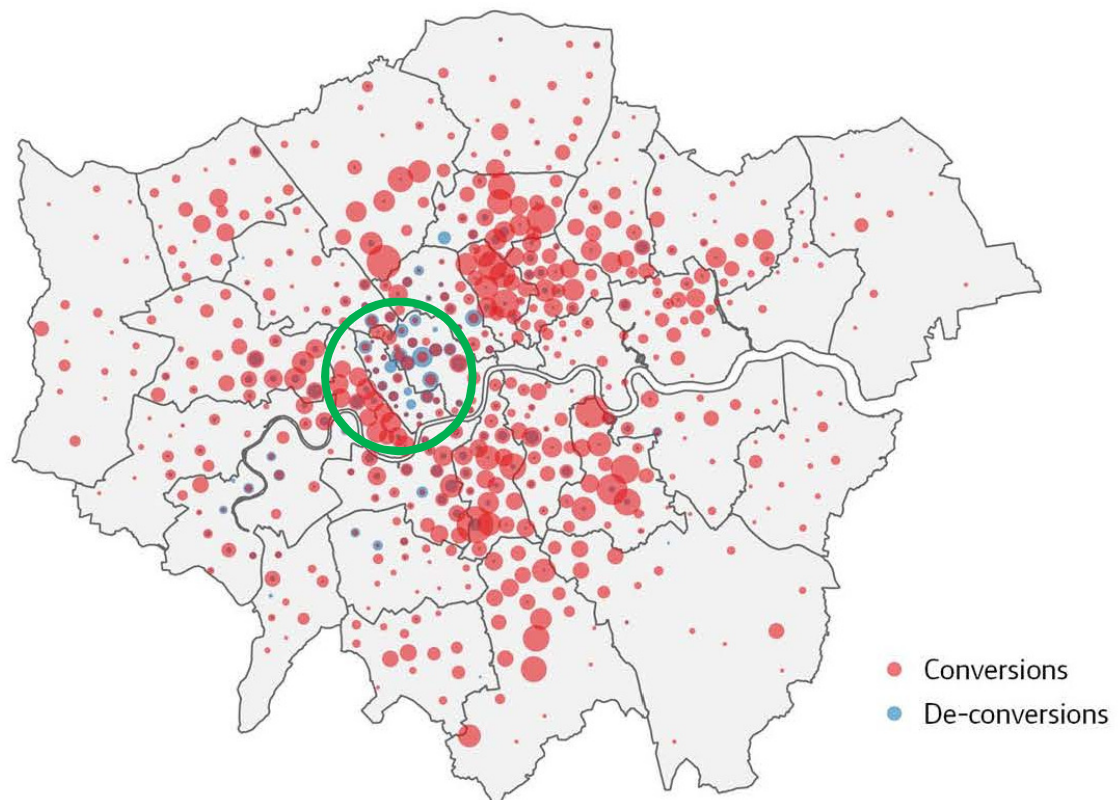
Amalgamation, in this report, refers to the act of combining two or more residential units into one unit. It can be used as a planning tool to aid the creation of larger residential units when the mix of housing in the borough is unbalanced in favour of smaller units. However, too much amalgamation reduces the number of housing units in the borough (RBKC 2017).

As RBKC is located within Greater London, its local plan needs to be consistent with the policies contained in the NPPF and the London Plan.

The London Plan is a special development strategy which is the shared responsibility of the Mayor of London, the thirty-two London boroughs and the Corporation of the City of London. The current London Plan mentions the conversion of residential property in relation to a target number of additional housing required for the region annually (Mayor of London 2016a). This is where the topic of amalgamation becomes relevant.

The NPPF and the London Plan state the necessity of future housing to be sustainably planned and developed. Amalgamation reduces an LPA's housing deliverables, which affects its ability to plan efficiently and meet supply targets. Carpenter (2017) notes that the housing white paper, 'Fixing our broken housing market' (UK Parliament 2017), put forward a test for local planning authorities in relation to housing targets. That test has been adjusted and included in the latest draft revised NPPF (UK Government 2018a).





*Figure 5: London Conversions/ De-conversions by Ward, 2011/12 – 2013/14 (RBKC circled in green). The size of the circles relates to the number conversions and de-conversions in each area (Mayor of London 2015).*

Figure 5 shows that de-conversions (amalgamations) have been popular in RBKC in recent years. At the time of adoption, the current RBKC consolidated local plan recognised a conflict within the borough between housing supply targets and the type of housing required. There was a demand for larger dwellings of three bedrooms or more, which could be partially met by encouraging amalgamation. However, this would have negatively affected the supply targets. To strike a balance a policy was developed to resist amalgamations with a net loss of five or more residential units (RBKC 2015a). For reasons mainly relating to housing targets, RBKC changed its view in August 2014, requiring all amalgamation development to apply for planning consent.

Table 1 shows a timeline of elements relevant to amalgamation in RBKC during 2014-2018. A more detailed version is transcribed in appendix E.



<b>2004</b>	
May	Section 20 of the Planning and Compulsory Purchase Act 2004 (UK Parliament 2004) outlined how local planning authorities were required to develop local plans.
<b>2008</b>	
February	The London Plan (Mayor of London 2008) set a housing target of 350 units per year for RBKC.
<b>2009</b>	
October	RBKC published its strategic plan (Planning Inspectorate 2018a).
<b>2010</b>	
March	RBKC submitted its strategic plan to the Planning Inspectorate.
October	The strategic plan was found sound by the Planning Inspectorate (Planning Inspectorate 2018b).
December	RBKC updated and adopted its strategic plan. It stated amalgamations would only be resisted if they resulted in the loss of five residential units or more. Planning permission was not required for developments that fell within this guidance.
<b>2011</b>	
July	The London Plan set a housing target of 585 units per year for RBKC (Mayor of London 2011). It also stated any loss of housing should be resisted unless the proposal contains the same floor area.
November	The Localism Act 2011 was published (UK Parliament 2011b).
<b>2012</b>	
March	The NPPF was published (DCLG 2012) and offered guidance to local planning authorities on how to develop local plans.
April	The Town and Country Planning (Local Planning) Regulations 2012 were published (UK Parliament 2012).
October	RBKC issued a public consultation on housing strategy, including amalgamation policy (RBKC 2012).
<b>2013</b>	
March	RBKC issued a consultation on housing policy (RBKC 2013b). It was superseded later by the local plan partial review.
June	RBKC issued a press release stating it had approved new amalgamation guidelines but they needed to be found sound by the Planning Inspectorate (RBKC 2013c).
July	RBKC published its 'Diversity of Housing' plan (RBKC 2013a). It was not submitted as an individual plan to the Planning



	Inspectorate. It was superseded later by the local plan partial review.
<b>2014</b>	
August	RBKC changed its position on amalgamation. It now considered it to be a material change of use and all developments proposing it were required to apply for planning permission.
<b>2015</b>	
April	RBKC stated its change of view on amalgamation in the annual monitoring report (RBKC 2015b). This is the first published confirmation the author could find.
July	RBKC's Consolidated Local Plan, based on the 2010 adopted strategic plan, was published (RBKC 2015a).
December	A RBKC monitoring report stated the position of requiring planning permission for all amalgamation developments had helped to keep track of the number of units being lost (RBKC 2015c).
December	RBKC issued a public consultation on housing strategy, including amalgamation policy (RBKC 2015d).
<b>2016</b>	
March	The London Plan (Mayor of London 2016a) set a housing target of 733 units per year for RBKC.
October	RBKC issued a revised consultation document outlining a new amalgamation policy to restrict all development unless it results in the loss of only one unit and the newly created unit is less than 170 sq.m (RBKC 2016d).
December	A RBKC monitoring report stated the position of requiring planning permission for all amalgamation developments had helped to keep track of the number of units being lost (RBKC 2016c).
<b>2017</b>	
February	RBKC published an updated version of the partial review of its strategic plan (RBKC 2017)
May	RBKC submitted a partial review of its strategic plan to the Planning Inspectorate.
<b>2018</b>	
January	RBKC published its annual review, outlining poor performance in relation to meeting housing targets over the past five years (RBKC 2018a).

*Table 1: Timeline of Events Relevant to Amalgamation in RBKC During 2014-2018*

*(Author's Own)*



Analysis of the documents outlined above reveals two key points:

1. From the moment the London Plan 2011 was published, RBKC has been struggling to keep up with the ever-increasing housing targets and this has led to the crack down on amalgamation developments. Table 2 shows figures published by RBKC (2018a) relating to annual housing supply targets and net additional dwellings in recent years. It is clear, although it over performed in 2014/15, over the long term it is far behind its target.

	10/11	11/12	12/13	13/14	14/15	15/16	16/17	Total
<b>Housing Supply Target</b>	350	600	600	600	600	733	733	4,216
<b>Net Residential Completions</b>	175	102	65	264	982	341	190	2,119
<b>New Residential Approvals</b>	783	860	244	1,292	1,303	252	459	5,193

*Table 2: Net Residential Approvals and Completions 2010/11 – 2016/17 (Adapted from RBKC 2018a)*

Table 3 illustrates the negative impact amalgamations have had in the borough in recent years. These amalgamations are not helping the council meet its housing targets.

	<b>Certificates of Lawful Use or Development Issued</b>					<b>Data from Council Tax</b>	<b>Housing Completions</b>		<b>Total</b>
	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	
<b>Net Residential Losses</b>	-47	-58	-72	-80	-40	-93	-69	-23	-482

*Table 3: Certificates for Lawful Use or Development – Net Residential Losses (Adapted from RBKC 2018a)*



2. From the number of public consultations published, it is clear RBKC has been struggling since 2012 to define an appropriate structure for amalgamation planning policies that will be fair and balanced for its residents. This is due to the unique nature of housing in the borough. However, it seems that the Local Plan Partial Review has now set out the wording the council deems acceptable. This partial review is currently with the Planning Inspectorate for approval and is likely to be adopted by RBKC in autumn 2018. If this review is adopted at the end of 2018 it will already be out of date because the NPPF is due to be updated in mid-2018 (UK Government 2018a).



## **2.4 Relevant Planning Court Cases**

The two Planning Court cases described below are particularly relevant in this context:

### *Richmond Case*

Richmond upon Thames LBC v Secretary of State for the Environment, Transport and the Regions. Case no.: CO/4083/99.

This case was significant in establishing that the need for housing is a material consideration in planning decisions (Queen's Bench Division (Administrative Court) 2000).

The court ruled that; (1) the inspector had ignored the need for smaller residential units in the borough. The loss of a specific type of residential unit is relevant in determining if a change is material. And, (2) the fact the building was divided into seven flats and did not fall within class C3 prior to the change of use, meant that the change did constitute development.

### *Stanhope Gardens Case*

R. (on the application of Kensington and Chelsea RLBC) v Secretary of State for Communities and Local Government. Case no.: CO/6442/2015.

This case was significant in establishing how planning policies in local plans are to be interpreted. It related to two flats, which the owners wanted to amalgamate into one. They applied for a certificate of lawful development and planning permission concurrently, both of which were refused by RBKC. The owners appealed both applications to the Planning Inspectorate. It accepted the scale of amalgamation happening in the area was material to the decision. However, the degree of amalgamation in this case did not constitute development and did not conflict with any policies in the local plan. The inspector granted the certificate of lawful development. In relation to the planning application, it found that there were no factors of sufficient weight to justify refusing planning permission.



The court ruled that in relation to the certificate of lawful development, the inspector was incorrect to solely base his decision on what the local planning policies stated. The local authority was entitled to rely on the most up to date analysis of the effect of amalgamations in the area as the basis for its decision. This decision was reversed. In relation to the planning application, the inspector's decision was upheld as he had considered all relevant factors (Queen's Bench Division (Administrative Court) 2016).

Even though the council's planning policy stated it would resist amalgamations of five units or more, the latest housing statistics and supply requirements under the London Plan were material considerations. Both had changed since the local plan was adopted. Therefore, the council was correct to base its decisions on the latest data available, even though it was different to the published local plan.

From the author's experience, consultants and developers in practice typically base their advice and decisions on the information contained in the latest local plan. It would be almost impossible to for them to be up to date on every item of planning policy that has changed after the local plan has been published.

This chapter started by outlining the basic planning system in England. It moved on to describe how local plans are formed and explored how they can be affected by the political landscape. It identified that local plans all over the country are not being updated regularly and the current system of local plan formation involves numerous lengthy steps. This, combined with the introduction of numerous national level planning documents in recent years has resulted in conflicts between national and local planning guidance.

It then took a closer look at the policies contained in RBKC's local plan which relate to amalgamation and found there were two main reasons behind its change of position. The borough was not able to meet the increasing housing targets set out in the London Plan and the council was unsure of the wording its amalgamation policies should take. It found that RBKC's current local plan has not been updated since it was



adopted in 2010 and the policies relating to housing have been outdated by updates to national policy and the London Plan.

Finally, it looked at legal cases which are relevant to amalgamation. It found that the Planning Court has recently supported RBKC by ruling that the latest housing statistics can be used as a material consideration in making planning decisions, despite contradicting the contents of the current local plan.

The key issues in relation to local plans in general and amalgamation within RBKC's local plan are explored further in the data analysis sections 4.0, 5.0 and 6.0 below.



### 3.0 Research Methodology

#### 3.1 Method Followed

Deductive reasoning was used to develop this research (Gill and Johnson 2009). The author's experience on a real-world project led to the theory being generated. He recognised that planning policies at national and local levels sometimes conflict. The hypothesis devised from this sought to prove that amalgamation planning policies in RBKC have been unclear to the public during 2014-2018. It was then tested empirically through the collection of primary data.

The empirical testing took two forms of qualitative study:

##### *Case Studies*

As the hypothesis was specific in relation to the type of planning policies, the location, and the timeframe, analytical case studies were selected as an effective way to test the theory (Naoum 2013). The Sydney Street case outlined in the introduction and the Stanhope Gardens case identified in the literature review have been used. They explored whether the independent variable (planning policy communication) influenced the dependant variable (planning result) (Naoum 2013). Primary and secondary research was carried out to establish a timeline of documents published by the UK government, the Mayor of London and RBKC in relation to amalgamation. This provided historical fact on exactly what documents were available to the public during 2014-2018 and what they stated on the topic. This gave the author an informed view of events (Denscombe 2014).

The case study observations provided some insight and explanation for the author to draw conclusions on how clear or not the planning policies were (Schwanbeck and Acayo 2015). However, as only two cases were chosen it was difficult to generalise the results (Denscombe 2014). For this reason, the author decided more primary research was required to support the results.



### *Questionnaire Design*

In-depth case studies lend themselves to interviews. However, seeking opinions lends itself to questionnaires (Naoum 2013). The initial literature review and case study research raised several questions for the author which were best answered by seeking the opinion of experienced professionals.

As the study focused on planning policies in RBKC over the last four years, participants who were actively engaged in planning application procedures in the borough over that time were sought. To obtain a balanced view, it was decided that opinions were required from planners who work for RBKC, planning consultants, architects and developers.

The size of the sample was limited by the study. Since it was focused on one London borough, the number of planners with the relevant specific knowledge was restricted. Research into recently issued applications showed that twenty planners were assigned new cases in February 2018 (RBKC 2018b). These planners were targeted as the author was sure they were active. To keep the research balanced, a mix of twenty-nine architects, planning consultants and developers was compiled from the author's professional contacts.

The questionnaire was used to find demographic information on the participants and opinion based information (Schwanbeck and Acayo 2015). Question topics were derived from the initial literature review. There was a blend of open and close ended questions and they were asked in a specific order (Schwanbeck and Acayo 2015). Initially, the questions probed the formation of local plans and the relationship between national and local planning policies. They then focused on the communication of amalgamation policies in RBKC. The open-ended questions were designed to be very specific to ensure the responses were focused on the topic. Leading or vague questions were avoided (Schwanbeck and Acayo 2015).

The following objectives were derived from the literature review and guided the questionnaire design; ascertain:



- The respondent's profession, level of experience and usage of planning guidance.
- The respondent's view on the current system of local plan formation.
- The respondent's knowledge of the policies in RBKC's current local plan, relating to residential amalgamation.
- The respondent's knowledge of how and when RBKC communicated its change of view on residential amalgamation, internally and publicly.

The questions developed provided both quantitative and qualitative data which the author could not have found through documentary research.

### *Data Analysis and Conclusions*

The results of the case study research and the questionnaire were coded to establish themes and issues raised (Bell 2010). They were then interpreted and triangulated with the literature review, and each other, to establish if based on the evidence, amalgamation planning policies in RBKC have been unclear to the public during 2014-2018.

Throughout the data collection process, the author's methodology proved successful. The more data was triangulated, the more potential solutions to some of the issues emerged inductively. The author has put these forward as grounded theories (White 2000). The goal was to improve the authors understanding, expand the theory and advance current knowledge on the topic (Neuman 2013).

However, caution needs to be exercised in drawing conclusions from the research due to the low number of case studies used and the low number of responses to the questionnaire.

## **3.2 Alternative Methods Considered**

### *Interviews*

Interviews with relevant professionals were considered to ascertain their opinions. They would have provided the author with the opportunity to ask a list of set questions and then follow up with more probing questions to get more in-depth



responses on the issues (Schwanbeck and Acayo 2015). However, this method of data collection was discounted in favour of a questionnaire. The author wanted a rounded perspective and was restricted on time, so conducting interviews with up to fifty respondents and analysing the results would have been too time consuming for this study. The respondents selected were also busy professionals so they were more likely to respond to a ten-minute online questionnaire than a structured interview, although the responses may have been less detailed.

### **3.3 Ethical Statement**

The UCEM research ethics checklist has been included in appendix A. The main ethical considerations for this research were the case studies and the questionnaire.

To provide context for the case studies, the location of the properties needed to be identified. This was managed by referencing street names, rather than referencing actual property addresses. All data used for each case study is freely available to the public.

An information sheet was distributed with the request to partake in the questionnaire, this can be seen in appendix B. The questionnaire was hosted by a proprietary online system and only the author has access to the results. The first question listed the information contained on UCEM's standard consent form and asked the respondent to agree or disagree. If they agreed, they provided a digital signature of consent. If they disagreed, no more questions were displayed.



## 4.0 Data Analysis – Case Studies

This chapter uses the information gathered in the literature review to explore two case studies where planning applications to amalgamate residential units in RBKC were rejected. As relevant documents were continuously published throughout the planning application process, the timelines for each case are important to establish what information was publicly available at the time of submission. The relevant events for both are outlined in tabular form in appendix F.

### 4.1 Stanhope Gardens Case

Pre-app advice was provided for the amalgamation of two flats at Stanhope Gardens on two separate occasions. In October 2013, RBKC feedback supported the proposals. On the back of this advice, the leaseholder of flat 3 purchased the leasehold of flat 1. In September 2014, RBKC feedback did not support the proposals.

The planning arguments of this case were set out in simple terms in the planning statement. It referred to policies CL1, CL2, CL3 and CL4 of RBKC's local plan. However, for comment on policies CH1 and CH2, it relied on the legal opinion, provided by Christopher Lockhart-Mummery QC, who was the judge in the Richmond case referred to above. His opinion noted that RBKC's change of view on amalgamation was not based on any relevant case law and had not been adopted through the correct procedures. RBKC planners appeared to be enforcing an informal policy which had '*no status whatsoever*' (Lockhart-Mummery 2014: 2).

RBKC argued that its change of view was not a change in development plan policy and as such did not require consultation or examination. It noted numerous amalgamations in the borough were hindering it in achieving ever-increasing housing targets. Therefore, amalgamation was a material change of use (RBKC 2015e).

As noted in the literature review and the timeline in appendix F, the certificate of lawful development refusal and the planning refusal were appealed by the leaseholder to the Planning Inspectorate, where they were overturned and granted.



They were then appealed by RBKC to the Planning Court, where the certificate of lawful development appeal decision was quashed but the planning appeal decision was upheld.

#### **4.2 Sydney Street Case**

The certificate of lawful development for Sydney Street was submitted in April 2016, after RBKC had changed its view on amalgamation in August 2014. However, the submission was based on technicalities. It was argued that the definition of development in this context was unclear in the local plan due to extant policies in relation to habitable rooms not aligning with current policies (Emma Adams & Partners 2016). The application was refused as the council stuck to its overarching principle that all amalgamation was a material change of use and as such it required planning permission and it would be evaluated in accordance with the local plan (RBKC 2016a). The council's view was supported by the High Court ruling in the Richmond case (Queen's Bench Division (Administrative Court) 2000) but conflicted with its local plan, adopted in 2010.

