

# Response Form

## Partial Review of the Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington

### Development Plan Document policies

All representations **must** express a view regarding the soundness or legal compliance of a planning policy. If the representation does not comment on soundness or legal compliance, or deal with how a policy can be altered to make it sound the representation will **not** be valid.

**Name:** Dr James Thompson

**Company/Organisation:** King's Road Association of Chelsea Residents

**Representing:** 32 Residents Associations in Chelsea

Please complete the form and email it or send it to:

The Executive Director of Planning and Borough Development  
f.a.o The Policy Team  
The Royal Borough of Kensington and Chelsea  
The Town Hall,  
Hornton Street,  
London W8 7NX

**Email address:** [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk)

## Publication Stage Representation Form

To be **“sound”** the contents of a local plan should be POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

**“Positively prepared”** means that the planning policy needs to:

- be prepared based on a strategy which seeks to objectively assess development and infrastructure requirements, including those of neighbouring authorities where it is reasonable to do so.
- It must also be consistent with achieving sustainable development.

**“Justified”** means that the planning policy must be:

- founded on a proportional evidence base
- the most appropriate strategy has been selected when considered against the reasonable alternatives.

**“Effective”** means that the planning policy must be:

- deliverable over its period
- based on effective joint working on cross – boundary strategic priorities.

**“Consistent with National Policy”** means that the planning policy should enable the delivery of sustainable development in accordance with the guidance contained within the National Planning Policy Framework (NPPF).

It must also be **legally compliant** which means that the planning policies have been prepared in accordance with legal and procedural requirements.

**State planning policy or paragraph number to which you are referring**

Policy CL7 in its entirety

**Yes**

**No**

**Do you consider the planning policy to be sound?**

X

**Please tick box as appropriate**

**If you have selected YES and you wish to support the soundness of the planning policy, please give your reasons below. Please be as precise as possible. Please make it clear which paragraph number or Policy box number you are commenting on.**

As Chairman of the King's Road Association of Chelsea Residents (gathering together 32 Residents Associations in Chelsea) I have been heavily involved in commenting on basement developments in the Borough, and have seen Council procedures at first hand. I am basing my remarks on over three years of discussion on the topic of basements, including holding two well-attended public meetings at which residents voiced their concerns to Councillors and Council planning officials.

In my opinion, the policy document has been "Positively prepared". The council has properly considered the general development and infrastructure requirements of the Borough. It has also looked at basement developments in Westminster, Fulham and Hammersmith and Camden, seeking to understand how other Councils were dealing with this issue. It has certainly paid attention to sustainability. As a representative of residents who wanted prompt action, I was in the position of urging the Council forwards, whilst finding that they went at the slower pace which was required to do the job

properly.

In my opinion, the policy document is absolutely and entirely “Justified”. The Council has had torrents of complaints from residents. At the public meetings which I organised there were overflow crowds, many in states of anger and distress, demanding that action be taken immediately. Councillors told me that their postbags were full of communications about basements. Indeed, when the Council followed the required procedure of requesting further comments from all residents for an official evidence base, residents who had suffered basement construction nuisance were affronted. Their most frequent comment to me was: “I have written to them several times already, and phoned up lots of times. Didn’t they read my emails? What more do they want?” To its credit, the Council explained why they had to be absolutely sure that they had representative selections of opinion, and distributed their requests widely, to cover all residents. The Council has looked at a number of strategies, and has engaged with residents in discussing and assessing those strategies at meetings for that specific purpose. They also explained why some of the strategies put forward by residents would not be appropriate, so they have definitely not followed strategies just because they were part of popular demand.

In my opinion, the policy document has the capability of being “Effective”. I think it can be delivered using current planning resources. It can also be effective in influencing other London boroughs, and aligning strategic priorities and procedures across the capital.

In my opinion it is “Consistent with National Policy”. I say this with regret, because national policy is far more favourable to building development than is consistent with the particular problems of densely populated urban centres. Residents had strongly favoured more restrictive national policy changes, either banning basement developments entirely, or sequencing them so that the same streets were not thrown into chaos by multiple developments, but all those proposals were turned down. My meetings with Government Ministers made it clear we would not get new legislation. We were assured by Ministers that Councils had powers they were not using, and that assurance is being tested here.

I believe that the document is **legally compliant** but defer to expert opinion on this matter. I note the supportive comments of Anthony Temple, QC and say that his observations of the consultative process accords with my own experience. The Council has been at pains to follow all legal requirements.

**please attach additional pages as required**

**If you have selected NO to the planning policy being sound do you consider the planning policy to be unsound because it is not:**

**Positively prepared    Justified    Effective    Consistent with national policy**

**Please give details of why you consider the planning policy to be unsound and / or suggest changes as to how it could be made sound. Please make it clear which paragraph number or Policy box number you are commenting on.**

Please attach additional pages as required

Yes

No

Do you consider the Planning Policy Document to be legally compliant?

Please give the reasons for your choice below and be as precise as possible. Please make it clear which paragraph number or Policy box number you are commenting on.

At the request of the Council, I attended a series of further meetings of the Basements Working Group in May 2013 at which basement constructors were present to put forward their point of view. They did this with vigour, and with much detail. I had no doubt that their points were being listened to and registered. New material was presented, including photos of basements, trees and gardens above basements, basement skylights in front and back gardens, and drainage systems under and around basements. In all, I recall 8 hours being devoted to these meetings, though it often felt longer. Some residents' representatives felt that the whole point of the planning policy proposals were in danger of being forgotten, and all made efforts to reply on all points. Both sides called for, and submitted, further particulars relevant to the policy proposals. In my view it was a real debate, and a fraught and often exhausting one. No one was injured in the course of these discussions, but no participant would have had reason to doubt that it had been a real debate.

**please attach additional pages as required**

**Do you wish to appear at the Examination on any of these matters?**

**Yes**

**No**

**Please specify on what matter**

The residents' demands and the Council's response and consultation process.