

# 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:** Oliver R J Parr

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

Basements Publication Planning Policy – July 2013

*under Regn. 19 Town and Country Planning (Local Planning) (England) Regns. 2012*

Yes

No

Do you consider the planning policy to be sound?

yes

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.**

I have plenty of anecdotal evidence of the nuisance caused to neighbours by basement developments in our area of RBKC. Not only is the building period one of often near uninterrupted misery for immediate neighbours but the discovery of subsequent damage to decorations (and worse) merely adds insult to injury.

In my opinion RBKC's proposed policy of restricting the depth to only one level goes only part way to dealing with this serious (and growing) problem.

I would much prefer to see a compulsory levy on basement developments paid as compensation to immediate neighbours since even single level basements (actually the large majority of current applications) will never prevent the dust, noise, damage and general inconvenience that is associated with basement developments in contiguous properties. Compensation would be entirely reasonable given the evident increase in capital values achieved by building a basement.

Finally I would point out that basement development is an entirely one sided affair in terms of nuisance - I have yet to see a development where the owner of the property being developed remains in situ during the building work.

**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.**

I am not a planning lawyer and am therefore unable to say. If RBKC is found to be acting *ultra vires* then there is a clear case for a review of the relevant Planning Laws since nuisance caused to neighbours by basement (or any other) development should be a matter for local authority concern whatever national legislation may provide.

**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**

I would be more than happy to appear if the venue was deemed appropriate for my proposal regarding compensation