The follow up planning applications dealt with the London Plan policy 3.14 and RBKC policies CH1, CH2 and H17 in detail to argue they lay within the applicable guidelines (Emma Adams & Partners 2016). The applications were still refused. The reasons given referred to policy CH1 and the fact that they did not help the council reach its housing targets (RBKC 2016b).

The link between the two case studies is apparent in the timeline. The Stanhope Gardens case shows that RBKC's initial communication of its change of view was not clear to the public, they were informed by an officer during a pre-app (Lockhart-Mummery 2014). The Sydney Street case was submitted just after the Planning Court ruling on the Stanhope Gardens case. This illustrates that even though case law on the topic was now in existence, the public were still not adequately informed. Certificate of lawful development applications and planning applications were still being submitted with references to the policies in the local plan.



Considering both cases, it is debatable whether RBKC policies were clear. It depends on which angle you view the information from. Despite the local plan stating RBKC would only resist the loss of five units or less, several documents were published by RBKC stating that amalgamation would be resisted completely as it was impacting on the council meeting its housing targets. Examples of this are the monitoring reports which clearly stated that amalgamation was hindering the council in meeting its housing targets. Figure 1 shows that monitoring of the local plan is an important part of the current system (Planning Help 2017). Some would argue this clearly sets out the council's position.

However, looking at the local plan and the public consultations RBKC had on the issue of housing, the evidence suggests the council did not know what the structure of its policy should be. It was only in the October 2016 consultation that it clearly set out what the new policy will be and the evidence for it (RBKC 2016d). In the interim period, following the change of position in August 2014, many cases went to appeal and to the Planning Court to be decided. This could have been avoided had RBKC enforced the contents of the local plan until an updated version had been adopted. Alternatively, if there was a quick mechanism available to the council to update the local plan to align with the Planning Court ruling in the Stanhope Gardens case, this could also have improved communications.

Taking all published documents into consideration, it was clear RBKC did not support amalgamations. However, the legality of enforcing that stance was not clear, as it conflicted with adopted policies. The Planning Court ruling in the Stanhope Gardens case may have been based on sound logic but it set a curious precedent. It allows councils to not follow their adopted local plans in certain circumstances. If this is the case, where does the public look to find the most up to date information when applying for a planning application? Do they need to get pre-app advice on every application? This appears to be where a new sense of collaboration mentioned in the literature review may need to be embraced by developers and planners, moving away from the adversarial relationship that currently exists (Bridges 2017) (Halfpenny 2016).



Developing that idea; is there any point in writing local plans in the first place if they are not going to be followed? The logical answer is obviously yes, they are required as only a small minority of policies will be contentious. Again, this is where pre-apps and collaboration come into play.

This then leads us to ask; if we have local plans, and only a small number of policies are contentious, should the plans be updated more often to align with national policy and local needs? This question, among others, could not be answered through documentary research so a questionnaire was developed to seek the opinions of experienced professionals.

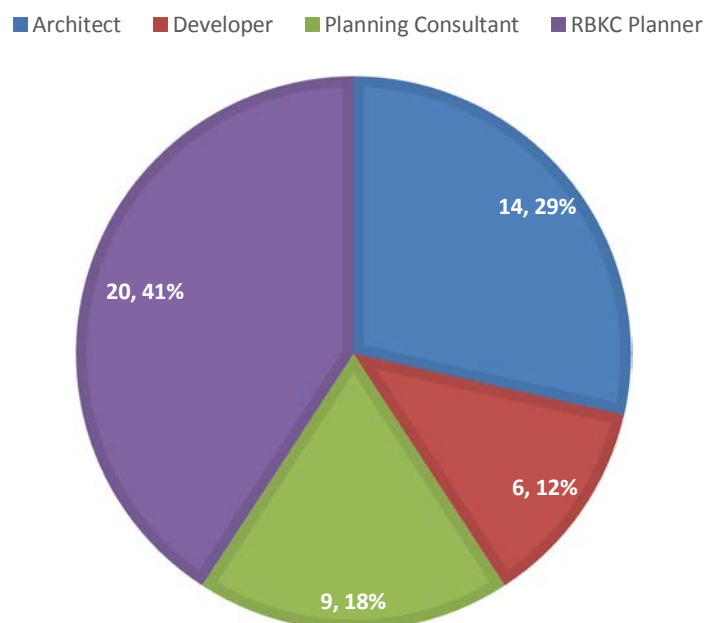


## 5.0 Data Analysis – Questionnaire Feedback

The information gathered above led the author to develop a questionnaire and seek the opinion of a range of professionals. The author attempted to align questions to the objectives outlined in the introduction chapter.

The final list of questions and the responses received can be found in appendix C. The questions were developed to flow from the gathering of demographic information into the collection of data on planning guidance documents and then finally on to the collection of more specific data on the topic of amalgamation policies in RBKC.

An online platform was used to host the questionnaire. Each question was displayed individually. It was possible to skip a question and move on if the respondent chose to do so. It was not possible to go back and amend the answers previously submitted. Even if the respondent clicked on the survey link again, they would have been directed back to the point where they had previously stopped. A breakdown of the targeted respondents is shown in figure 6.



*Figure 6: Targeted Respondents (Number, Percentage) (Author's own)*



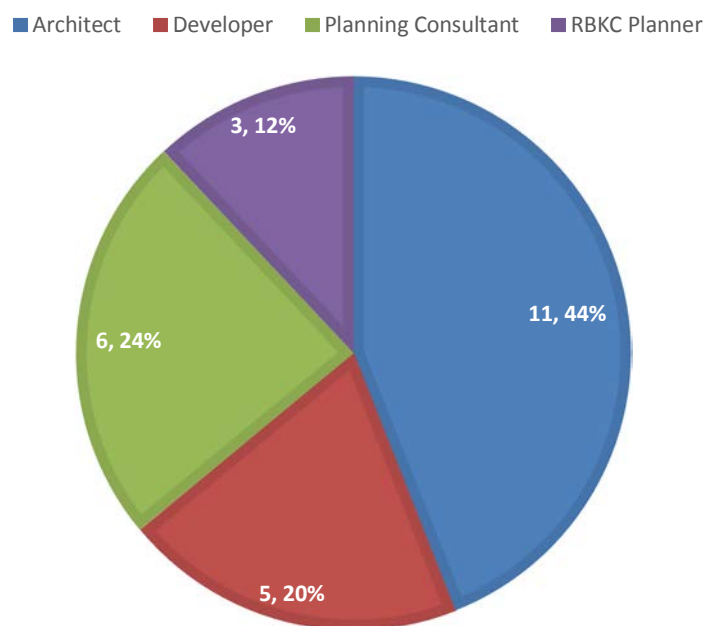
25 responses were received from the 49 individuals who were targeted, resulting in an overall response rate of 51%. Breaking this down into each of the categories reveals the following:

Architects – 11 of 14 responded, 79%.

Developer – 5 of 6 responded, 83%.

Planning Consultant – 6 of 9 responded, 67%.

RBKC Planner – 3 of 20 responded, 15%.



*Figure 7: Respondents (Number, Percentage) (Author's own)*

The poor level of response from planners was disappointing but the responses that were received shared some valuable insights.

### **5.1 Demographic Information**

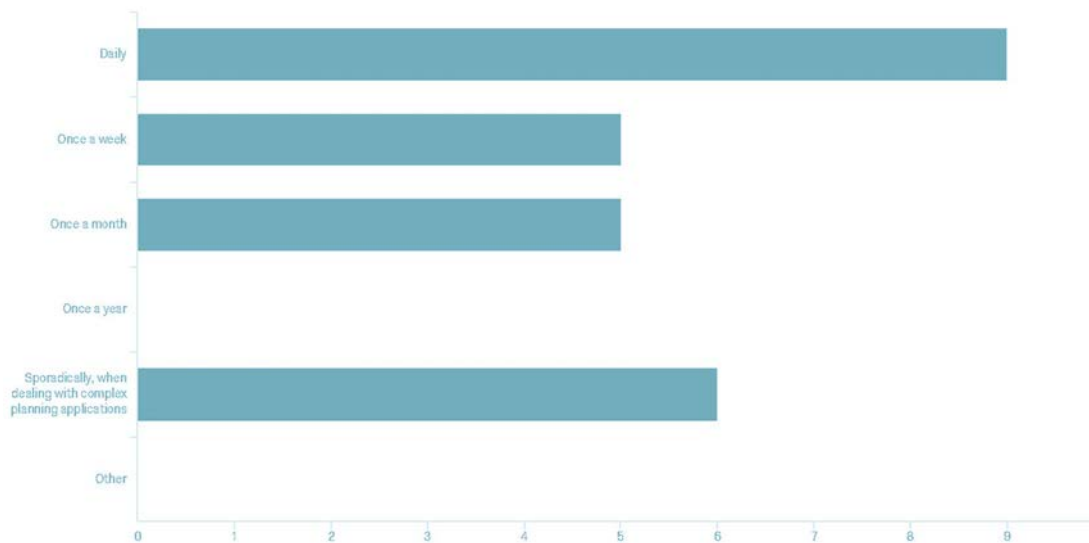
The respondents were very experienced in their fields. Quite a few were associates or directors in their respective organisations and the average duration of experience was 16.2 years. This provided vital context to the opinions that were expressed in the



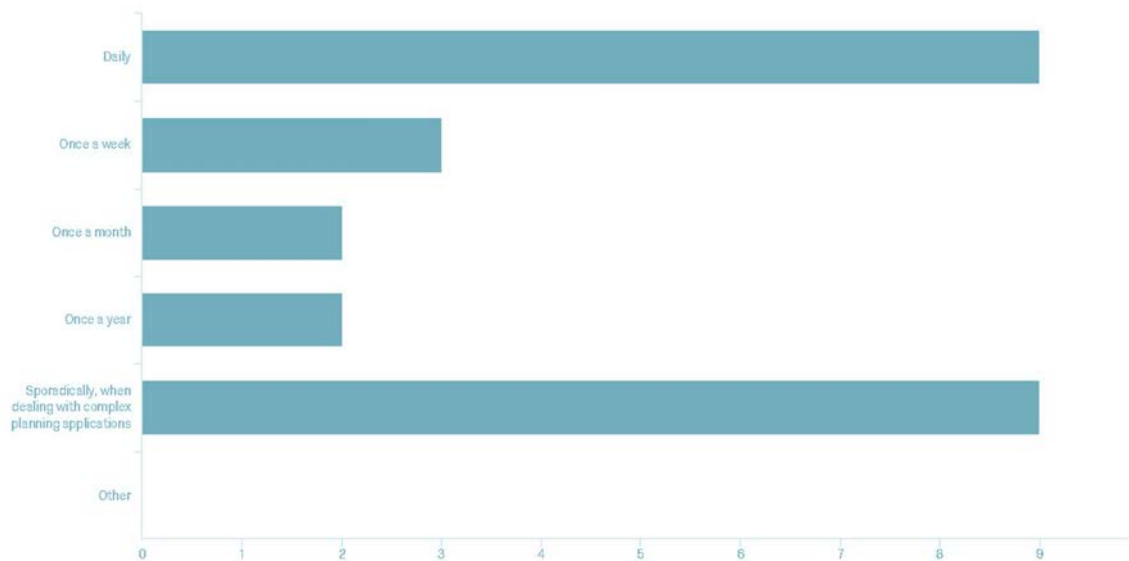
qualitative questions. 76% (19) worked in the private sector, 20% (5) worked in the public sector and 4% (1) worked in both.

## 5.2 Use of Planning Documents (linked to section 2.1 literature review)

Figures 8 and 9 show the level of engagement with planning guidance documents was high, with approximately 50% accessing national and local planning guidance at least once a week. This also gave context to the responses.



*Figure 8: Question 8 Result – Engagement with National Level Planning Documents (TCPA 1990, Localism Act 2011, NPPF etc.) (Author’s own)*



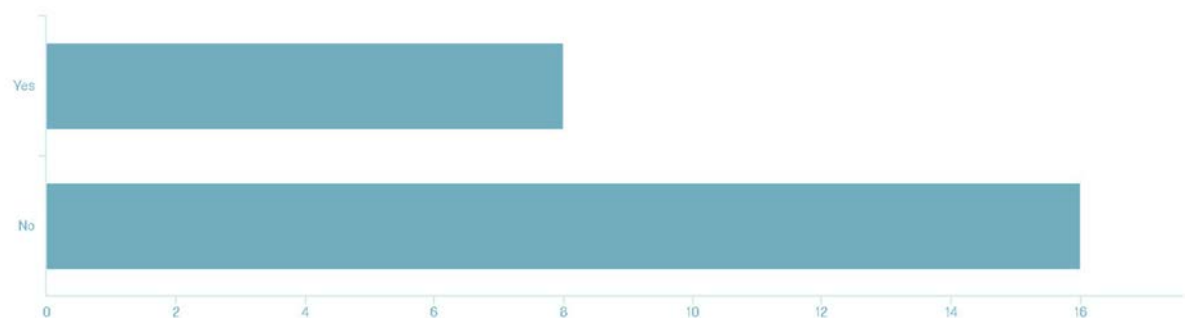
*Figure 9: Question 9 Result – Engagement with Local Level Planning Documents (Local Plans, Neighbourhood Plans etc.) (Author’s own)*



### 5.3 Opinion on Local Plan Formation Process (linked to section 2.2 literature review)

The literature review and case studies posed questions in relation to the timing of updates to local plans, how it relates to the timing of updates to national documents and how effectively all of this is communicated to the public. The analysis of the questions below generated *Potential Solutions* which are described in section 6.0.

Figure 10 shows 67% of the respondents believe the communication of changes in planning policy is not clear to the public. A surprising result given the transparent process outlined in the literature review. It justifies the author pursuing the topic. Reasons could vary from public consultations not being adequately publicised, or, there are so many consultations that people have started to ignore them.



*Figure 10: Question 10 Result – Planning Policy Change, Clear to the Public?*  
(Author's own)

Timing is vital to effective communication. Figure 11 shows 71% of respondents said amendments to local plans are generally not made in a timely manner. This encompasses both the process in place and the level of staffing in LPA's and the Planning Inspectorate. It supports the theory that the communication of planning policy has not been clear. It is logical that when a policy document is out-dated, it needs to be updated to reflect current circumstances.



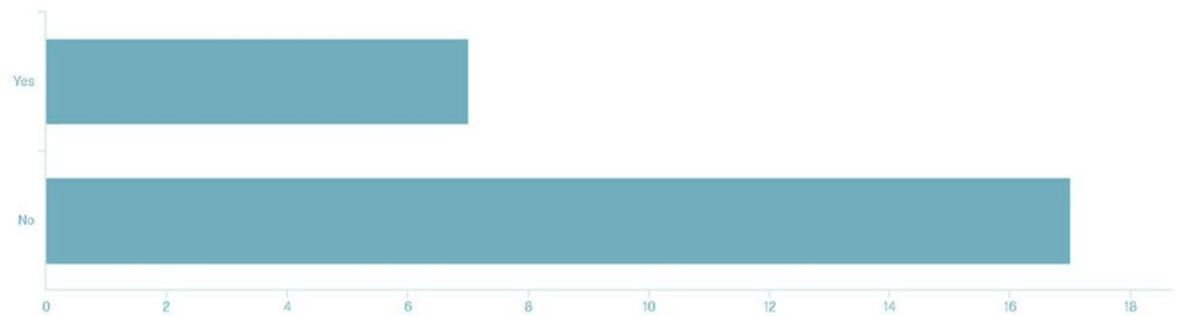


Figure 11: Question 11 Result – Timing of Changes to Local Plans (Author's own)

Although 71% of respondents believe amendments to local plans are not made in a timely manner, figure 12 shows only 48% believe local plans should be updated more regularly. A requirement for stability was the key theme in the comments received. Respondents sought updates at regular intervals and alignment between the planning and political system. *Potential Solution 1* suggests a way this could be implemented.

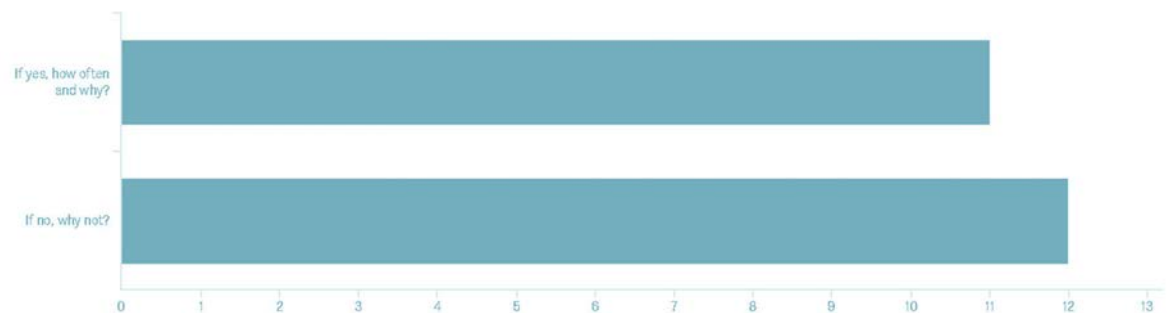


Figure 12: Question 12 Result – Update Local Plans More Regularly? (Author's own)

The literature review identifies the lack of coordination between the timing of publishing national and local policies as one of the key reasons for some planning guidance to be unclear. Adding further weight to the call for stability in the system, figure 13 shows 57% of respondents thought that all planning policy should be updated at the same time to be consistent.

However, with the current process of local plan formation, it is very difficult to coordinate national and local policy implementation at the same time. Again, *Potential Solution 1* suggests an alternative approach.



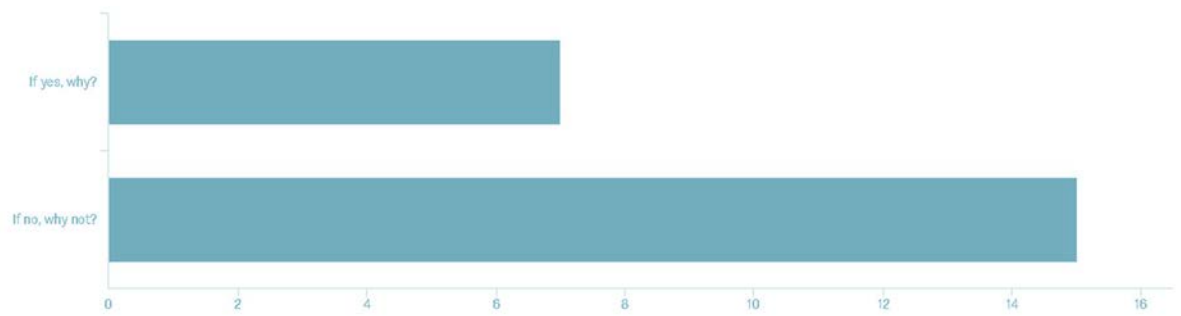


*Figure 13: Question 13 Result – Update National and Local Planning Policies at the Same Time? (Author’s own)*

Local plans are a snapshot of the LPA’s position at a point in time. From the evidence we have seen, by the time they are adopted, they are at least a year out of date. During this time, numerous events, such as Planning Court rulings, can supersede the contents. A mechanism needs to be in place to rectify situations like this quickly and keep the published information accurate, without creating confusion. However, figure 14 shows 68% of respondents noted policies should not be updated instantly following public consultations. They should be independently reviewed against the national guidance to ensure consistency and avoid local bias, such as NIMBYism (Not In My Back Yard).

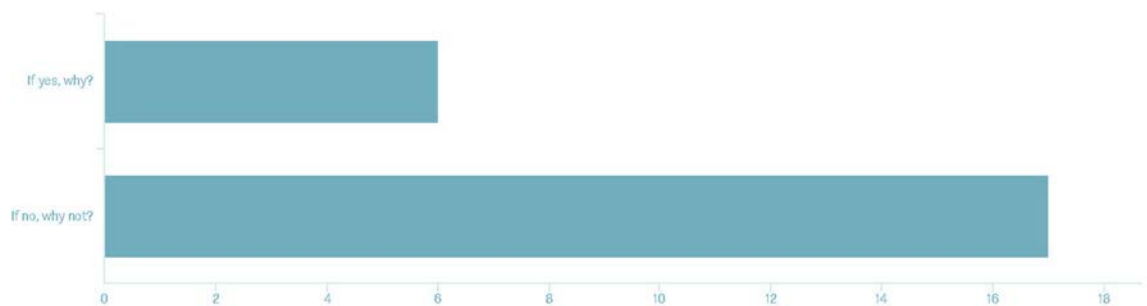
Currently the Planning Inspectorate would carry out this function. However, it is taking between 12-18 months to attain approval. If the LPA wants to change something immediately, a public statement would be issued, or it would be incorporated into the annual monitoring report. However, there is no direct link to the local plan PDF document. *Potential Solution 3* below suggests a web-based local plan document, where hyperlinks can be added to direct the reader to an appropriate update. This simple addition would alert the reader to recent updates and add a layer of clarity and transparency that is currently absent from the system.





