

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: Anthony Temple QC

Dated 21 August 2013

Representing: Myself and family and, I believe, fairly reflecting the views of the more than 20 local residents who overall supported us as objectors in our successful handing of the basement applications to which I refer below.

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



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

July 2013 Basements Publication - Planning Policy - Policy CL7

Yes

No

Do you consider the planning policy to be sound?

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.

Having from 2006 endured years of failed (or non-implemented) aggressively sized and poorly engineered proposed basement applications in respect of the next door house No 16, which is physically integrated with our house No 15 Lansdowne Walk, (and especially from late 2010 to date) we are well placed to comment on the new policy, which we whole heartedly support and welcome. In particular:

First:

We fully support the following text

All basements must be designed, constructed and completed to the highest standard and quality.

Basement development should:

- a. not exceed a maximum of 50% of each garden. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens. Exceptions may be made on large comprehensively planned sites;*
- b. not comprise more than one storey. Exceptions may be made on large comprehensively planned sites;*

The detailed reasons set out in the *Reasoned justification* need not be rehearsed again: but from the perspective of local householders, including my family, who as neighbours have suffered from or are threatened by (i) poorly designed and implemented schemes and (ii) years of serial applications seeking to overdevelop basements at the expense of amenity the policy is if anything too concessive and liberal. At best it represents a fair compromise.

The implementation of the policy should not be obstructed at the instance of the

aggressively vocal, exclusively self-interested basement construction lobby that I saw in operation at the consultation meeting.

Second: the policy should also be considered in the round, overall. It is beyond doubt that the existing policy was and is not fit for purpose, leaving substantial gaps in public protection, for example from poor construction standards and unclear criteria, many of which have been over widely construed so as to seek to pass responsibility to others (via the Party Wall Act, or by the imposition of conditions). The new policy has been created notwithstanding and already accommodating the interests of the basement construction lobby.

Both as regards the quoted text and overall: I am very supportive, not just on my own account but in the interest of our street and locality generally. The new policy gives us hope that we will not have to endure more years of threatened inappropriate over-development and over-construction.

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

Yes

No

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.

This is really a matter for a specialist opinion, but as Queen's Counsel of 25 years standing (not practicing in planning) who watched, participated in and attended parts of the consultation process perhaps I can focus on the right to be heard and the overall effect of the consultation process. At the consultation meeting I attended at the Town Hall the Council's Officers bent over backwards

to accommodate the well-organised and very vocal Basement construction lobby, which appeared unwilling to discuss or consider differing views. This lobby had and plainly took every opportunity to express itself and tended to browbeat the local residents, who by contrast were much less combative and far more courteous. The Officers were very patient with this behaviour and more tolerant than they might have been.

Overall the process I observed reflected very detailed and fair-minded consultation.

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

Yes

No

No but
see
below

Please specify on what matter

I feel that the details of the various applications which I have successfully resisted are not germane to this process: however the underlying problems (e.g. proposed over-development, a proposed double dip basement, excessive (85%) intrusion in the garden, poor engineering and breaches of the existing SPD) exemplify the problems which the new policy must address. I will on request provide by return details of my past objections which spell out these problems in detail and by this means demonstrate the kinds of issues which the new policy must (and does) address and which are frequently found elsewhere in the Borough.

If the Inspector would like to hear from me in person I will attend if at all possible, professional commitments permitting. At the moment there is no application pending relating to my house. I would attend because I feel that adopting the new policy is very much in the wider public interest.

My email (as above) is atemple@4pumpcourt.com