

Kensington Society's written objection to the Ministry of Housing, Communities and Local Government regarding the proposed reform of planning committees

Submitted 20 July 2025

The Kensington Society is strongly opposed to the government's proposals, because:

- they would remove the rights of councillors and members of the local community to have locally-controversial, finely-balanced cases decided in public;
- there is no evidence that planning committees are a significant cause of delay to planning decisions;
- there is no recognition of the very different circumstances, pressures, sensitivities and character of different areas;
- there is already a very high level of delegation of decision-making in the constitutions of most if not all local planning authorities; and
- the proposals, by requiring a rigid set of rules requiring local planning authorities to delegate all applications in Tier A, are too rigid and absolute.

Kensington and Chelsea may be considered exceptional, but it demonstrates that the proposals would not work well in circumstances where there are:

- very high land and property values, huge development pressures and large corporate, well-funded developers and the need to prevent the loss of valued social and community uses;
- the highest built densities – in terms of dwellings/hectare;
- very few development sites and very few housing developments delivering more than 5 net additional dwellings;
- 100% of sites are previously-developed land;
- high proportions of housing built before 1900 and a low rate of redevelopment;
- a high level of heritage designations: conservation areas and listed buildings, protected views, parks and garden squares; and
- a combination of high density, age of properties and heritage value creates greater sensitivity to impact on heritage and living conditions.

These characteristics mean that the pressure for development can present conflicts which are best dealt with by an educated/experienced planning committee rather than being delegated to planning officers.

In Kensington and Chelsea, all large developments, especially housing developments, are determined by the main planning committee, all other non-delegated decisions are made by the planning applications committee. These arrangements work well with the borough's existing delegation agreement.

The current level of delegation is over 97%, based on the criteria for decisions to be made by officers as set out in the council's constitution, including cases delegated where there are less than 3 objections. These include most of types of application set out in Tier A in these proposals. This works well and is well understood by applicants, by residents, who consider that they have been able to present their concerns, and by councillors, who have a

role in ensuring that the views of local communities are fully considered in planning decisions.

Therefore, if the proposed increased delegation were imposed, then councillors would not gain sufficient experience to be able to handle large applications.

As in many Inner London boroughs, developers routinely use planning consultants and where major schemes involve planning performance agreements requiring months/years of negotiations between applicant and planning officers, there is a real risk of 'officer capture' by the final stage is reached on determining an application.

There is, however, a lack of evidence that it is planning committees that are holding up decision making, rather than a combination of S106 agreements and financial valuation assessments in a market which shifts every quarter, which often delays the final decision date.

The Kensington Society, therefore, strongly objects to the proposal for all local planning authorities to adopt a two-tier structure which specifies a mandatory scheme of delegation. There should be sufficient flexibility for the borough to find a balance that is proportionate to and respects its circumstances. In Kensington and Chelsea, about 97.5% of all types of applications are delegated decisions, both formally delegated and those that have few objections in the 21-day consultation period. The vast majority of decisions are already delegated. The proposed change is unnecessary.

Whilst we support the delivery of new homes, we are concerned that these dramatic changes will undermine local democracy. Residents, resident associations, amenity societies and community groups provide valuable insights that help shape better outcomes in many cases, and we want to ensure our voices continue to be heard.

The imposition of standardised national arrangements runs counter to the themes of the recently published English Devolution and Community Empowerment Bill.

Summary

The Kensington Society is opposed to these proposals because:

- they are too rigid;
- the proportion of cases devolved to officers already exceeds 97% – those covered by existing scheme of delegation, plus those where there are no objections received within 3 weeks;
- in the most densely-developed borough with 75% of the area in conservation areas, over 4,000 listed buildings and high development pressures, there is a need to consider other criteria than just size in deciding whether projects should be in Tier A or Tier B; and
- there should be room for some flexibility to respond to the different local circumstances.

These proposals as presented do not address the issues that the government purport that they would achieve: faster decision making and more housing. They do not solve the issues that the government want to address.