*Figure 14: Question 14 Result – Update the local plan instantly? (Author’s own)*

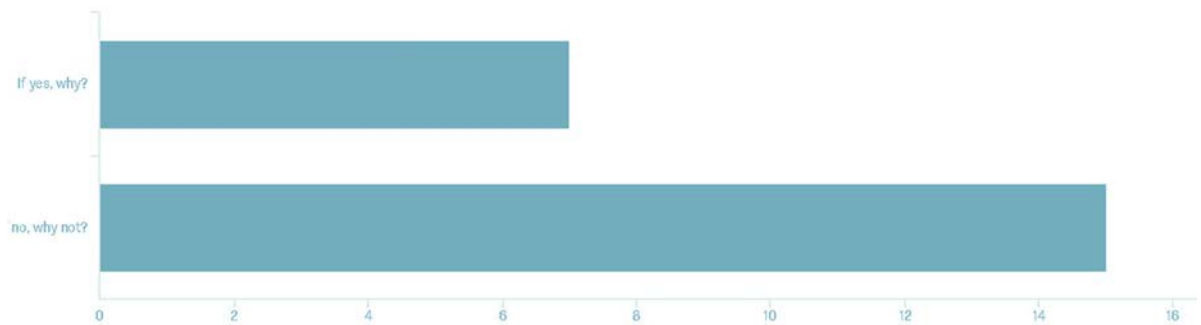
Figure 15 shows 74% of respondents said updating local plans more often would not improve the communication of planning policies to the public. Constant updates would lead to more people working with out of date information and it would add confusion. The addition of hyperlinks to the local plan would direct people to the latest information without updating the document.



*Figure 15: Question 15 Result – Would More Local Plan Updates Improve Communication to the Public? (Author’s own)*

Figure 16 shows 68% of the respondents said more regular updates would not save time and money for planners, consultants and developers. Keeping up to speed on constant updates would only add to the resourcing required. Also, large schemes can take years to piece together so it is not helpful if the policies change frequently. This supports the concept for more stability outlined in *Potential Solution 1* below.





*Figure 16: Question 16 Result – Would More Updates Save Time and Money?*

*(Author's own)*

The Planning Inspectorate 2016/17 Annual Report (Planning Inspectorate 2018a) states 100% of local plan examinations were completed within the timetable agreed with the LPA. However, as noted above, this is taking a minimum of twelve months (Planning Inspectorate 2018b). The question in figure 17 probed whether there is a better or more expedient way approving them. Only 14% of respondents stated the current system is working well. The consensus suggested the Planning Inspectorate, as an independent body, should be involved in approving local plans. However, the current approval times show they are drastically understaffed, this is supported in Planning Inspectorate (2018a), where insufficient funding to support the delivery of strategic plans was noted as a red level risk. More funding is required to fulfil the governments statement, DCLG (2015a), noting they are committed to getting local plans in place. *Potential Solution 2* below suggests an alternative where LPA's assess each other's' local plans, thereby spreading the load.



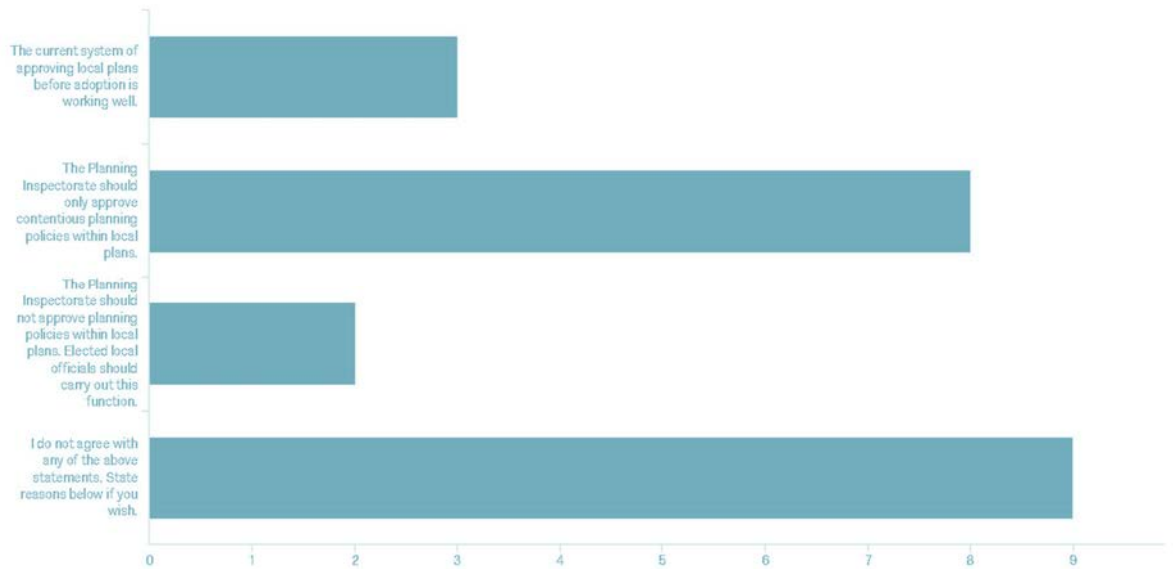


Figure 17: Question 17 Result – Who Should Approve Local Plans? (Author's own)

#### 5.4 Knowledge of Amalgamation in RBKC (linked to section 2.3 and 2.4 of literature review)

The focus then shifted to more specific questions about residential amalgamation policies within RBKC in the past four years. Figures 18 and 19 show 76% of respondents knew the current position of RBKC in relation to residential amalgamation and 74% knew RBKC's previous position in relation to amalgamation, i.e. it did not consider amalgamation development which required planning permission.

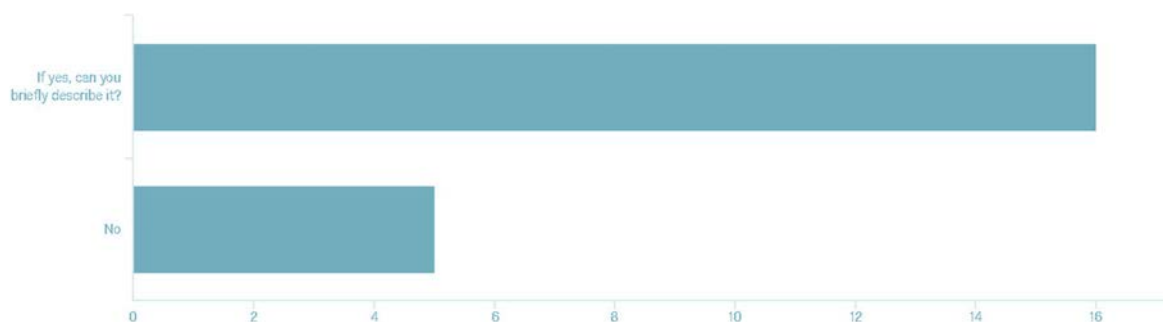


Figure 18: Question 18 Result – Knowledge of RBKC's Position on Amalgamation (Author's own)



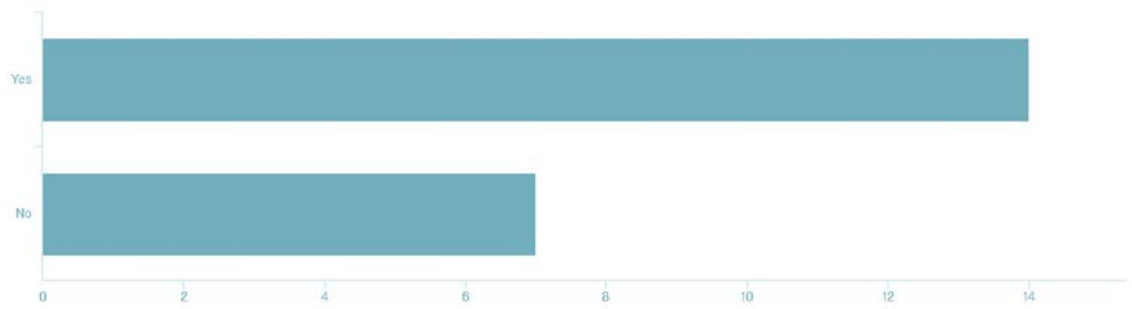


Figure 19: Question 19 Result – Knowledge of RBKC Previous Position on Amalgamation (Author’s own)

Figure 20 shows 38% thought they knew when RBKC changed their view. However, only 4% (one individual) correctly stated it occurred in August 2014. This showed that professionals working in the borough are picking up information during their work duties but they do not remember exactly when they pick it up. This could be down to forgetfulness; however, the more likely scenario is that they only look for the latest policies when they need to use them. Therefore, they become informed on a need to know basis. This supports *Potential Solution 3*, web based local plans with hyperlinks.

This question was complicated by the fact that RBKC adopted the local plan in 2010, yet the latest publication was in 2015. The author should have made this clearer to the respondents.

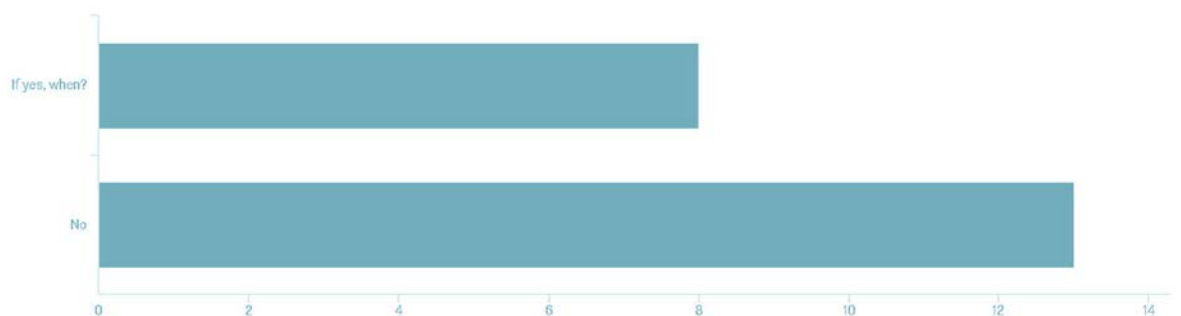


Figure 20: Question 20 Result – Knowledge of When RBKC Changed its View on Amalgamation (Author’s own)



Figure 21 shows 78% of respondents were involved in planning applications in the past three years where RBKC had resisted the loss of less than five units, contrary to the local plan. From the literature review above, RBKC thought its change of position was clear by putting out various public consultations relating to amalgamation and by noting their impact in monitoring reports. It needed to both curtail the impact amalgamations were having in the borough and monitor the situation to provide evidence for updated policies in a revised local plan. However, the views expressed in the author's questionnaire note that the majority of respondents believe that all changes in policy position should be reviewed by the Planning Inspectorate before adoption.

Was RBKC correct to disregard the approved policy in its local plan? No, based on the opinions expressed in the questionnaire. However, the Planning Court supported RBKC in the Stanhope Gardens case, noting it was correct to base its decisions on the latest information available.

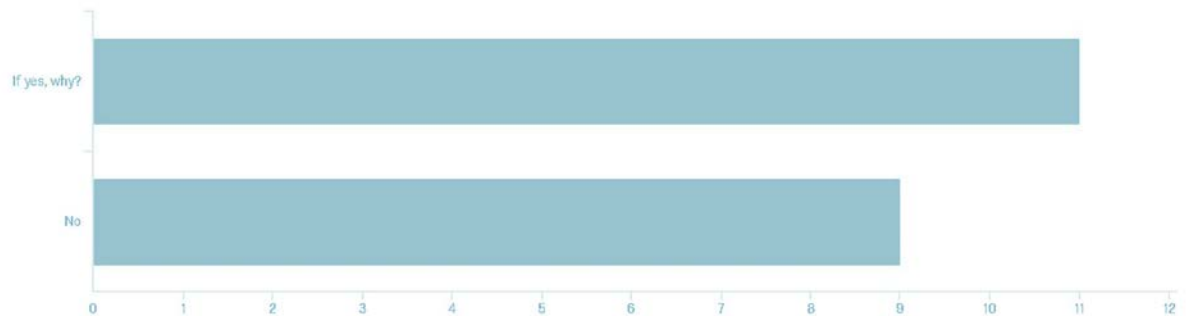
It is difficult to draw general conclusions based on two case studies and twenty-five professional opinions, but this provides an example of when planning policies become complex issues. Professional opinion suggests LPA's should not be able to decide to enforce policies which go against the approved local plans. Independent review is required.



*Figure 21: Question 21 Result – Respondents' Involvement in Amalgamation Applications in RBKC (Author's own)*

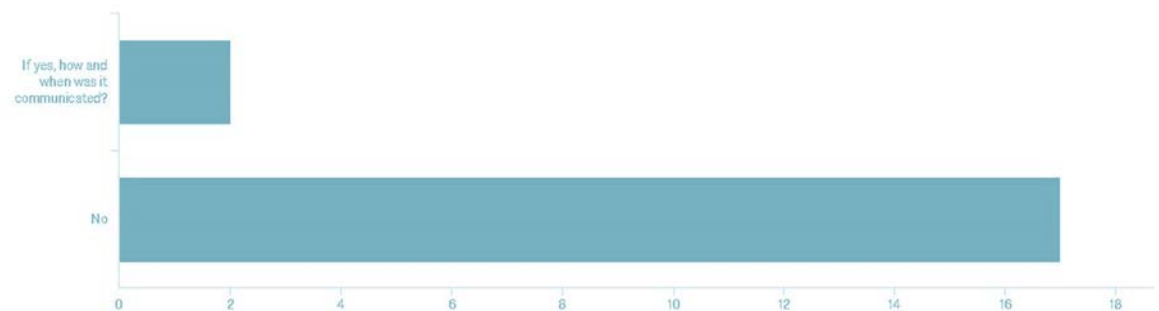


Figure 22 shows 55% of respondents knew why RBKC changed its position on residential amalgamation and correctly identified the loss of units and inability to meet housing targets as the cause.



*Figure 22: Question 22 Result - Knowledge of Why RBKC Changed its View on Amalgamation (Author's own)*

Figure 23 shows 89% of the respondents did not know how the change in position was communicated to staff at RBKC. Unsurprisingly high, given the low level of response from RBKC planners. One respondent noted, '*it was communicated by management immediately*' (appendix C, page 111 below). This would indicate that all staff within RBKC were made aware of the change in position in August 2014.

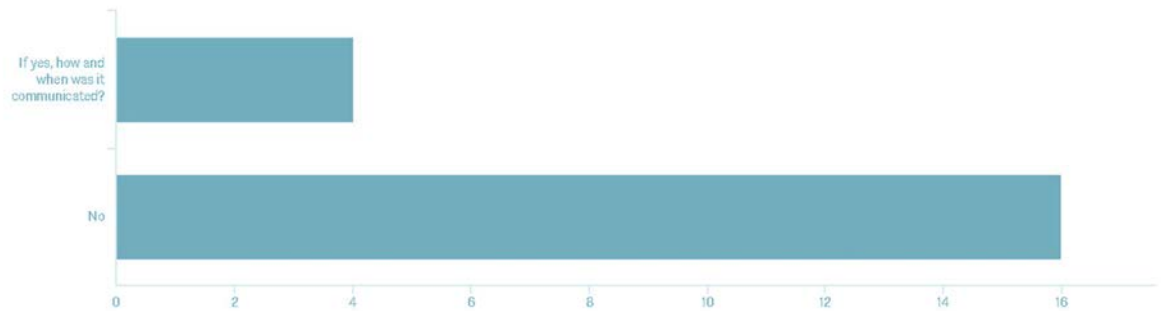


*Figure 23: Question 23 Result – Knowledge of How RBKC Communicated Change in View to Staff (Author's own)*

Figure 24 shows 80% of respondents did not know how RBKC's change in position was communicated to the public. 20% noted it was communicated to applicants when they applied for a pre-app or for planning permission. Nobody noted it was

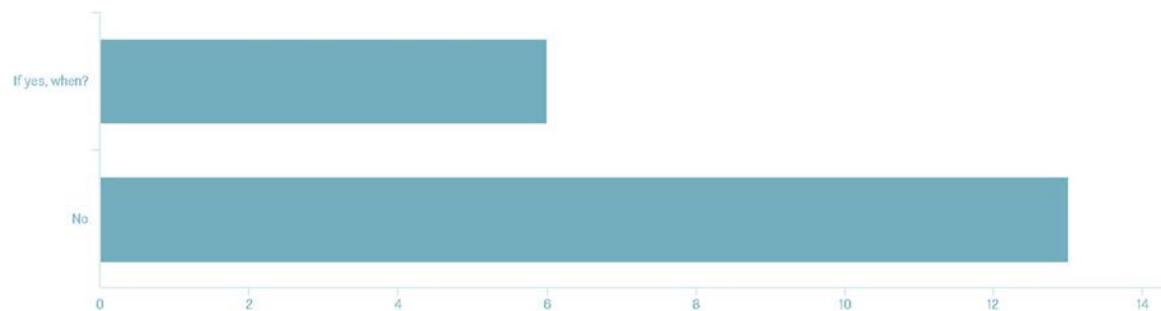


stated in the 2014 Monitoring Report, indicating this is not an effective method of communication. These responses were significant because it shows that the information was not readily available to the public during the period August 2014 – April 2015. It was only communicated by the planning officers when applications were made.



*Figure 24: Question 24 Result – Knowledge of How and When RBKC Communicated Change to the Public (Author’s own)*

Figure 25 shows 68% of respondents did not know when the local plan will be updated with new policies in relation to amalgamation. 32% noted that it would be sometime in Autumn 2018 as RBKC are in the final stages of getting approval from the Planning Inspectorate for its partial plan review. This will most likely be after the new NPPF document will be published, meaning the updated RBKC document may be out-dated as soon as it is adopted. This illustrates that professionals who are engaged in the system regularly, do not follow the public consultation process. They only look for the latest information when they need it. This provides more support for *Potential Solution 3*.



*Figure 25: Question 25 Result – When RBKC Plan to Change Amalgamation Policy (Author’s own)*



The analysis above noted key issues and showed how complicated the planning system can be. Potential solutions to some of the issues have emerged from the research and they are discussed further in section 6.0 below.



## **6.0 Data Analysis – Potential Solutions**

The discussion so far has noted some key issues which need to be resolved to improve the current planning system. The following solutions to some of those issues emerged while gathering the information for this research.

### **6.1 Potential Solution 1 - Align Planning and Political Systems**

The questionnaire results suggest stability is lacking in the planning system. Planning is political and current system does not align with national or local election times. It is difficult for politicians to implement a strategy and see it through to realisation. One way this could be possible is if all politicians are elected for a set period, which cannot be altered. In the event of a catastrophic event, such as, a sitting politician passes away, a new person would take over to the end of that term only. A global example of this is the US presidential term. This general idea was implemented in the UK with the Fixed-term Parliaments Act 2011 (UK Parliament 2011a), where a five-year term has been implemented. However, the Prime Minister still retains the ability to call a general election, with a two-third MP vote, as happened in 2017. To work effectively, the system would need to be more rigid.

National politicians could then be given one year to review and publish their new policies. Local elections could take place at the end of that year. Local councils would then be given one year to review and publish their new plans. All of this would be based on information collected from public consultations in the four previous data collection years and align with the national policies. These local plans could then be fixed until the next review four years later. The local plan would not align with the national guidance during the overlap period of one year but the local plan would take precedence during this time. A graphic representation of this showing two terms is illustrated in figure 26.



Years	1	2	3	4	5	6	7	8	9	10	11	12
National Political Term												
	national policy review	national data collection				national policy review	national data collection					
National Policy Validity Period												
Local Political Term												
		local policy review	local data collection				local policy review	local data collection				
Local Policy Validity Period												

Figure 26: Proposed Political Timeline. Red marker indicates national elections.

Green markers indicate local elections (Author's own)

For the timeline above to work in London, the London Plan and all the borough local plans would need to be drafted simultaneously. This would require a huge amount of collaboration and coordination. It would also require a surge of drafting once every five years but it would free up planners for the following four years to focus on what they do best, planning for the future. Public consultations could be continually ongoing, but implementing new policy could only happen at the planned intervals.

This solution provides the stability and clarity for stakeholders which was sought in the questionnaire responses. It allocates time for councils to gather various pieces of information during the data collection years and to merge them together coherently during the review year.



	Pros	Cons
1.	Stability and coherence would be introduced to the planning and political systems.	Difficult to implement as structural changes are required in both the planning and political systems. Resistance would be strong.
2.	Collaboration between councils and the Mayor of London would be improved.	One year to review and draft new policies is a short timeframe. If a deadline for an important policy update is missed, it could not be implemented for a further five years.
3.	Politicians could see the outcomes of their strategic policies.	National and local policies would not align for one year out of every five years.
4.	Politicians would need to be highly informed before running for a political position because the timetable for decision making is short.	All local plans would need to be approved at the same time, once every five years. It would be impossible for one independent body, such as the Planning Inspectorate to carry out this function due to staffing difficulties.
5.	Updating policies at regular, pre-defined intervals would provide greater clarity for all stakeholders.	

*Table 4: Pros and Cons of Proposed Solution 1 (Author's own)*

## **6.2 Potential Solution 2 - Reform the Planning Inspectorate Role**

Currently the Planning Inspectorate is taking too long to approve local plans. With *Potential Solution 1*, they would need to approve all local plans within one year. This would not be possible at the current rate of approval, so it would need to be addressed.



### *Option A*

To reduce the workload, LPA's could ask the Planning Inspectorate to approve only certain policies which they believe may be contentious. Local plans could be published with the sections clearly marked to show if they have been independently approved or not. If the unapproved sections are then questioned by the public, they could also be sent for approval.

	<b>Pros</b>	<b>Cons</b>
1.	The Planning Inspectorate resources would be used more efficiently. Time would not be wasted on reviewing uncontentious policies.	The planning Inspectorate would not view the local plan as a whole. Judging policies in isolation would be difficult. Context and cohesion may be lacking.
2.	If LPA's are not diligent in sending policies to the Planning Inspectorate for approval, they may find much of their local plan is queried by the public after adoption. Difficult situations could arise.	LPA's could send too much information to the Planning Inspectorate for approval to avoid objections from the public. This may not lead to any reduction in workload.

*Table 5: Pros and Cons of Proposed Solution 2 – Option A (Author's own)*

### *Option B*

Is there a need for one independent body to assess all local plans? An alternative is to set up a 'buddy system'. LPA's could be teamed up to assess each other's local plans independently. Council 'A' drafts its local plan. It sends it to council 'B' for assessment. Council 'C' sends its draft local plan to council 'A' for assessment. This would spread the workload and improve collaboration across local councils. It may also speed up approval times. It would increase the resources required by each council; however, some or all of the resources currently provided to the Planning Inspectorate could be distributed to LPA's instead.



	<b>Pros</b>	<b>Cons</b>
1.	The workload would be spread across multiple councils rather than one organisation.	Multiple councils would be approving local plans, consistency may be reduced.
2.	Collaboration between councils would be improved.	The workload of each council would be increased. Resistance to this would be strong.
3.	Approval times may be reduced as each council only needs to approve one plan.	The scope of the Planning Inspectorate would be reduced. A decision would need to be made whether to distribute its other tasks to local councils too.

*Table 6: Pros and Cons of Proposed Solution 2 – Option B (Author's own)*

### **6.3 Potential Solution 3 - Web-based Local Plans with Hyperlinks**

Based on the questionnaire results, the public only look for information when they need it, and they generally do not read the monitoring reports published by LPA's. Combined with the Planning Court ruling that the most up-to-date information available should be used by LPA's when making decisions, an issue occurs when people read a section of a local plan which has been out-dated for some reason.

If local plans were web-based, rather than PDF documents, hyperlinks could be added to direct the user to the latest information. Images of this are illustrated in figures 27 and 28.



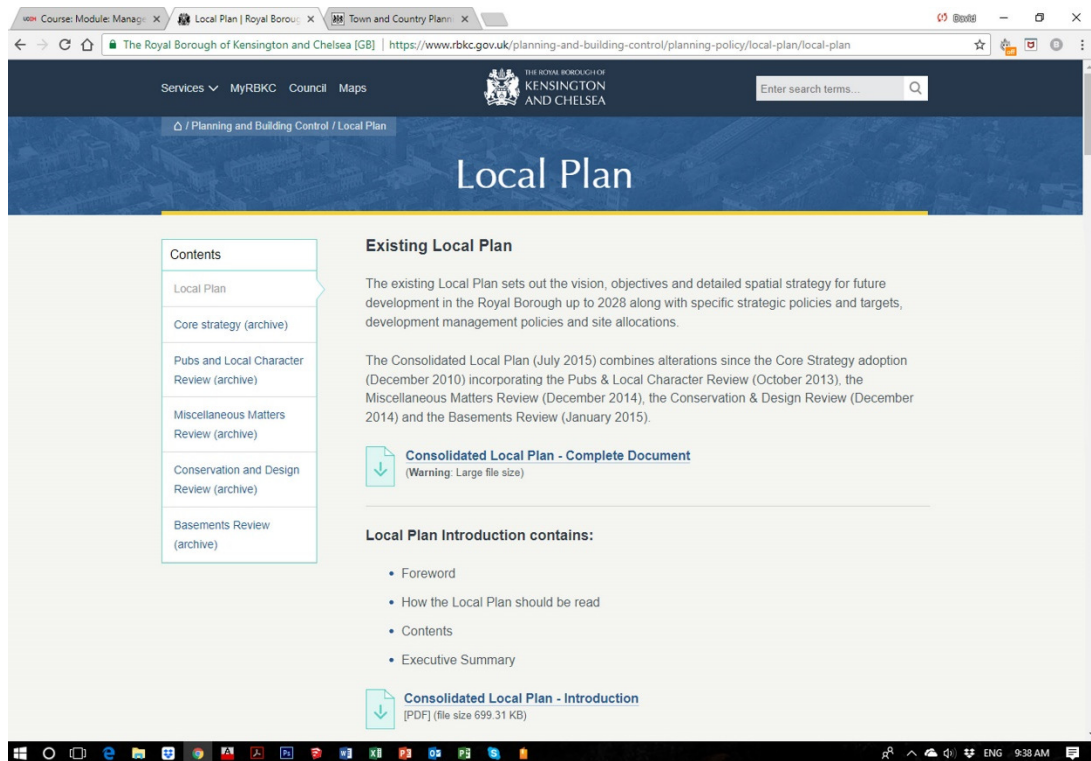


Figure 27: Typical RBKC Web Page with Downloadable PDF Documents (RBKC 2015a)

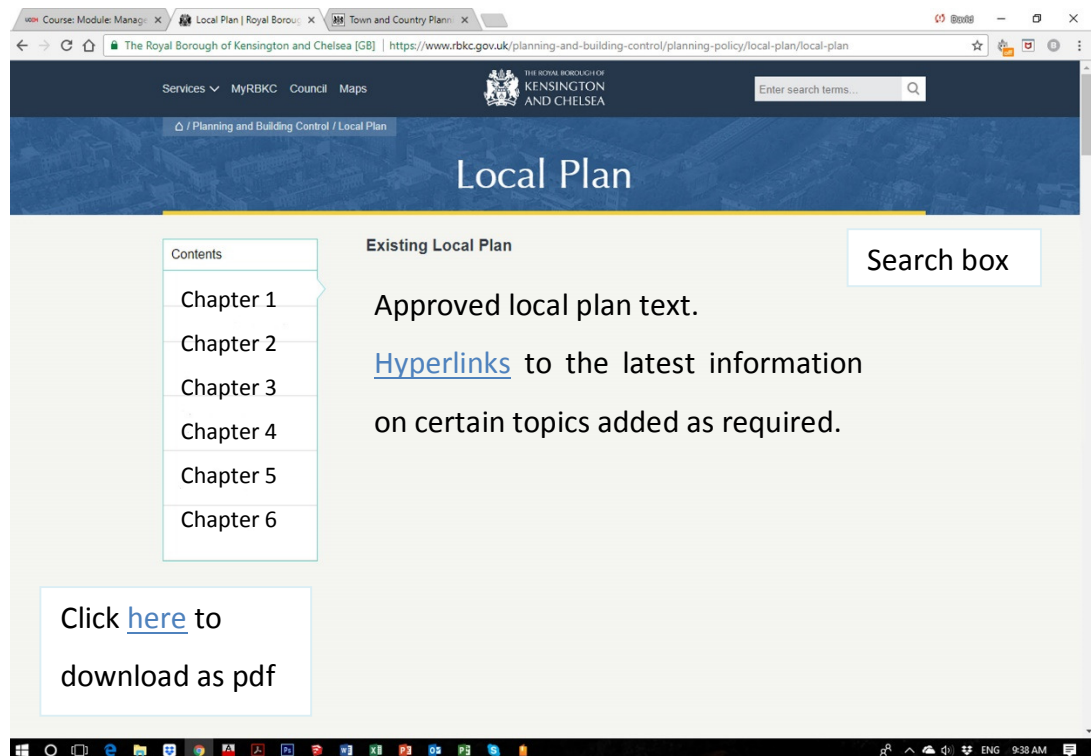


Figure 28: Proposed RBKC Web Page (adapted from RBKC 2015a)



This simple redesign of the website would communicate the latest policies and current information to the public much clearer than the current system.

	<b>Pros</b>	<b>Cons</b>
1.	Confusion and misunderstandings would be reduced as the public would only need to look at the local plan to find all current information.	More council resources would be required initially to reformat their websites and continuously to add hyperlinks to relevant information. Resistance would be strong.
2.	It is not difficult to achieve technically.	

*Table 7: Pros and Cons of Proposed Solution 3 (Author's own)*



## 7.0 Conclusions and Recommendations

The research began by the author experiencing planning difficulties in relation to amalgamation policies within RBKC. This led him to develop the hypothesis, 'during 2014-2018, amalgamation policies in the Royal Borough of Kensington and Chelsea were not clear to the public'. It was also noted that the planning system in place rarely allows for national guidance to align with local plans. This leads to confusion and misunderstanding for all stakeholders. The objectives set to guide the research investigated; how local plans are drafted, the timeline of the publication of relevant documents by RBKC referring to case studies, recent legal cases, and professional opinions on the situation.

The literature review began with an overview of the planning system in England and uncovered issues with the formation of local plans. Primarily, the planning system does not align with the political system, housing targets are proving controversial, and local plan adoption is taking far too long; due to, in part, the lengthy process involved and the time taken by the Planning Inspectorate to approve them. It then focused on amalgamation policies in RBKC and the timeline of when relevant documents were published. It showed that RBKC believed it was communicating clearly by issuing updates in the monitoring reports and by consistently rejecting amalgamation applications. However, doing this was contrary to its own local plan. The two key points to emerge were; RBKC was struggling to keep up with the housing targets set in the London Plan and it was unsure of the structure its amalgamation policies should take. Finally, reviewing legal cases showed the Planning Court ruled to support RBKC by stating the most up-to-date information should be considered when making decisions. This seems logical but it cannot be satisfactorily achieved unless there are efficient mechanisms in place to alert the public to the latest information.

The research methodology evolved over the course of the research. It began with a deductive approach based on the author's experience. The empirical testing was then carried out using case studies. The information gained from the case studies



generated more questions than answers so a questionnaire was developed to attain experienced professional opinions. The original idea was for results to be extracted from the research. However, potential solutions to some of the issues emerged throughout the process so the author concluded by using the data collected to generate them inductively. This process worked well and has led to a solid conclusion on whether to support the hypothesis or not.

The data collection began with researching two case studies to see how they fit into the timeline of when documents relevant to amalgamation in RBKC were issued. This illustrated that there was confusion in 2014 when RBKC changed its view on amalgamation and this led to a Planning court case on the issue. Even after this case had been decided in 2016, amalgamation policies were not clear to the public. Further applications were still being submitted and this was due, in part, to the local plan documents not being updated in a timely manner. However, it also showed that RBKC issued numerous monitoring reports and public consultations outlining what its position was and why. This showed the policies were clearly published on publicly available documents. A point to note here though is that there was a gap of six months between RBKC changing its position on amalgamation and the first written confirmation of that change being published. This supports the hypothesis.

However, the author believed more evidence was required before deciding to support the hypothesis or not, so a questionnaire was distributed to attain professional opinions. Although only twenty-five responses were received, a balanced view was gathered from architects, developers, planning consultants and RBKC planners. The results and the critical evaluation of them uncovered the following key points:

- Professionals do not believe changes in planning policies are communicated clearly to the public and those changes are not made in a timely manner. Stability is lacking in the current system.
- Professionals believe local plans should be updated at regular intervals. Changes to adopted text should not be made instantly following public consultation. Independent evaluation is necessary.
- Publication of planning guidance should align with political terms of office.



- Not all local plan policies need to be reviewed at the one time. However, more frequent updates to local plans would not improve communication and would not save time and money for stakeholders.
- Professionals believe national and local planning policies should be updated at the same time to align with each other.
- Professionals know what RBKC's previous and current positions on amalgamation are. However, they do not know when its view changed and only half know why it changed. Few people know how the change was communicated to the public or within RBKC. Professionals are only attaining knowledge on a need to know basis.

The questionnaire results confirmed that professionals did not believe changes in planning policies are communicated clearly to the public in general. It also confirmed that nobody knew how RBKC had communicated its change in view on amalgamations to the public. This supported the hypothesis.

Potential solutions were then proposed for:

- Aligning the political terms of office, national planning guidance and local planning guidance.
- Reforming the role of the Planning Inspectorate to reduce the time taken to approve local plans.
- Updating local plans instantly, without changing the adopted text, by using web-based local plans with hyperlinks to direct the public to relevant information, such as, monitoring reports.

These solutions would introduce stability and coherence to the planning system, while improving collaboration between councils and reducing confusion for the public. However, they would require structural changes to the planning and political system which would most likely be heavily resisted. They could also reduce the consistency of local plan auditing and increase the workload on LPA's.

As this research was based on two case studies within a single, inner London LPA and a questionnaire with a small number of respondents, each potential solution would need to be tested and trialled to establish if they would indeed have a positive impact across the country. They would also need to be developed further to establish if they are financially viable.



Based on the information gathered, the author accepts the proposed hypothesis. During 2014-2018, amalgamation policies in the Royal Borough of Kensington and Chelsea were not clear to the public.

The key points to support the decision were:

- RBKC changed its view in August 2014; however, the first written confirmation of this was not published until April 2015. The public had no way of knowing the latest policy unless they submitted a pre-app or planning application and the planners told them the new position as part of the feedback.
- RBKC argued its change in view was not a change in development plan policy. However, its policy stated it would only resist the loss of five residential units or more. The change in view led to RBKC resisting all amalgamation.
- None of the respondents to the questionnaire could say how RBKC had communicated its change of view on amalgamation to the public.

### **7.1 Areas for Further Research**

Further case studies could be investigated. Both examples in this paper were listed buildings and the owners used that heritage aspect as a material planning argument to attain permission for amalgamation. It would be interesting to study a case where the building was not listed.

Further research could look at whether RBKC's change influenced the investment value of properties in the area.

Further research could look at the possibility of making a universal list of planning policy categories which would form the basis of national and local policy. The categorising of the UK construction industry by the NBS Uniclass 2015 (NBS 2018) is an example of how this can work on a large scale.



Further research is required on how housing targets are set and the impact they are having on local plans. This is a major issue and warrants constant research to balance supply and demand.

**Word Count:** 10,738



## 8.0 References

- BBC (2007) *Q&A: England's green belt* [online]. Available at: <http://news.bbc.co.uk/1/hi/uk/6947435.stm> [accessed 21 April 2018].
- BBC (2018) *General Election Results 2017* [online]. Available at: <http://www.bbc.co.uk/news/election/2017/results> [accessed 10 March 2018].
- Bell J (2010) *Doing Your Research Project: A Guide for First-time Researchers in Education, Health and Social Science* (6<sup>th</sup> edn), Maidenhead: Open University Press.
- Blackman D (2016) 'Planning under pressure', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/features/planning-under-pressure-0> [accessed 11 March 2018].
- Bridges T (2017) 'Let's regain our confidence as a profession', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/opinion/lets-regain-our-confidence-as-a-profession> [accessed 11 March 2018].
- Burges-Salmon (2017) *Autumn Budget 2017: what are the implications for planning and CPO?* [online]. Available at: <https://www.burges-salmon.com/news-and-insight/legal-updates/autumn-budget-2017-implications-for-planning-and-cpo/> [accessed 13 May 2018].
- Carpenter J (2017) 'Housing Delivery Test Introduction Delayed', *Planning* 2019: 06-07.
- CIAT (2018) *PM Launches New Planning Rules* [online]. Available at: <https://ciat.org.uk/resource/pm-launches-new-planning-rules.html> [accessed 10 March 2018].
- DCLG (2012) *National Planning Policy Framework*, London: DCLG. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) [accessed 14 October 2017].
- DCLG (2015a) *Local Plans* [online]. Available at: <http://www.parliament.uk/documents/commons-vote-office/July%202015/21%20July/8-Communities-and-Local-Government-Local-Plans.pdf> [accessed 20 February 2018].
- DCLG (2015b) *Local Plans: Letter to the Chief Executive of the Planning Inspectorate* [online]. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/447372/SofS\\_letter\\_to\\_PINS\\_-\\_local\\_plans\\_TB.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447372/SofS_letter_to_PINS_-_local_plans_TB.pdf) [accessed 20 February 2018].



DCLG (2017a) *Planning Practice Guidance* [online]. Available at: <https://www.gov.uk/government/collections/planning-practice-guidance> accessed [28 December 2017].

Denscombe M (2014) *The Good Research Guide* (5<sup>th</sup> edn), Maidenhead: Open University Press.

Dictionary.com (2018) *Amalgamate Definition* [online]. Available at: <http://www.dictionary.com/browse/amalgamate> [accessed 18 February 2018].

Downs C (2014) *Politicians and Officials: The Differences between Central and Local Government* [online]. Available at: <https://www.theguardian.com/public-leaders-network/2014/may/29/politicians-officials-relationship-central-local-government> [accessed 31 May 2018].

Edgar L (2017) 'Report: 43% of councils yet to publish draft local plan', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/news/report-43-of-councils-yet-to-publish-draft-local-plan> [accessed 23 February 2018].

Emma Adams & Partners (2016) *Planning and Heritage Statement* [online]. Available at: <https://www.rbkc.gov.uk/idoxWAM/doc/Other-1771337.pdf?extension=.pdf&id=1771337&location=VOLUME2&contentType=application/pdf&pageCount=1> [accessed 07 February 2017].

Gariban S and Follett T (2018) 'ResPublica Response to changes to the National Planning Policy Framework', *ResPublica* [online]. Available at: <http://www.respublica.org.uk/disraeli-room-post/2018/03/20/respublica-response-changes-national-planning-policy-framework/> [accessed 13 May 2018].

Geoghegan J (2018) 'How the NPPF revisions aim to boost housing delivery', *Planning* [online]. Available at: <https://www.planningresource.co.uk/article/1458847/nppf-revisions-aim-boost-housing-delivery> [accessed 11 March 2018].

Gill J and Johnson P (2009) *Research Methods for Managers* (4<sup>th</sup> edn), London: SAGE.

Halfpenny G (2016) 'Planners vs developers: Partners or adversaries', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/opinion/planners-vs-developers-partners-or-adversaries> [accessed 11 March 2018].

Lichfields (2017) *Planned and Deliver: Local Plan-making under the NPPF: A Five Year Progress Report* [online]. Available at: [http://lichfields.uk/media/3000/cl15281-local-plans-review-insight\\_mar-2017\\_screen.pdf](http://lichfields.uk/media/3000/cl15281-local-plans-review-insight_mar-2017_screen.pdf) [accessed 23 February 2018].



Lockhart-Mummery C (2014) *Legal Opinion* [online]. Available at: <https://www.rbkc.gov.uk/idoxWAM/doc/Other-1343411.pdf?extension=.pdf&id=1343411&location=VOLUME2&contentType=application/pdf&pageCount=7> [accessed 15 April 2018].

Mayor of London (2008) *The London Plan*, London: Greater London Authority.

Mayor of London (2011) *The London Plan*, London: Greater London Authority.

Mayor of London (2015) *Housing in London 2015*, London: Greater London Authority.

Mayor of London (2016a) *The London Plan*, London: Greater London Authority.

Mayor of London (2018) *Draft New London Plan* [online]. Available at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/> [accessed 13 May 2018].

MHCLG (2018) *Local Plan intervention: letters to councils* [online]. Available at: <https://www.gov.uk/government/publications/local-plan-intervention-letters-to-councils> [accessed 13 May 2018].

Mynors C (2018) 'Legal Landscape: Planning needs a spring clean – and it's happening in Wales', *The Planner* [online]. Available at: [https://www.theplanner.co.uk/opinion/legal-landscape-planning-needs-a-spring-clean-%E2%80%93-and-its-happening-in-wales?utm\\_source=Adestra&utm\\_medium=email&utm\\_term=](https://www.theplanner.co.uk/opinion/legal-landscape-planning-needs-a-spring-clean-%E2%80%93-and-its-happening-in-wales?utm_source=Adestra&utm_medium=email&utm_term=) [accessed 17 February 2018].

Naoum S G (2013) *Dissertation Research and Writing for Construction Students* (3<sup>rd</sup> edn), Oxon: Routledge.

NBS (2018) *Uniclass 2015* [online]. Available at: <https://www.thenbs.com/search-results?s=uniclass> [accessed 14 April 2018].

Neuman L (2013) *Social Research Methods: Qualitative and Quantitative Approaches* (7<sup>th</sup> edn), Harlow: Pearson Education Limited.

Planning Help (2017) *Key Components of the Planning System* [image]. Available at: <http://planninghelp.cpre.org.uk/component/content/article/54-why-are-local-plans-important/372-why-are-local-plans-important> [accessed 03 December 2017].

Planning Inspectorate (2012) *Guidance: Local Plans* [online]. Available at: <https://www.gov.uk/guidance/local-plans> [accessed 20 February 2018].

Planning Inspectorate (2018a) *Annual Report and Accounts 2016/17* [online]. Available at:



[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627268/ARA\\_2016-2017\\_Web\\_ISBN\\_9781474141628.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627268/ARA_2016-2017_Web_ISBN_9781474141628.pdf) [accessed 27 May 2018].

Planning Inspectorate (2018b) *Local Plans (strategic issues/'core strategies') Progress* [online]. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/680152/LPA\\_Strategic\\_Plan\\_Progress\\_-\\_31\\_January\\_2018.Gov.uk.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/680152/LPA_Strategic_Plan_Progress_-_31_January_2018.Gov.uk.pdf) [accessed 20 February 2018].

Queen's Bench Division (Administrative Court) (2000) *Richmond upon Thames LBC v Secretary of State for the Environment, Transport and the Regions* [online]. Available at: <https://login.westlaw.co.uk/maf/wluk/app/document?&suppsrguid=i0ad6ada6000001603c6dec1a8900a5de&docguid=I5522C7A01D8911DC81EE86361337D9EA&hitguid=I979C49E0E43611DA8FC2A0F0355337E9&rank=2&spos=2&epos=2&td=169&crumb-action=append&context=72&resolvein=true> [accessed 09 December 2017].

Queen's Bench Division (Administrative Court) (2016) *R. (on the application of Kensington and Chelsea RLBC) v Secretary of State for Communities and Local Government* [online]. Available at: <https://login.westlaw.co.uk/maf/wluk/app/document?&srguid=i0ad6ada7000001603c59783d98d1b766&docguid=IF05507C0896711E68146F64A5152A601&hitguid=IF05507C0896711E68146F64A5152A601&rank=1&spos=1&epos=1&td=318&crumb-action=append&context=5&resolvein=true&return=true> [accessed 09 December 2017].

RBKC (2002) *Unitary Development Plan, Extant Policies* [online]. Available at: <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Unitary%20Development%20Plan%20-%20Adopted%20May%2025%202002%20-%20%28Extant%20Policies%29%20%282%29.pdf> [accessed 05 February 2018].

RBKC (2012) *Housing Core Strategy Review, Issues and Options* [online]. Available at: <https://planningconsult.rbkc.gov.uk/consult.ti/housing/consultationHome> [Accessed 09 February 2018].

RBKC (2013a) *Diversity of Housing* [online]. Available at: <https://planningconsult.rbkc.gov.uk/consult.ti/HousingD/consultationHome> [accessed 21 April 2018].

RBKC (2013b) *Draft Housing Policy Review* [online]. Available at: <https://planningconsult.rbkc.gov.uk/consult.ti/cshousing/consultationHome> [accessed 21 April 2018].

RBKC (2013c) *Guidelines approved to control basement development and increase the number of affordable homes* [online]. Available at:



<https://www.rbkc.gov.uk/pressrelease/pressreleasePage.aspx?id=4457> [accessed 21 April 2018].

RBKC (2015a) *Consolidated Local Plan* [online]. Available at: <https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan> [accessed 09 December 2017].

RBKC (2015b) *Monitoring Report 2014* [online]. Available at: <https://www.rbkc.gov.uk/wamdocs/15-04-Monitoring%20Report%202014.pdf> [accessed 09 February 2018].

RBKC (2015c) *Monitoring Report 2015* [online]. Available at: <https://www.rbkc.gov.uk/sites/default/files/atoms/files/17-03-06%20Monitoring%20Report%202015%20Erratum.pdf> [accessed 10 March 2018].

RBKC (2015d) *Local Plan Partial Review* [online]. Available at: <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRDP/consultationHome> [accessed 10 March 2018].

RBKC (2015e) *Appeal Correspondence – Council’s Statement* [online]. Available at: <https://www.rbkc.gov.uk/idoxWAM/doc/Appeal%20Correspondence-1506760.pdf?extension=.pdf&id=1506760&location=VOLUME2&contentType=application/pdf&pageCount=1> [accessed 15 May 2018].

RBKC (2016a) *Officer’s Report – Certificate of Lawful Development Application* [online]. Available at: <https://www.rbkc.gov.uk/idoxWAM/doc/Report-1701687.pdf?extension=.pdf&id=1701687&location=VOLUME2&contentType=application/pdf&pageCount=1> [accessed 05 March 2018].

RBKC (2016b) *Officer’s Report – Planning Application* [online]. Available at: <https://www.rbkc.gov.uk/idoxWAM/doc/Report-1806860.pdf?extension=.pdf&id=1806860&location=Volume2&contentType=application/pdf&pageCount=1> [accessed 05 March 2018].

RBKC (2016c) *Monitoring Report 2016* [online]. Available at: [https://www.rbkc.gov.uk/sites/default/files/atoms/files/17-02-22%202016%20Monitoring%20Report%20FINAL\\_1.pdf](https://www.rbkc.gov.uk/sites/default/files/atoms/files/17-02-22%202016%20Monitoring%20Report%20FINAL_1.pdf) [accessed 10 March 2018].

RBKC (2016d) *Local Plan Partial Review* [online]. Available at: <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRDP/consultationHome> [accessed 10 March 2018].

RBKC (2017) *Local Plan Partial Review* [online]. Available at: <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRPP/consultationHome> [accessed 10 March 2018].



RBKC (2018a) *Planning and Borough Development Monitoring Report 2017* [online]. Available at: <https://www.rbkc.gov.uk/sites/default/files/atoms/files/2017%20Monitoring%20Report%20FINAL.pdf> [accessed 07 February 2018].

RBKC (2018b) *Weekly List of Planning Applications* [online]. Available at: <https://www.rbkc.gov.uk/planning/scripts/weeklyform.asp> [accessed 17 February 2018].

RTPI (2018) *RTPI: London Plan sets the right ambition but concerns remain* [online]. Available at: <http://www.rtpi.org.uk/briefing-room/news-releases/2018/march/rtpi-london-plan-sets-the-right-ambition-but-concerns-remain/> [accessed 26 March 2018].

Schwanbeck A and Acayo P (2015) *Learning Design Research* [Lynda.com]. Available at: <https://www.lynda.com/Design-Foundations-tutorials/Literature-review/182890/373883-4.html?org=cem.ac.uk> [accessed 09 September 2017].

UK Government (2018a) *Draft Revised National Planning Policy Framework* [online]. Available at: <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework> [accessed 10 March 2018].

UK Government (2018b) *Planning Court* [online]. Available at: <https://www.gov.uk/courts-tribunals/planning-court> [accessed 15 April 2018]

UK Parliament (1990) *Town and Country Planning Act 1990*, legislation.gov.uk [online]. Available at: [www.legislation.gov.uk/ukpga/1990/8/contents](http://www.legislation.gov.uk/ukpga/1990/8/contents) [accessed 14 October 2017].

UK Parliament (2004) *Planning and Compulsory Purchase Act 2004*, legislation.gov.uk [online]. Available at: <https://www.legislation.gov.uk/ukpga/2004/5/contents> [accessed 20 February 2018].

UK Parliament (2008) *Planning Act 2008*, legislation.gov.uk [online]. Available at: <http://www.legislation.gov.uk/ukpga/2008/29/contents> [accessed 03 December 2017].

UK Parliament (2011a) *Fixed-term Parliaments Act 2011*, legislation.gov.uk [online]. Available at: <https://www.legislation.gov.uk/ukpga/2011/14/contents> [accessed 18 March 2018].

UK Parliament (2011b) *Localism Act 2011*, London: The Stationery Office. Available at: <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted> [accessed 16 September 2017].



UK Parliament (2012) *The Town and Country Planning (Local Planning) (England) Regulations 2012*, legislation.gov.uk [online]. Available at: <http://www.legislation.gov.uk/uksi/2012/767/contents/made> [accessed 20 February 2018].

UK Parliament (2017) *Fixing our broken housing market* [online]. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf) [accessed 21 February 2018].

White B (2000) *Dissertation Skills for Business and Management Students* (1<sup>st</sup> edn), New York: Martins



## 9.0 Bibliography

Baxter L, Hughes C and Tight M (2010) *How to Research* (4<sup>th</sup> edn), Maidenhead: McGraw Hill/Oxford University Press.

Bhattacharjee A (2012) *Social Science Research: Principles, Methods, and Practices* (2<sup>nd</sup> edn), Tampa: University of South Florida.

Bowen C (2018) 'Planners must strengthen the ties that bind', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/opinion/planners-must-strengthen-the-ties-that-bind> [accessed 11 March 2011].

Budnitz H (2016) 'Three point plan: Hannah Budnitz', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/opinion/three-point-plan-hannah-budnitz> [accessed 11 March 2018].

Creswell J W (2014) *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4<sup>th</sup> edn), California: SAGE Publications Inc.

DCLG (2011) *A Plain English Guide to the Localism Act*, London: DCLG. Available at: [www.communities.gov.uk/publications/localgovernment/localismplainenglishupdate](http://www.communities.gov.uk/publications/localgovernment/localismplainenglishupdate) [accessed 14 October 2017].

DCLG (2017b) *Department for Communities and Local Government, About Us* [online]. Available at: <https://www.gov.uk/government/organisations/department-for-communities-and-local-government/about> [accessed 28th December 2017].

Easterby-Smith M, Thorpe R and Jackson P (2012) *Management Research* (4<sup>th</sup> edn), London: SAGE Publications.

Gardiner J (2017a) 'Potential and pitfalls of local plan intervention', *Planning* [online]. Available at: <https://www.planningresource.co.uk/article/1452361/potential-pitfalls-local-plan-intervention-joe-gardiner> [accessed 11 March 2018].

Gardiner J (2017b) 'Javid names 15 councils facing local plan intervention', *Planning* [online]. Available at: <https://www.planningresource.co.uk/article/1452361/potential-pitfalls-local-plan-intervention-joe-gardiner> [accessed 11 March 2018].

Garlick R (2018) 'Councils scramble to avert Javid's intervention threat', *Planning* [online]. Available at: <https://www.planningresource.co.uk/article/1455539/councils-scramble-avert-javids-intervention-threat-richard-garlick> [accessed 11 March 2018].

Guthrie G (2010) *Basic Research Methods: An Entry to Social Science Research* (4<sup>th</sup> edn), London: SAGE.



Landmark Chambers (2017) *Christopher Lockhart-Mummery Profile* [online]. Available at: [http://www.landmarkchambers.co.uk/christopher\\_lockhart\\_mummery](http://www.landmarkchambers.co.uk/christopher_lockhart_mummery) [accessed 09 December 2017].

Liddle J (2007) 'Challenges to Democratic Legitimacy', *Public Administration Quarterly*, 31(4), 397-428.

Matthews B and Ross L (2010) *Research Methods: A Practical Guide for the Social Sciences* (1<sup>st</sup> edn), Harlow: Longman.

Mayor of London (2016b) *Housing Supplementary Planning Guidance*, London: Greater London Authority.

Moe R (2017) *Academic Research Foundations: Quantitative* [Lynda.com]. Available at: <https://www.lynda.com/Education-Elearning-tutorials/Academic-Research-Foundations-Quantitative/553499-2.html?org=cem.ac.uk> [accessed 20 October 2017].

Moody M (2017) 'Appeal: No re-amalgamation for Knightsbridge flats subdivided after bomb damage', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/decision/appeal-no-re-amalgamation-for-knightsbridge-flats-subdivided-after-bomb-damage> [accessed 10 December 2017].

Morris N (2017) 'National planning policy changes expected in the Spring', architecture.com [online]. Available at: <https://www.architecture.com/knowledge-and-resources/knowledge-landing-page/national-planning-policy-changes-expected-in-the-spring> [accessed 20 February 2018].

Norton P (2015) 'Online consultation is changing the game', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/opinion/online-consultation-is-changing-the-game> accessed 11 March 2018].

Planning Inspectorate (2016) *Procedural Practice in the Examination of Local Plans* [online]. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/672662/Procedural Practice in the Examination of Local Plans - final.2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672662/Procedural_Practice_in_the_Examination_of_Local_Plans_-_final.2.pdf) [accessed 20 February 2018].

Planning Inspectorate (2018c) *Local Plans (other plans) Progress* [online]. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/680155/LPA\\_Other\\_Plan\\_Progress\\_-\\_31\\_January\\_2018.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/680155/LPA_Other_Plan_Progress_-_31_January_2018.pdf) [accessed 20 February 2018].



Planning Resource (2017) 'Loss of single listed flat would harm historic fabric and deplete supply', *Planning* [online]. Available at: <http://www.planningresource.co.uk/article/1449644/loss-single-listed-flat-harm-historic-fabric-deplete-supply> [accessed 10 December 2017].

Practical Law Planning (2016) *Amalgamation of dwellings: material change of use? (High Court)* [online]. Available at: [https://uk.practicallaw.thomsonreuters.com/w-003-7442?transitionType=Default&contextData=\(sc.Default\)](https://uk.practicallaw.thomsonreuters.com/w-003-7442?transitionType=Default&contextData=(sc.Default)) [accessed 09 December 2017].

Ricketts S (2017) *First World Problems 2: Amalgamations and Deconversions* [online]. Available at: <https://simoncity.wordpress.com/tag/amalgamation-deconversion-kensington-westminster/> [accessed 09 December 2017].

RTPI (2012a) *NPPF – RTPI Responds* [online]. Available at: <http://www.rtpi.org.uk/briefing-room/news-releases/2012/march/nppf-rtpi-responds/> [accessed 03 December 2017].

RTPI (2012b) *The Planning Pack 2012 – Sheet 3: The Local Plan, Why, when and how to get involved* [online]. Available at: [http://www.rtpi.org.uk/media/1645145/sheet\\_3\\_final.pdf](http://www.rtpi.org.uk/media/1645145/sheet_3_final.pdf) [accessed 21 February 2018].

RTPI (2016) *RTPI welcomes MPs calls for far reaching NPPF review* [online]. Available at: <http://www.rtpi.org.uk/briefing-room/news-releases/2016/april/rtpi-welcomes-mps-calls-for-far-reaching-nppf-review/> [accessed 28 December 2017].

Russell-Cooke Solicitors (2018) *Amalgamating dwelling houses – is this possible?* [online]. Available at: [https://www.russell-cooke.co.uk/news-insight/briefings/2018/amalgamating-dwelling-houses-is-this-possible/?dm\\_i=2ME9,17P2Y,7SMZFQ,3U2SD,1](https://www.russell-cooke.co.uk/news-insight/briefings/2018/amalgamating-dwelling-houses-is-this-possible/?dm_i=2ME9,17P2Y,7SMZFQ,3U2SD,1) [accessed 05 March 2018].

Sabine-Newlyn A (2017) 'What listening to the radio can tell us about supporters of housebuilding', *The Planner* [online]. Available at: <https://www.theplanner.co.uk/opinion/what-listening-to-the-radio-can-tell-us-about-supporters-of-housebuilding> [accessed 11 March 2018].

Saunders M, Lewis P and Thornhill A (2012) *Research Methods for Business Student* (6th edn), Harlow England: Pearson Education Ltd.

Scuoler S (2017) 'Legal Viewpoint: Amalgamation rulings point to greater focus on supply', *Planning* [online]. Available at: <http://www.planningresource.co.uk/article/1443362/legal-viewpoint-amalgamation-rulings-point-greater-focus-supply> [accessed 10 December 2017].



UK Government (2017) *Live Housing Statistics* [online]. Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> [accessed 17 December 2017].

WYG (2015) *2017 and the future for local plans* [online]. Available at: <https://www.wyg.com/news-and-press-releases/2017-and-the-future-for-local-plans> [accessed 11 March 2018].

Yin R (1994) *Case Study Research: Design and Methods* (2<sup>nd</sup> edn), London: Sage Publications.



## 10.0 Appendix A – UCEM PG Project Research Ethics Checklist

Indicate whether there are any	YES	NO
1. ethical issues;		X
2. potential for risks to		
a) UCEM,		X
b) the research,		X
c) or the health, safety and well-being of researchers and research participants;		X
3. legal concerns or requirements associated with the research;		X
4. conflicts of interest.		X

5. a) Does the research use personal, corporate or other sensitive data?	X	
--	---	--

5. b) If Yes - How will you ensure the research follows best practice for the collection, storage and management of personal, corporate or other sensitive data?
All survey questionnaire data will be collected using reputable online survey software. From here it will be downloaded to a personal hard drive. All computers used to access the data will have up to date anti-virus software.

Will the research require the use of	YES	NO
1. a UCEM Research Ethics; Information Sheet	X	
or		
2. a UCEM Research Ethics Information Sheet and Standard Consent Form.	X	

Have the above answers been checked and approved by your PG Project Supervisor?	X	
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## 11.0 Appendix B – UCEM Research Ethics Information Sheet

### UCEM Research Ethics Information Sheet

#### Re: Dissertation – MBA Construction and Real Estate

Dear Sir/Madam,

I am currently studying a master of business administration degree through the University of Estate Management. Part of this course requires me to produce a research dissertation on a topic of my choice.

The topic I have chosen to focus on is 'The Communication of Planning Policies'; specifically looking at the process involved in keeping planning policies within local plans up to date. I am focusing on the communication of amalgamation policies within the Royal Borough of Kensington and Chelsea (RBKC) over the past three years as a prime example of how the system could be better. I have experience of working on a project during this time which incorporated amalgamation and I felt the process could have been much smoother for all stakeholders if there were greater clarity in the communication of the council's position.

This research will be important if I can show I have identified an issue with the current system, and hopefully propose an outline for a more viable alternative.

To help me do this, I am seeking the opinion of a range of professionals who have worked within RBKC in the past three years. I would be very grateful if you could spare less than 10 minutes of your time to express your opinion in the survey I have created. The link below will direct you to it.

[https://qtrial2018q1az1.az1.qualtrics.com/jfe/form/SV\\_0vPBC5ifdLFYFLf](https://qtrial2018q1az1.az1.qualtrics.com/jfe/form/SV_0vPBC5ifdLFYFLf)

Needless to say, any information you give will be treated with the strictest confidence and the results of the survey will be anonymous. The link will be active until 5.00pm on 16<sup>th</sup> March 2018 so all responses will need to be returned by then.

I encourage you to share this link with your colleagues, or other professionals you think may be interested in taking part. If you would like to see the results of the survey and/or the completed dissertation I can make a copy available later in the year.

Kind regards,  
David Reddy MCIAT

T: 02073765744

E: [david.reddy@smallwoodarchitects.co.uk](mailto:david.reddy@smallwoodarchitects.co.uk)

UCEM Supervisor: Laird Ryan  
E: [l.ryan@ucem.ac.uk](mailto:l.ryan@ucem.ac.uk)

UCEM Research Ethics Coordinator  
E: [progadmin@ucem.ac.uk](mailto:progadmin@ucem.ac.uk)

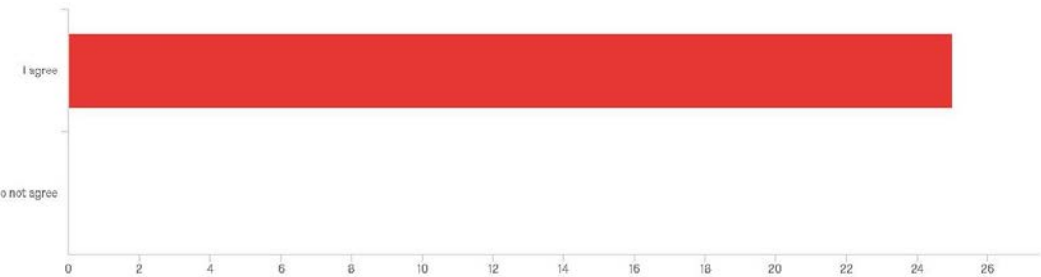


12.0 Appendix C – Questionnaire Results

Full Report

The Communication of Planning Policies  
April 4, 2018 1:22 PM BST

Q1 - UCEM Standard Consent Form I have been informed of the purpose of the study either in writing or verbally by the researcher and provided with the relevant UCEM Research Ethics Information Sheet.I fully understand the purposes of the study.I fully understand whether or not my details will be anonymised.I understand how my data, including this consent form, will be managed and stored.I understand any information which might potentially identify me will not be used in published material without my prior consent.I understand the risks and benefits of participation in this research. I understand I can withdraw at any time without prejudice.I have been given the opportunity to ask questions.I agree to participate in the study as outlined to me.



#	Field	CHOICE_COUNT
1	I agree	100.00% 25
2	I do not agree	0.00% 0
		25

SHOWING\_ROWS\_OF



## Q2 - What is your name?

What is your name?

████████	
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██████	



[REDACTED]

[REDACTED]

[REDACTED]

SHOWING\_RECORDS\_OF



### Q3 - What is your job title?

What is your job title?
Senior Planning Consultant
Sustainable Buildings Advisor
Associate Director - Advisory
Project Director
Assistant Architect
Head of Building Surveying
Associate
Architect
Managing Director
Associate Planner
Director
Senior Planner
Planning Officer
associate architect
Architect
Building Surveyor
Senior Planning Officer Development Management North Team
Architectural Technologist
architect
Director
Associate
Director



Partner - Planning and Development

MD

Senior Controller, Family Office

SHOWING\_RECORDS\_OF



#### Q4 - How many years' experience do you have in your area of work?

How many years' experience do you have in your area of work?

5.5

19

2.5

6

45

25

10

25

20

10+

20

4.5

1 year as a planning officer

22

6

10

9

8

alex tart architects

34

29

30



15

20

13 years

SHOWING\_RECORDS\_OF



## Q5 - Who are your current employers?

Who are your current employers?

Gerald Eve LLP

University of Cambridge

RFR

RFR

Smallwood Architects

Cadogan Estates Limited

Gerald Eve LLP

Alex Tart Architects

Varied, predominantly private clients but a lot of hotel works and works with funds and larger corporations.

Metropolis Planning and Design

EAHP

A London Borough council

RBKC

smallwood architects

Smallwood Architects

Cadogan Estates Limited

RBKC

Smallwood Architects

alex tart architects

Smallwood Architects

Smallwood Architects Ltd

Smallwood Architects



Montagu Evans

Prestige architects

Contempo Limited

SHOWING\_RECORDS\_OF



## Q6 - How long have you worked for your current employers?

How long have you worked for your current employers?

5.5 years

1 yr

2.5 years

11 months

20 years

3 years

5 years

1 year

4-5 yrs

10

3 years

2 years

1 year

12.5 years

2.5 years

2.5 years

9 years

5 years

4 years

30 years

4 years, 8 months

24 years



10 years

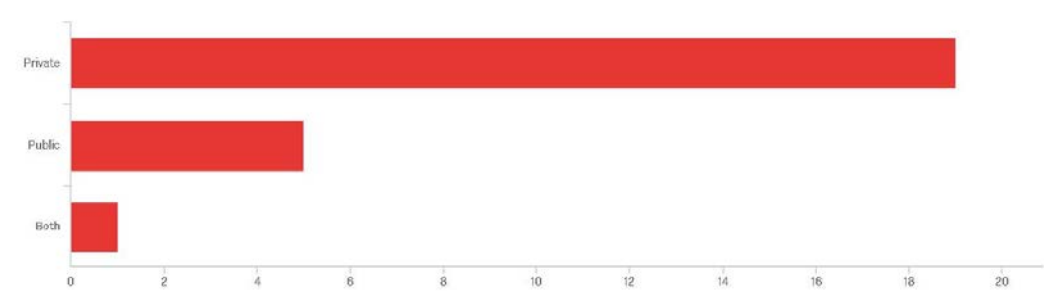
3 years

4 years

SHOWING\_RECORDS\_OF



Q7 - Do you work in the public or private sector?



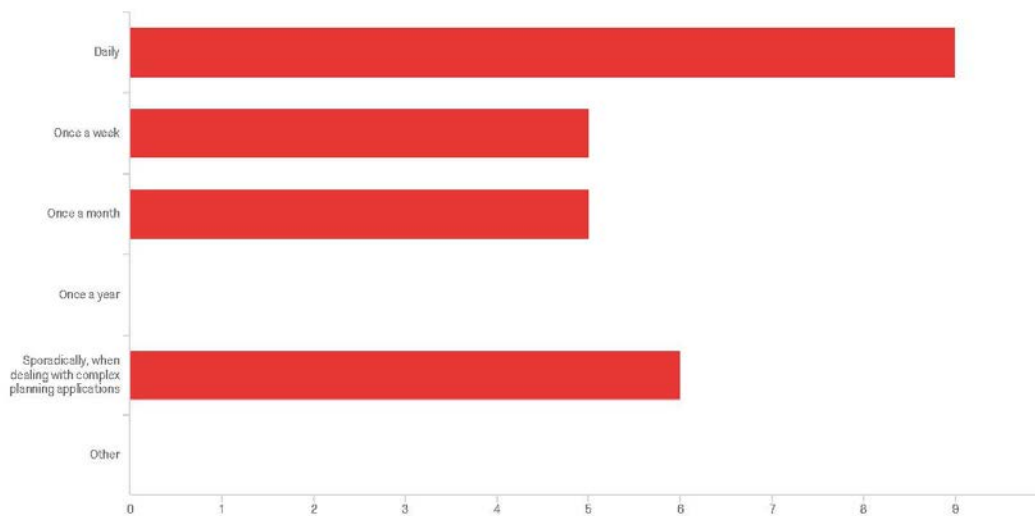
#	Field	CHOICE_COUNT
1	Private	76.00% 19
2	Public	20.00% 5
3	Both	4.00% 1

25

SHOWING\_ROWS\_OF



Q8 - As part of your work, how often would you estimate you need to reference parts of the current national level planning acts, planning policies or planning guidance? i.e. The Town and Country Planning Act 1990, The National Planning Policy Framework (NPPF) or the Planning Practice Guidance (PPG).



#	Field	CHOICE_COUNT
1	Daily	36.00% 9
2	Once a week	20.00% 5
3	Once a month	20.00% 5
4	Once a year	0.00% 0
5	Sporadically, when dealing with complex planning applications	24.00% 6
6	Other	0.00% 0

25

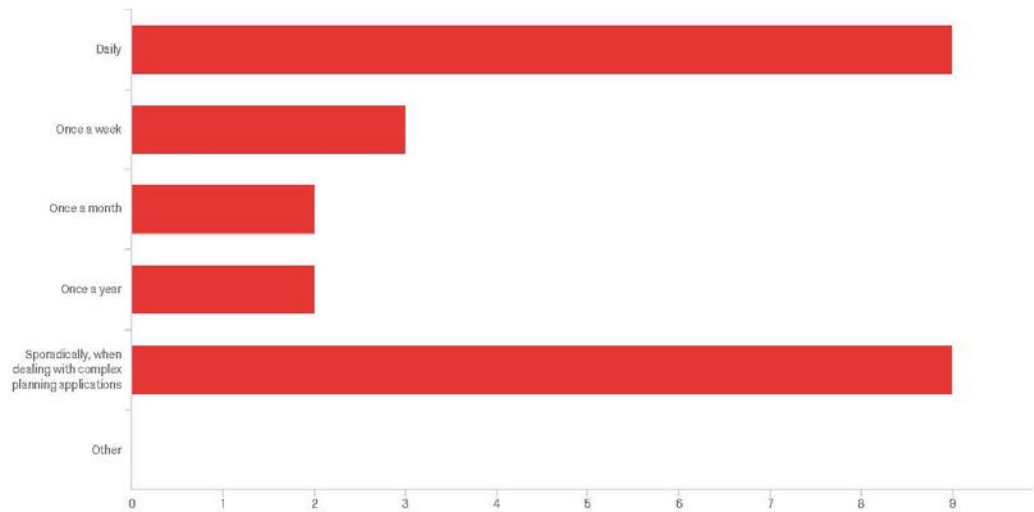
SHOWING\_ROWS\_OF

Other

Other



Q9 - As part of your work, how often would you estimate you need to reference parts of a current local plan?



#	Field	CHOICE_COUNT
1	Daily	36.00% 9
2	Once a week	12.00% 3
3	Once a month	8.00% 2
4	Once a year	8.00% 2
5	Sporadically, when dealing with complex planning applications	36.00% 9
6	Other	0.00% 0
		25

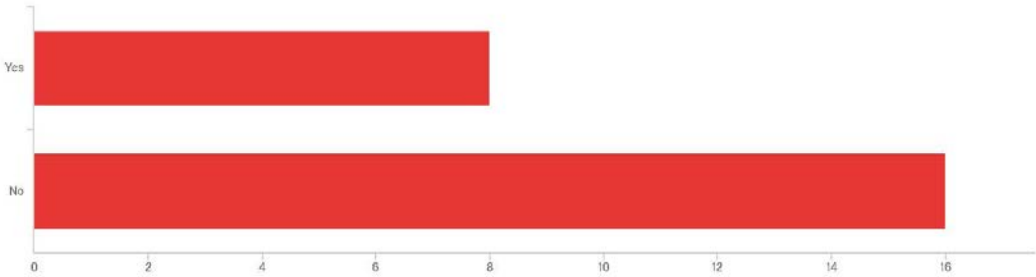
SHOWING\_ROWS\_OF

Other

Other



Q10 - Given that planning policies often change to reflect the latest national agenda and the current needs within the borough, do you think the procedures in place to communicate those changes are adequately clear to the public?



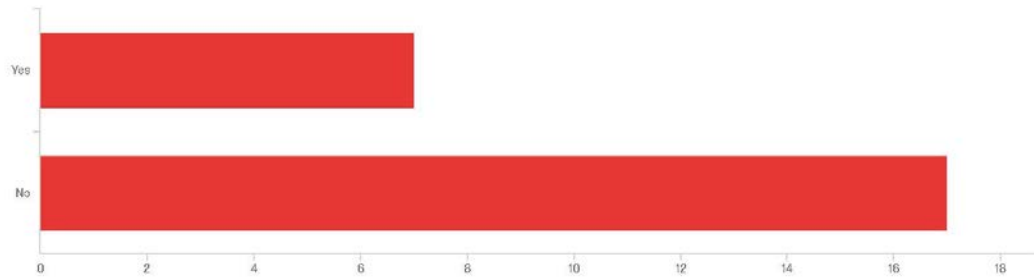
#	Field	CHOICE_COUNT
1	Yes	33.33% 8
2	No	66.67% 16

24

SHOWING\_ROWS\_OF



Q11 - Do you think amendments to local plans are generally made in a timely manner?



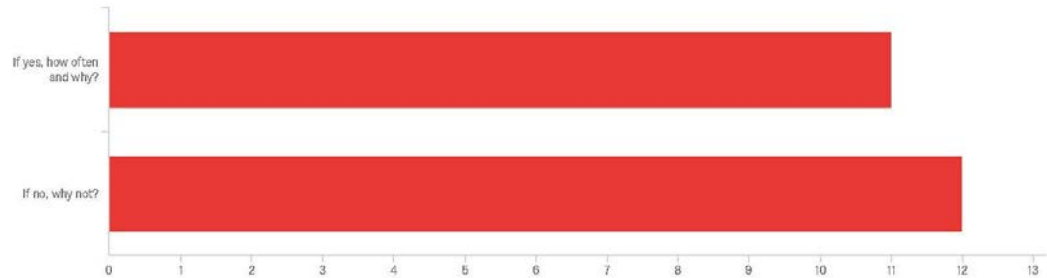
#	Field	CHOICE_COUNT
1	Yes	29.17% 7
2	No	70.83% 17

24

SHOWING\_ROWS\_OF



## Q12 - Do you think local plans should be updated more regularly?



#	Field	CHOICE_COUNT
1	If yes, how often and why?	47.83% 11
2	If no, why not?	52.17% 12
		23

SHOWING\_ROWS\_OF

### If yes, how often and why?

If yes, how often and why?

To make changes with local councils and amenities required

it needs to engage with local developers large and small to allow them to promote sites to the LPA, this would allow alot of the work to be done by the private sector helping the LPAs lack of resourse, equally the LPA to partnership with developers on other sites to try and bring them forward. Most local plans are massively out of date even to the NPPF (March 2012) and a large proportion do not even have a 5 yr land supply

Yes. 3 to 5 years. To reflect changing societal needs, economy, and environment.

Yearly, and very frequently I can only find'Draft' plans uploaded to local authority websites - this is a confusing problem

Requirements and needs of an area can change rapidly. Updates every 2-3 years, especially in busy urban areas would be beneficial. Local plans should be flexible and allow easy adaption to accommodate any key changes identified

Annually, to identify and address any unforeseen local needs.

To align with council election timescales. Planning is a political topic and the public should have the right to review policies in this light

Local plans need to be updated to keep pace with the amount of development and nature of development planned for each borough/LPA.

I think a review and update cycle of around 3-5 years would be appropriate to enable local authorities to chanegto changing national and local priorities on an issu-bsaed basis. It need not be the whole plan that is updted, but merely particalr parts of it. This would avoid situations where there a 'policy vacuum' can occur, for insatcen where local authorities decide that there are other considerations more relevant to the policy itself, or situations where national policy develops and the policy is yet to 'catch up' TIn such situations, there is a need for the decision maker to balance other considerations against the policy as written, and the outcome of development proposals becomes very much less certain, and can also lead to a situation where certain decisions are determiend by appeal as a default position.



Update once new local plans is passed

SHOWING RECORDS\_OF

If no, why not?

If no, why not?

I think the number of updates are satisfactory but more should be done to ensure that Council's update their local plans in a timely manner.

Plans should look to the long term

Limited experience to answer this question

Extremely complex and more frequent reviews would mean that there was limited time to see impact of changes. Development is a slow process

Constant change in guidance, therefore would be in a constant state of flux

Stability gives greater clarity.

Because to do so (including getting changes adopted) would be too time consuming and reactive.

They are currently unable to be updated any faster than some of the best authorities are able to because of the conculuted systems in place. However, it also shows the importance of ensuring that plans when they are to shape the development of a place for the next 20 odd years that they have a sufficient evidence base to back them up and that the public have been consulted on their area in a thorough enough manner.

They are important documentation & should be well considered. Too many / frequent updates add to bureaucracy and makes it more difficult for professionanis to keep up to date. Minor amendments or appendices could be added if urgentit required

It is an expensive burden on the LPA. We can do partial reviews as needed.

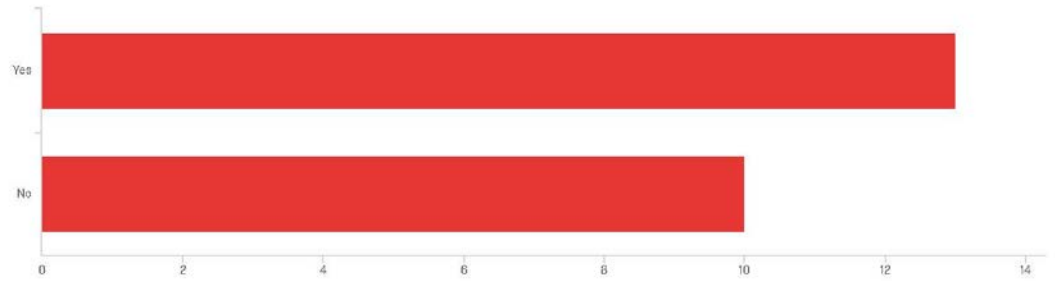
no becасue if they were more consolidated and did not constantly change they would have a vastly increased chance of being learned.

policies should be focused on a specific long term timeframe or will be difficult to implement

SHOWING RECORDS\_OF



Q13 - Do you think all levels of planning policy in England should be updated at the same time to keep them consistent?



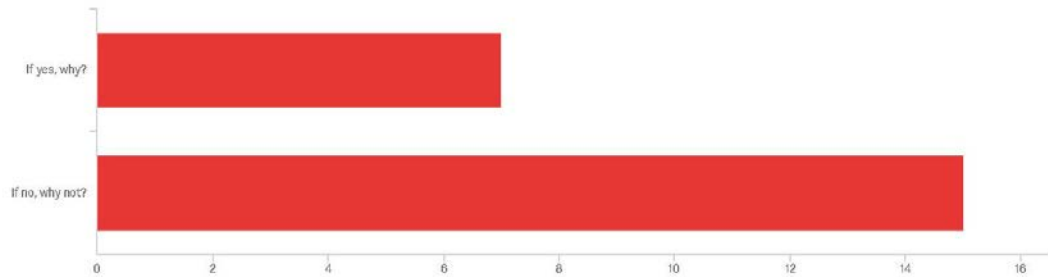
#	Field	CHOICE_COUNT
1	Yes	56.52% 13
2	No	43.48% 10

23

SHOWING\_ROWS\_OF



Q14 - When planning policies in a local plan are due to be added or changed following public consultations in the community, do you think the relevant policies should be updated instantly?



#	Field	CHOICE_COUNT
1	If yes, why?	31.82% 7
2	If no, why not?	68.18% 15
		22

SHOWING\_ROWS\_OF

If yes, why?

If yes, why?

To ensure that people are working from the right documentation rather than in an in between state

ideally to give an even platform between national and local policies however in reality, all new policies have to "bed in" following cross examination through public inquiries etc therefore there are subtleties to the policies that materialise over time - ie Affordable housing policy which has changed 2 times as a result of case law

Yes. For clarity and implementation.

Depending on their relevance, yes. But policies shouldn't be knee jerk reactions to major applications etc. Each change should be judged on its merit / impact as to whether its inclusion is urgent or not. If the authority is working on a number of changes, perhaps it would be a good idea to have a 6 monthly update at an agreed date (bit like new car registration) so all interested parties know when to expect changes.

To reflect wants and desires of the community

If they are not instantly updated then they are of no use until they are updated.

To remain current

SHOWING\_RECORDS\_OF



If no, why not?

If no, why not?

It would be too complicated to update all at the same time. Local plans need to respond to local issues which may have different timings than national/strategic issues.

To allow for a transition period

Resources and complexity. Adequate time should be given for intellectual thought on the impact of the proposed changes

Sufficient time should be allowed to take new policies into account before preparing and submitting applications.

No they should be subject to independent review to ensure consistency and avoid local bias.

Because schemes will have been developed with the current plan in mind and as such it would be unfair to expect them to suddenly work to a new one without a lead in time

They should be checked for nimbyism by the local council and independant planning consultants

Full examination required

An overlap between old and new policies may be difficult to coordinate.

Public consultations can be emotionally charged forums for debate. Time should be taken to reflect the consultation response rationally.

I think there would need to be an introductory period to allow for the general public to be informed of proposed changes

There needs to be a due process whereby the policies are given appropriate scrutiny and examined in public. Independent examination is essential to ensure consistency with national planning policies, and regional planning where it exists (e.g. the London Plan), otherwise there is too great a potential for plans to reflect short term local issues rather than achieving consistency with national planning or economic objectives.

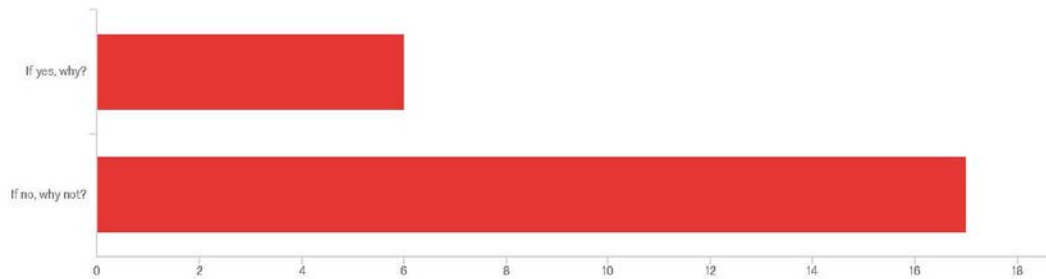
there should be a cool off period to ensure compliance through out the board

not familiar with it

SHOWING RECORDS OF



Q15 - If local plans were updated more often, do you think it would improve the communication of planning policies to the public?



#	Field	CHOICE_COUNT
1	If yes, why?	26.09% 6
2	If no, why not?	73.91% 17
		23

SHOWING\_ROWS\_OF

If yes, why?

If yes, why?

Keeps matters current

yes, hopefully become more in the eye of the public. It would be seen as more dynamic, as long as it doesn't become reactionary

The information provided to the public would be more current

I think it would highlight those elements which are controversial and which need regular review as well as making it clear which areas of policy can be considered as "constant" and do not need to be reviewed as often.

only if there is a constant monitoring of the system for transition

Public is easy to search the updated planning requirements

SHOWING\_RECORDS\_OF

If no, why not?

If no, why not?

No I think it would just end up being more confusion and decentivising the public to become involved.



Consistent long term policy is easier to communicate than constant change

It is down to how the communication is made. It needs to be more clear too

Due to the complexity of the plans

I think it would add an additional layer of confusion if there were constant updates

I think the actual result would be more people working with out-of-date assumptions

the majority of the public have limited interest, it would become "white noise", but it would allow the ones that are interested the opportunity to influence - i think the local plans are too complicated and long winded for the majority of the public to comprehend, as a planning consultant we only go to the key policies all the background information is only use at a public inquiry. Maybe streamline to the key principals of the summary policies, with the local plan as it is as a background document to explain / justify the approach.

No. Likely to be continued confusion.

Ultimately the public are not really interested unless it directly affects them when an application is under consideration.

Planners would have to spend more time developing new plans rather than discussing important matters and consulting with relevant parties. They already struggle with the consultation because they have so much else to do in order to get the new policies adopted.

Still wouldn't mean it is clear for the public on how to communicate their thoughts on the policy

Not necessarily. Large percentages of the public will only be concerned with planning policies and local plans when it directly impacts them

It would create confusion

I believe more effort is required to communicate policies to the public. New or better ways of communication are required

No, because LPA do not communicate their local planning policies to the public. The public need to research local planning policies.

No- constant updates would be impossible for people to keep on top of.

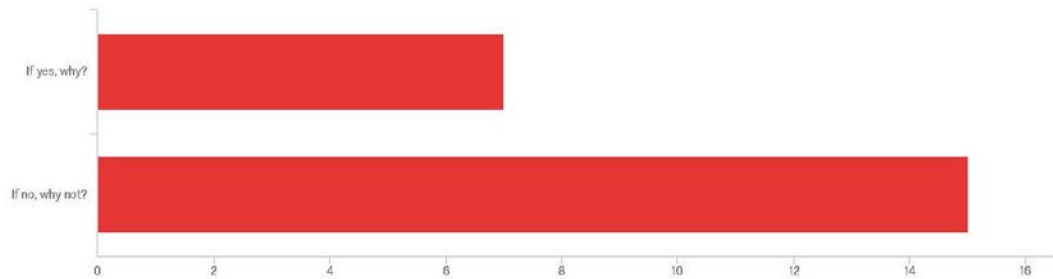
There is, I suppose, a risk of consultation fatigue and confusion with constant updates, but this is down to the planning authority to proactively communicate what is happening with the development plan. This could be managed well or managed poorly - there will be different experiences in different boroughs.

SHOWING\_RECORDS\_OF



Q16 - If local plans were updated more often, do you think it would save time and money

for planners, consultants and developers?



#	Field	CHOICE_COUNT
1	If yes, why?	31.82% 7
2	If no, why not?	68.18% 15

22

SHOWING\_ROWS\_OF

If yes, why?

If yes, why?

It would allow greater flexibility in approach to land release, brownfield sites, heights etc, however, in reality most LPAs cant even manage the workload the existing currently with 30yr local plans, again, maybe a two staged approach with the principals of the the local plan and key policies however some flexibility for context specific cases to be put forward by developers and some scope for justification of the promotion of that site against the policy approach.

yes, constant professional development is critical in construction, particularly in planning, which has become a much more lengthy process (due to increased thoroughness, consultations & improvements generally) in the last 20 years.

Clear regular updates would mean policies are better understood and expenditure of designs that would not get approval or require significant ammendment would reduce

There would be less need to appeal decisions based on policies not reflecting national framework documents. Local and national planning policies should be more closely aligned.

Everyone would be dealing with current, relevant policies and not outdated or redundant policies.

Potentially yes as in some situations it could bring clarity to the decision making process and obviate the need for certain development proposals to be considered via the appeal process. On the other hand, development professionals will need resourcing to ensure that they are aware of the most utodate position in the Boroughs in which they operate, but on balance up to date plans are likely to make life clearer and easier for those involved in development processes.

yes, they can save cross checking time

SHOWING\_RECORDS\_OF



If no, why not?

If no, why not?

No because it would be necessary to constantly learn about the new policies in place and there would be less certainty about what is and is not acceptable.

Uncertainty means having to price in risk

N/A

I don't understand the correlation between changes to the plans and time

More time (and therefore costs) involved in professionals understanding and interpreting the latest policies

More frequent changes would mean more expenditure of time and money in background research

Unsure. Difficult to quantify.

Large schemes can often take years to reach planning submission, to be continuing to revise to take note of ever changing policies would just add delay and costs.

they would constatly be working to new plans and would never know where they stand. Planning isn't a short term discipline, you should be planning for the long term with minor updates as necessary/ evidence base suggests it. If local plans were updated more often they would be based on short term trends and teh whims of what is popular at the moment.

No - there is more work involved in revising plans more frequently

LPA resources and uncertainty for developers

I suspect it would involve them in additional work to keep abreast of changes

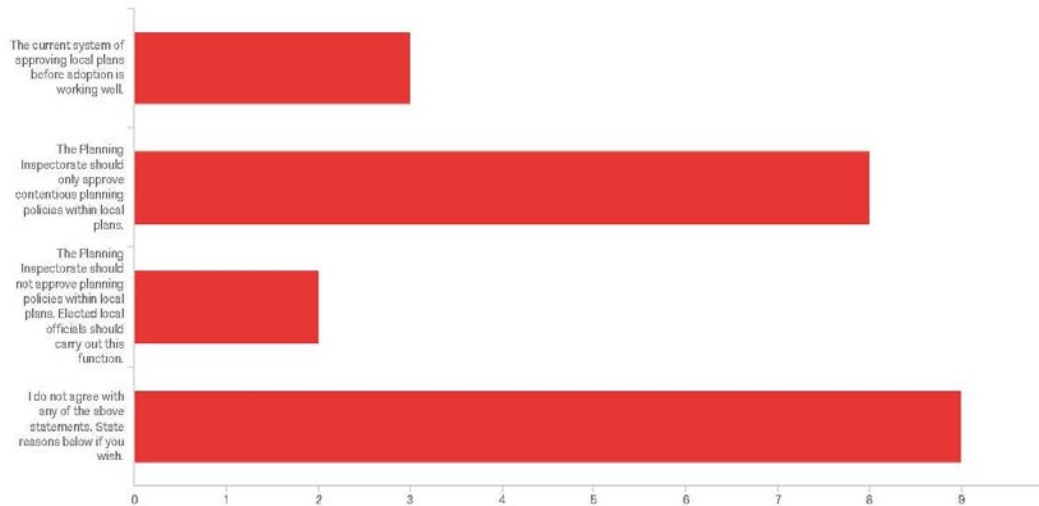
No- unless policies are widely understood as an agreed basis, nobody could have confidence if they were constantly changing

I dnt think so. I feel will only create more confusion purely on the fact that you will need very much to rely on consultant to follow the changes

SHOWING\_RECORDS\_OF



Q17 - The Planning Inspectorate, as an independent body, currently approve all planning policies contained within a local plan before it can be found sound and then adopted by the local council. Select the statement you agree with below:



#	Field	CHOICE_COUNT
1	The current system of approving local plans before adoption is working well.	13.64% 3
2	The Planning Inspectorate should only approve contentious planning policies within local plans.	36.36% 8
3	The Planning Inspectorate should not approve planning policies within local plans. Elected local officials should carry out this function.	9.09% 2
4	I do not agree with any of the above statements. State reasons below if you wish.	40.91% 9
		22

SHOWING\_ROWS\_OF

I do not agree with any of the above statements. State reasons below if you...

I do not agree with any of the above statements. State reasons below if you...

I think that PINS should provide the independent sign off, however staff shortages in PINS are causing unacceptable delays.

I do not know how the current system works on this matter. Is it taking too long? - probably, because they are understaffed and financed. National level oversight should act as protection against Nimbyism (Not In My Back Yard)



The planning inspectorate should be involved in approving plans but the process could be streamlined and sped up

It's not perfect but PINS is so underresourced and inconsistent I don't think it would help referring things to them all the time

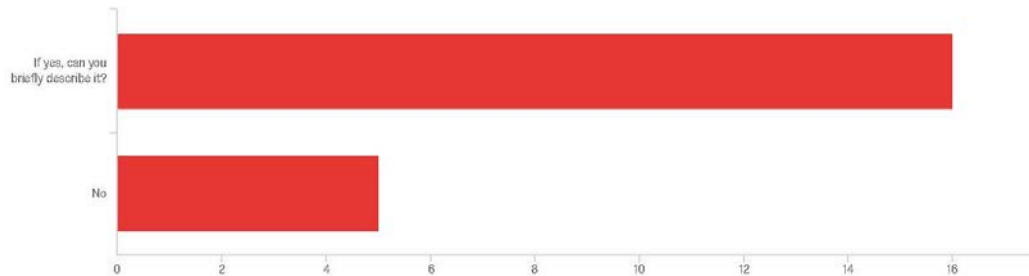
1) There are great inconsistencies between local plans. These need to be harmonised on a more national level. 2) All policies should be approved by the planning inspectorate to ensure consistency. 3) If local officials alone carry out the approval of policies within local plans, there would be little consistency across Boroughs.

The problem, with the current system as I see it is that if a policy is not objected to as part of the examination process, it is presumed to be sound. On occasion, this means that some policies can be adopted that are inconsistent with national planning policy and that can cause a headache further down the line. For instance in one Borough in which I am working, the development plan policy relating to harm to heritage assets is inconsistent with the NPPF, despite it being adopted after the NPPF was published. I am speculating that it was not the subject of examination by PINS, and had they done so they would have required it to be altered. There is now a conflict within that Borough between the national guidance (and even the planning authority's statutory duties) and the local policy as it is worded. This almost certainly means that some types of proposals will go to appeal, but developers cannot necessarily rely on consistent decision making at appeal level either. The old local plan system required every policy to be examined at inquiry, and inspectors would require rewording of policies as appropriate, regardless of whether there was an objection. I would like to see some kind of return to that process, albeit how this is managed would be challenging given the timing implications.

SHOWING\_RECORDS\_OF



Q18 - Do you know the current position of the Royal Borough of Kensington and Chelsea (RBKC) in relation to residential amalgamation?



#	Field	CHOICE_COUNT
1	If yes, can you briefly describe it?	76.19% 16
2	No	23.81% 5
		21

SHOWING\_ROWS\_OF

If yes, can you briefly describe it?

If yes, can you briefly describe it?

See 3.9 -3.12 & 4.8 - 4.30 Sydney St rpt - difficult to describe it briefly

Current Local Plan says resist net loss of 5 or more. LPA stance different. Emerging plan suggests allowing net loss of one unit only.

It seems very confused and local policy does not seem to fully accord with national policy.

The amalgamation of two or more residential units constitutes development that requires planning permission. Their policies (the most recent of which is currently at examination) then deal with how this will be assessed within a planning application.

RBKC is trying to resist residential amalgamations to avoid excessive loss of units.

They are generally against losing residential units. Unless in the particular interest of refurbishment of significant / Listed buildings

Generally no unless in exceptional cases - their focus is on creating more units rather than less

Against amalgamation and likes to protect number of units

Not acceptable unless other material planning considerations

I understand that they are reluctant to lose further housing units. Not sure of details/requirements.



They are generally opposed to the idea of amalgamation

RBKC do not want smaller residential units (flats) to be amalgamated into new single dwellings because it would reduce the number of individual dwellings within the borough.

general prohibition on the basis of loss of residential units

The policies as drafted in the adopted local plan do not restrict amalgamations resulting in the loss of five dwellings or more. Until August 2014, the planning authority would not resist such proposals and did not consider them 'development' requiring planning permission. Since August 2014, the planning authority has changed its position to determine that such works are development requiring permission, and they are now routinely refused. This is on the basis of RBKC alleging that they will not be able to meet their housing targets on the basis of projected rates of dwellings lost to amalgamation. Thus amalgamations are routinely refused. A new policy is under preparation that will allow the loss of one unit to amalgamation, if the resultant size unit is less than 170 Sq m.

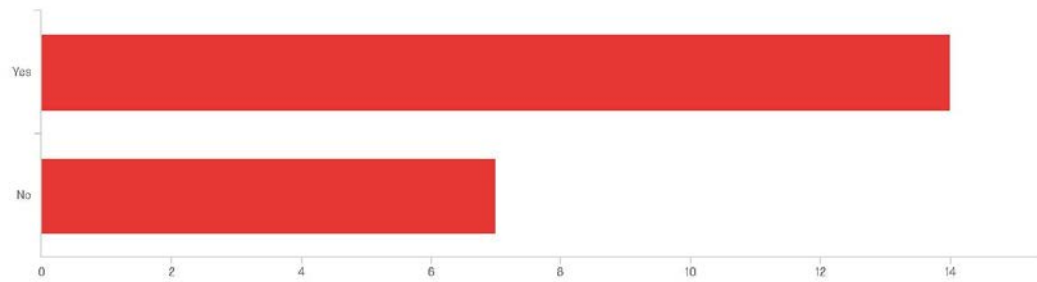
they are against residential amalgamation unless units are below standards which usually never apply

It is one of the decision making parties.

SHOWING\_RECORDS\_OF



Q19 - RBKC's current position in relation to residential amalgamation is that all developments proposing amalgamation require planning permission and they will be determined in accordance with the policies within the local plan. Did you know RBKC's previous position was that not all amalgamation required planning permission?

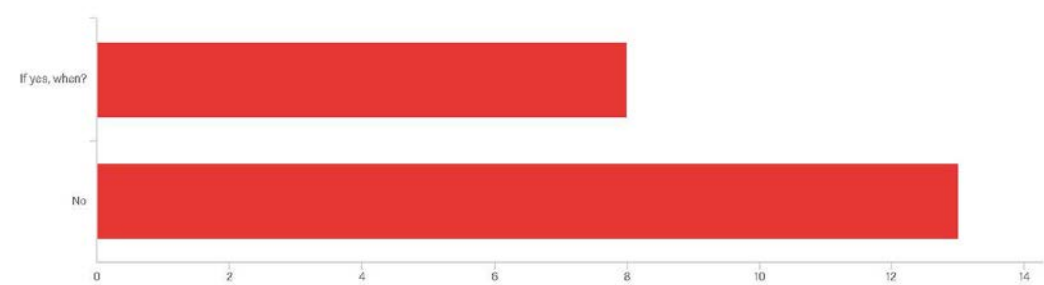


#	Field	CHOICE_COUNT
1	Yes	66.67% 14
2	No	33.33% 7

SHOWING\_ROWS\_OF



Q20 - The latest local plan was published in July 2015. Do you know when RBKC changed their view on residential amalgamation?



#	Field	CHOICE_COUNT
1	If yes, when?	38.10% 8
2	No	61.90% 13
		21

SHOWING\_ROWS\_OF

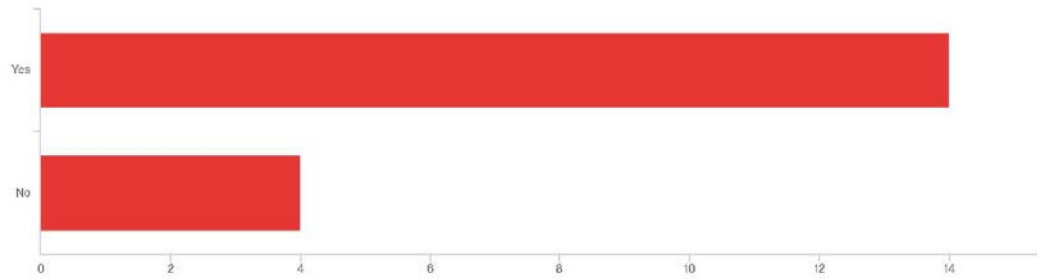
If yes, when?

If yes, when?
2016
Sometime prior.
2014/15
about a year before the latest local plan was updated?
August 2015
2015
August 2014.

SHOWING\_RECORDS\_OF



Q21 - The current local plan states RBKC will only resist proposals which incur a loss of five residential units or more. During the last three years, in your experience, have RBKC resisted planning applications which resulted in the loss of less than five residential units?



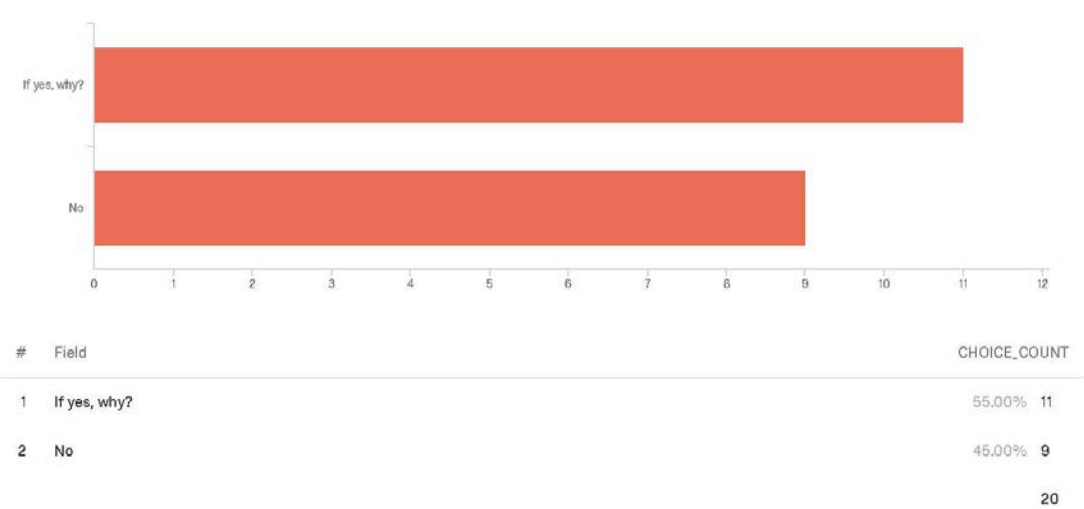
#	Field	CHOICE_COUNT
1	Yes	77.78% 14
2	No	22.22% 4

18

SHOWING\_ROWS\_OF



Q22 - Do you know why RBKC changed it's position on residential amalgamation?



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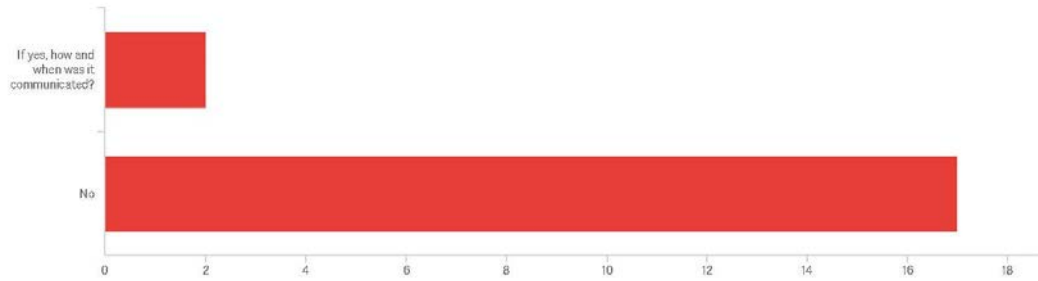
If yes, why?

If yes, why?
do to the loss of smaller units within RBKC
Cumulative loss of units through this type of proposal.
I assume a fear of losing smaller residential units and also their need to meet housing targets.
It was clear from the number of properties being amalgamated that it was having an impact on the local housing stock
Increasing loss of residential units and of variety in the housing stock.
housing targets. RBKC is sensitive to being full of wealthy people with big houses and not enough housing for 'the masses'
too many housing units being lost to amalgamation
To meet housing targets
I imagine it is in response to the so called national housing crisis
Govt pressure to increase residential provision
Due to alleged difficulties in meeting their housing targets set by the Mayor of London. I suspect that there are political issues relating to the creation of large units that are then left empty - anecdotally, the existence of dwellings owned by overseas investors and not lived in has an effect on local populations and businesses.

SHOWING\_RECORDS\_OF



### Q23 - Do you know how this change in policy was communicated to staff at RBKC?



#	Field	CHOICE_COUNT
1	If yes, how and when was it communicated?	10.53% 2
2	No	89.47% 17
		19

SHOWING\_ROWS\_OF

If yes, how and when was it communicated?

If yes, how and when was it communicated?

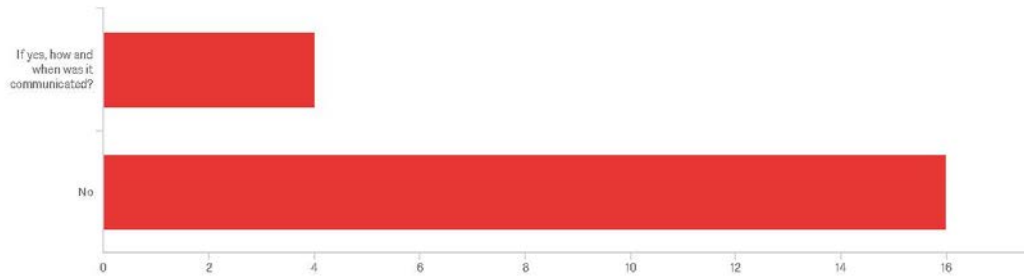
By Management immediately

I do not know. There was no committee resolution and as far as I know, no specific legal advice to the Borough on this matter from the time of the change in approach.

SHOWING\_RECORDS\_OF



## Q24 - Do you know how and when this change was communicated to the public?



#	Field	CHOICE_COUNT
1	If yes, how and when was it communicated?	20.00% 4
2	No	80.00% 16
		20

SHOWING\_ROWS\_OF

If yes, how and when was it communicated?

If yes, how and when was it communicated?

Local Plan review?

Only as part of the application process for Sydney St

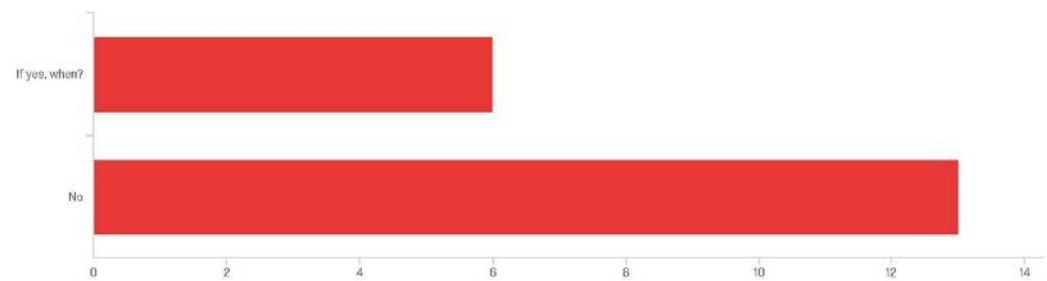
by management in a meeting and by emails

It was not directly, as far as I know. A client of mine encountered it in the unfortunate situation of seeking pre-app advice pre- August 2014 which stated that there was no issue with an amalgamation. Following the exchange of contracts to buy the neighbouring flat and prior to completion she received updated pre-application advice from RBKC saying that they no longer considered it acceptable.

SHOWING\_RECORDS\_OF



Q25 - Do you know when the change is expected to be updated in the local plan?



#	Field	CHOICE_COUNT
1	If yes, when?	31.58% 6
2	No	68.42% 13

SHOWING\_ROWS\_OF

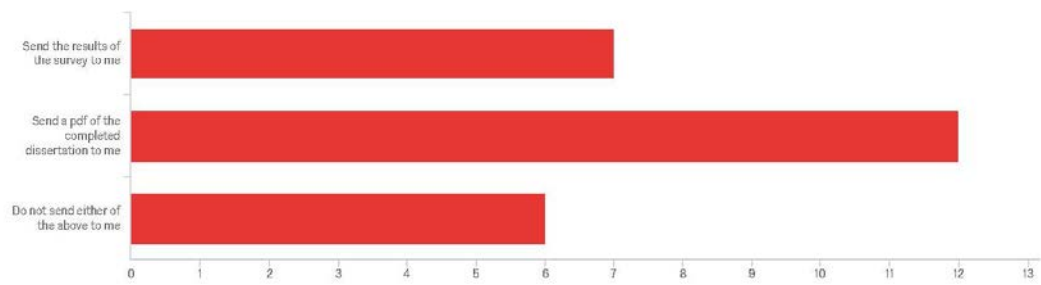
If yes, when?

If yes, when?
I am guessing when the new Local Plan is adopted, currently scheduled for Autumn 2018
I know from the Barrister they are drafting a SPD to bolster their case
End of 2018?
2018
after the EIP in the summer - timing is with Inspectorate and not given out
Anticipated adoption September/October 2018

SHOWING\_RECORDS\_OF



Q26 - Thank you for taking part in the survey. Please select one or more of the boxes below if you are interested in receiving the results of this survey and/or the completed dissertation.



#	Field	CHOICE_COUNT
1	Send the results of the survey to me	28.00% 7
2	Send a pdf of the completed dissertation to me	48.00% 12
3	Do not send either of the above to me	24.00% 6

25

SHOWING\_ROWS\_OF

End of Report



## 13.0 Appendix D – SWOT Analysis of Local Plan Adoption Process

Considering the information contained in section 2.2, the table below looks at the strengths, weaknesses, opportunities and threats to the current process of local plan adoption.

<b>Strengths</b>	<b>Weaknesses</b>
<p>The public are consulted on every document before it is published. Very transparent.</p> <p>Local plans are independently assessed before they are adopted. They are tested before they are implemented.</p> <p>Local plans must be consistent with national policy. They should align with the national agenda.</p>	<p>The public are consulted on every document before it is published. There are too many steps in the process. It takes too much time from inception to adoption.</p> <p>Locals plans must be consistent with national policy. This is difficult to achieve politically.</p> <p>The Planning Inspectorate must independently approve all policies, even the ones that all stakeholders agree on. This is a waste of resource.</p>
<b>Opportunities</b>	<b>Threats</b>
<p>The process currently in place is fair and logical. Lessons can be learned. It can be refined and expediated.</p> <p>Alternative models currently in use in other countries may offer ideas for a better solution.</p>	<p>If it continues as currently prescribed, all local plans and national plans will never align. This lack of clarity could lead to Planning Court cases becoming more frequent.</p> <p>Planning approvals could reduce due to confusion over what policies are current.</p>

*Table 8: SWOT Analysis of Current Local Plan Formation Process (Author's own)*



## 14.0 Appendix E – Detailed Timeline of Publications Relating to Amalgamation

The following is a timeline of elements relevant to amalgamation in RBKC during 2014-2018:

- The Planning and Compulsory Purchase Act 2004 (UK Parliament 2004), published in May 2004, outlined how local authorities were required to develop local plans.
- The London Plan 2008 (Mayor of London 2008), published in February 2008, set an annual housing target of 350 units for RBKC for the period 2007/08 – 2016/17 in annex 10.
- RBKC published a draft local plan in October 2009. It was found sound by the Planning Inspectorate in October 2010 and it was adopted by RBKC in December 2010 (Planning Inspectorate 2018b).
- Annex 4 of The London Plan 2011 (Mayor of London 2011), published in July 2011, set an annual housing target of 585 units for RBKC for the period 2011/12 – 2020/21. These figures did not include the Earls Court opportunity identified in Annex 1 which stated a minimum of 4,000 new units could be developed on this site.

Policy 3.14 of the London Plan 2011 (Mayor of London 2011) stated that any loss of housing should be resisted unless the proposal contained at least the equivalent floor area.

- The Localism Act was published in November 2011 (UK Parliament 2011b).
- The NPPF was published in March 2012 (DCLG 2012).
- The Town and Country Planning (Local Planning) Regulations 2012 came into effect in April 2012 (UK Parliament 2012).
- RBKC issued a consultation on housing strategy in October 2012 (RBKC 2012). In section 15, it put forward three options to deal with amalgamations.
  1. Continue with the existing policy of resisting the loss of five or more residential units.
  2. Allow restoration of large family sized houses back to their originally intended use.
  3. Make all de-conversions subject to a planning application and resist the loss of any units which met minimum floor space requirements.This was the first indication that RBKC was questioning its current policy.

- In March 2013, RBKC published a draft housing policy review (RBKC 2013b). It proposed to update various items within the housing policies of the local plan. These included the following:



- Updating the housing targets based on the latest London Plan.
- Defining that housing would be counted on a completion bases rather than an approval bases.
- Including a note that although amalgamation was helping restore properties back to their original purpose as single-family dwellings, it was undermining the boroughs ability to meet housing targets. Therefore, the loss of any residential unit would be considered a material change and it would require planning permission.
- Including a note that it would resist the amalgamation of residential units unless:
  - from smaller units, it creates a 3 or 4 bedroom unit of a size close to the London Plan floorspace standards.
  - it will enable a single family dwelling house to be restored provided it was constructed originally for that purpose.

However, this revised policy was not progressed any further than this publication. It has since been superseded by the Local Plan Partial Review.
- In June 2013 RBKC issued a press release stating that new guidelines had been approved which restricted amalgamation, except within houses that had been previously split into flats (RBKC 2013c). The guidelines still required approval by the Planning Inspectorate but RBKC hoped they would be adopted in early 2014. The author cannot find these guidelines published, suggesting the Planning Inspectorate did not approve them.
- In July 2013, RBKC issued a consultation on the diversity of housing which was based upon the feedback received from the October 2012 and March 2013 consultations (RBKC 2013a). It noted the need for a mix of smaller and larger units. It also noted that approximately 50 units per year had been lost through amalgamation since 2009. The Council believed that the best way of addressing the demand for larger units is to allow the amalgamation of smaller flats within properties which were originally built as single dwellings. Lateral conversions within mansion blocks and the 'knocking through' of adjoining units which were originally built as separate houses was not deemed appropriate. It proposed a policy to allow the amalgamation of residential units only where:
  - It was within a property originally built as a single dwelling house; or
  - The unit created was not “very large”.
- Section 10.23 of the Monitoring Report 2014 (RBKC 2015b), published in April 2015, stated amalgamations were hindering the council in meeting its housing targets and as of August 2014 it deemed them to be development which required planning permission. Applications would be decided using the policies contained in the local plan. This is the first official document, other than consultation documents, the author can find to state that RBKC had changed its position on whether amalgamation required planning permission or not.



- RBKC published its Consolidated Local Plan in July 2015 (RBKC 2015a). The relevant policies contained in it were CH1 Housing Targets and CH2 Housing Diversity.

In part 'a' of CH1, the council stated it would:

*'make provision for a minimum of 350 net additional dwellings a year until the London Plan is replaced (estimated as 2011-12) based on the overall ten year housing target of 3,500 net additional units. From adoption of the London Plan the Council is planning to make provision for a minimum of 600 net additional dwellings a year, until 2027-28, based on the ten year housing target of 6,000 net additional units. The exact target will be set through the London Plan process;'* (RBKC 2015a: 207)

This is where confusion was introduced. The document published contained policies that were adopted by RBKC in 2010. It referred to housing targets from the 2008 version of the London Plan (350) and stated they would be replaced in 2011-12 by a new target (600). This text had been outdated by the time it was published in July 2015, the 2011 version of the London Plan had been published for years.

In CH2, the council recognised the contradiction that exists within the borough. There is a need for larger family homes which amalgamation could contribute to; however, there is also a need for smaller residential units. CH2 stated it would refine the mix of housing across the borough. Part 'f' stated they would; *'resist development which results in the net loss of five or more residential units'*. Part 'g' stated that it would; *'require development that results in the amalgamation of residential units to be subject to a s106 agreement to ensure the resultant units are not further amalgamated in the future'* (RBKC 2015a: 211).

This again had been outdated by the Monitoring Report 2014 (RBKC 2015b), which was published three months before the consolidated local plan.

Adding further weight to CH2, the Local Plan (2015a) also had extant policies saved from the previous Unitary Development Plan (UDP). Within these policies it referred to the mix of housing required in the borough, especially the need for small residential units. Policy H17 stated they would *'resist the loss of existing, small, self-contained flats of one or two habitable rooms'* (RBKC 2002: 4).

However, this also created confusion. In the previous Unitary Development Plan, a habitable room was defined as; *'Any room in a residential building excluding bathrooms, passages and kitchens less than 13 sq m'*. This definition was not saved as extant policy. In the new Consolidated Local Plan, a habitable room was defined as; *'Habitable rooms are all rooms except hallways, bathrooms, toilets, laundry rooms and storage cupboards. For the purpose of density calculations solely, only kitchens of above 13 sq.m count as habitable rooms'* (RBKC 2015a: 384). This was materially different from the previous definition (Emma Adams and Partners 2016). Except for density calculations, kitchens of all sizes now



counted as a habitable room. This combined with policy H17 left it open for flats of three habitable rooms to be amalgamated.

- Section 10.15 and 10.16 of the Monitoring Report 2015 (RBKC 2015c), published in December 2015, stated that the council's actions of requiring all amalgamation developments to apply for planning permission was helping it to keep track of the number of residential units being lost. This would help to inform the planning policies proposed in the Local Plan Partial Review.
- The Local Plan Partial Review was issued for consultation in December 2015 (RBKC 2015d). It proposed the following options to deal with amalgamation:
  - Maintain a policy that permits amalgamation of existing units up to a certain threshold of units and/or floorspace.
  - Introduce a presumption against the loss of residential units subject to specific exemptions. Possible exemptions could be:
    - Restoration of a house to its original use as a single dwelling subject to a maximum of two dwellings being combined and an overall floorspace limit.
    - Where the existing accommodation is substandard in terms of floorspace standards, daylight and layout which could only be remedied through an amalgamation.
  - Resist the loss of all residential units unless it can be demonstrated that the deconversion is required to create a decent standard of accommodation.
- Annex 4 of The London Plan, published in March 2016 (Mayor of London 2016) went on to set an annual housing target of 733 for RBKC for the period 2015/16 – 2024/25. Within eight years, RBKC had seen its annual housing target more than double from 350 to 733 units.
- An updated version of the Local Plan Partial Review was issued for consultation in October 2016. It deals with amalgamations specifically and outlines the reasoning behind the new proposed policy. Most of this has been covered in the paragraphs above. This new policy, CH1 b, states the council will *'resist the loss of residential units through amalgamations of existing or new homes unless the amalgamation will result in the net loss of one unit only and the total floorspace of the new dwelling created will be less than or equal to 170 sq m gross internal area (GIA)'* (RBKC 2016d: 170).
- Section 10.16 and 10.17 of the Monitoring Report 2016 (RBKC 2016c), published in December 2016, reiterated that the council's actions of requiring all amalgamation developments to apply for planning permission was helping it to keep track of the number of residential units being lost. This was helping to inform the planning policies proposed in the Local Plan Partial Review.
- An updated version of the Local Plan Partial Review was issued for consultation in February 2017 (RBKC 2017). The wording of the policies relation to



amalgamation had been altered slightly but essentially stated the same thing as the October 2016 version.

- Section 9.25 and 9.26 of the Monitoring Report 2017 (RBKC 2018a), published in January 2018, reiterated that the council's actions of requiring all amalgamation developments to apply for planning permission was helping it to keep track of the number of residential units being lost.



## 15.0 Appendix F – Timeline of Events Relating to the Sydney Street Case and Stanhope Gardens Case

The timeline below shows the relevant events for the Sydney Street case study in blue and events for the Stanhope gardens case in green. The items in black have been identified and outlined in more detail in appendix E.

<b>2004</b>	
May	Section 20 of the Planning and Compulsory Purchase Act 2004 outlined how local planning authorities were required to develop local plans.
<b>2008</b>	
February	The London Plan set a housing target of 350 units per year for RBKC.
<b>2009</b>	
October	RBKC published its strategic plan.
<b>2010</b>	
March	RBKC submitted its strategic plan to the Planning Inspectorate.
October	The strategic plan was found sound by the Planning Inspectorate.
December	RBKC updated and adopted its strategic plan. It stated amalgamations would only be resisted if they resulted in the loss of five residential units or more. Planning permission was not required for developments that fell within this guidance.
<b>2011</b>	
July	The London Plan set a housing target of 585 units per year for RBKC. It also stated any loss of housing should be resisted unless the proposal contains the same floor area.
November	The Localism Act 2011 was published.
<b>2012</b>	
March	The NPPF was published and offered guidance to local planning authorities on how to develop local plans.
April	The Town and Country Planning (Local Planning) Regulations 2012 were published.
October	RBKC issued a public consultation on housing strategy, including amalgamation policy.
<b>2013</b>	
March	RKBC issued a consultation on housing policy. It was superseded later by the local plan partial review.
June	RBKC issued press release stating it had approved new amalgamation guidelines but they needed to be found sound by the Planning Inspectorate.
July	RKBC published its 'Diversity of Housing' plan. It was not submitted as an individual plan to the Planning Inspectorate. It was superseded later by the local plan partial review.
October	Pre-app advice provided by RBKC supported the proposed amalgamation at Stanhope Gardens.



<b>2014</b>	
August	RBKC changed its position on amalgamation. It now considered it to be a material change of use and all developments proposing it were required to apply for planning permission.
September	Pre-app advice provided by RBKC alerted the consultants on the Stanhope Gardens case that RBKC had changed its view on amalgamation.
December	A certificate of lawful development application for amalgamation at Stanhope Gardens was refused. RBKC ref. CL/14/07295.
December	A planning application for amalgamation at Stanhope gardens was refused. The planning report noted it would involve the loss of one residential unit and would therefore not contribute to meeting the boroughs housing targets. RBKC ref. PP/14/07307.
<b>2015</b>	
March	The Stanhope Gardens certificate of lawful development appeal was lodged. Planning Inspectorate ref. APP/K5600/X/15/3028049.
March	The Stanhope Gardens planning appeal was lodged. Planning Inspectorate ref. APP/K5600/W/15/3028100.
April	RBKC stated its change of view on amalgamation in the annual monitoring report. This is the first published confirmation the author could find.
July	RBKC's Consolidated Local Plan, based on the 2010 adopted strategic plan, was published.
October	An informal hearing was held to discuss the Stanhope Gardens certificate of lawful development appeal.
November	All the Stanhope Gardens appeal decisions were issued. The certificate of lawful development was granted. The planning permission was granted.
December	RBKC issued a public consultation on housing strategy, including amalgamation policy.
<b>2016</b>	
February	RBKC challenged the Stanhope Gardens appeal decisions to the Planning Court. Case no.: CO/6442/2015.
March	The London Plan set a housing target of 733 units per year for RBKC.
June	The Planning Court quashed the certificate of lawful development appeal decision. However, the planning appeal decision was upheld.
June	A certificate of lawful development application for amalgamation at Sydney Street was refused. RBKC ref. CL/16/02394.
October	RBKC issued a consultation document outlining a new amalgamation policy to restrict all development unless it results in the loss of only one unit and the newly created unit is less than 170 sq.m.



December	A planning application for amalgamation at Sydney Street was refused. The planning report noted it would involve the loss of two residential units and would therefore not contribute to meeting the boroughs housing targets. RBKC ref. PP/16/07163.
December	A RBKC monitoring report stated the position of requiring planning permission for all amalgamation developments had helped to keep track of the number of units being lost.
<b>2017</b>	
February	RBKC published an updated version of the partial review of its strategic plan.
May	RBKC submitted a partial review of its strategic plan to the Planning Inspectorate.
May	A planning application for amalgamation at Sydney Street was withdrawn on the advice of the listed building officer. RBKC ref. PP/17/01604.
July	A planning application for amalgamation at Sydney Street was granted, based on listed building arguments. RBKC ref. PP/17/03376.
<b>2018</b>	
January	RBKC published its annual review, outlining poor performance in relation to meeting housing targets over the past five years.

*Table 9: Timeline of Events Relating to the Sydney Street Case and Stanhope*

*Gardens case (Author's Own)*