

Response Form

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

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: Patrick Hope-Falkner

Company/Organisation: None

Representing: Self and a number of others in and around Strathmore Gardens

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

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 and the preceding reasoned justification proposed to be inserted into the third section of Chapter 34, paragraphs numbered 34.3.46 to 34.3.73 inclusive

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.

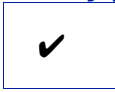
See comments under 'No' below. Any support indicated

please attach additional pages as required

[Blank page inserted by mistake]

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.

(my numbers follow sub-paragraph numbers of Ch 34.3, so start with 46)

46: The proposed "policy applies to all basement proposals" - good to see RBKC are abandoning their previous erroneous policy of allowing some basements as Permitted Development. [But this should be stated explicitly to put it beyond argument: PD applications are still a common way developers use to start their basement planning and in reality a PD-sized basement will be just as disrupting]

47: "to add extra accommodation etc" Surely there should be some qualification to ensure an extension's additional space is both usable and useful. [More often than not these projects are motivated by the simple economics with Central London property being priced and marketed not by the number of rooms but its square footage - Agents always monitor the price per square foot. So, as the case of 10 Strathmore Gardens, a 40% volume increase would ultimately point to a 40% increase in the property's resale value, far more than the mere building cost of a basement.]

48: To say basements have "been the subject of concern from residents" is a gross understatement, indeed it is a plain misstatement and touches on the core of residents' anxiety at the Council's policy and the proliferation of these projects for the ultra rich. Ask any neighbour who is or has lived next door to such a scheme - it is an intolerable experience, for so many reasons, quite apart from just the construction noise and nuisance. [In the case of Strathmore for instance, every construction vehicle will have to reverse into the cul-de-sac. Every such vehicle will have a reversing warning siren, which will ricochet round the enclosed space. Our residents include people with young families, the elderly and some quite infirm, not everyone goes out to work and a fair number work from their homes. Should they just leave for the day 6½ days a week? Or move out altogether. Not even renters working in the City want to live here if the project finally happens. And this is just one example of the impact on neighbourhoods, you only have to look at the numerous press reports where there have been construction problems - or worse.]

49/50: Construction impact in reality means the immediate vicinity which is often rendered effectively uninhabitable. [Invariably developers hugely understate the length of time a project will take, setting out an optimistic timetable, often projecting half or less than the time it will actually take. Just look at 5 Upper Phillimore Gardens which took 9 years, and caused the near collapse of the next door 3 UPG.] *Please see attached sheet 1*

Please attach additional pages as required

Yes

No

51: Gross External Area GEA is a good start in determining depth, given footings and water-proofing additions. But 'Storey' has to be defined otherwise a loophole is being created - glass floors and bridges are often added afterwards. Standard Building Regulation minimum room heights (7.5 feet/2.3 metres) can be used as a basis. [10 Strathmore's depth is 8-12 metres (when adding footings etc), described as '2 storey!']. And allowing any excavation under gardens goes completely against the strong recommendations of Thames Water ** to restrict all such projects to the existing property's footprint, on grounds of increased flood risk - and who is better qualified to advise?

52: See above at 51. Restricting basements to the footprint would be a further improvement.

53: At long last the council planners in RBKC are beginning to recognise the enormous and disproportionate carbon impact of basement extensions, at least 3 times more than above-ground building.

55: Thames Water are on record strongly recommending all garden spaces are left unexcavated. So even 50% is excessive.

56: At last there is recognition that increased depth increases the structural risks: it is the Council's duty to protect not just the structural safety of the subject property but also the neighbouring ones. But as pointed out at 34.3.51 it is imperative that the actual depth of a single 'Storey' is defined in length terms so we do not end up with pointless vast subterranean atriums being permitted.

57: 3 to 4 metres is too generous for for a single storey: 2.3 metres is normal ceiling height

58: Thames Water's submissions are repeated, gardens should not be excavated: it is unacceptable to impose any increased flood risk on neighbours. There is no right or entitlement on the part of property owners to cause such a risk to neighbours.

59: When is a basement not a basement? [The restriction appears to permit basements under existing, often original, basements which are lit via light-wells or lowered gardens, when the ceiling height is already nearly at or below street level ground height]

61/62: The inclusion of the borough's several Conservation Areas in the term 'Heritage Assets' is obfuscated and needs to be made explicit and beyond doubt. It is those Conservation Areas which are the unique hallmark of RBKC and their character is integral to the borough and is being irrevocably harmed by the wholesale proliferation of these basement projects

63: Foundations are part of the integrity of all buildings, listed or otherwise. So confining this concern (loss of foundations where the basement extends under a garden area) to listed buildings is wrong.

64: [The statement that basements do not damage the character or appearance of Conservation Areas is manifestly wrong. Just take a trip down Palace Gardens Terrace or around the Phillimore Estate at the moment. And when new owners move in to their completely self-contained homes, they will have far less need to use other local facilities like pools or gyms and that has a great permanent impact on the unique character of these areas.]

68: this would not be in point if Thames Water's advice was followed and gardens are left completely unexcavated.

69: [BREEAM is generally regarded as meaningless and ineffectual, easily achieved. As the new Eight Associates report points out subterranean building is at least three times more carbon hungry than above ground, the policy needs to address the issue far more seriously. On 10 SG the BREEAM assessments were laughable.]

70: "construction can cause nuisance and disturbance" should read 'always does and for far longer than originally estimated'. [The nuisance should include the inevitable damage to adjacent and nearby properties. Not mentioned is the huge increase in vermin disturbed by these sort of works. And, although the council has always looked at each case separately, not taking account of the other multiple works taking place in the same vicinity. A means must be found for controlling the cumulative impact of multiple basement projects in the same area at the same time or successively. Ordaining the Considerate Contractors Scheme must apply does not alleviate the pain and suffering of neighbours and once planning permission is granted the developers seek to execute at the best possible cost and neighbours are a far relegated concern. Enforcement is nearly impossible with the resources and processes the council uses, so residents have little of no fallback unless things go spectacularly wrong like on Upper Phillimore Gardens or Camden Grove. No wonder the HSE had to issue Prohibition Notices on 25 basement inspections visited in RBKC (out of 41 in the borough - and in addition to a further 18 Improvement Notices): HSE Report November 2011 <http://www.hse.gov.uk/press/2011/coi-se-2911.htm>]

71: [Structural stability is key, and the damage risk goes well beyond the adjoining properties (so beyond the Party Wall legislation) especially in terraces which are so typical in the borough. As preserving structural stability is a council duty, planning policy must not sidestep this issue.]

72: Flooding is not just a risk to the basement planned, but its impact on the immediate hydrology impact the neighbourhood. What right does a property owner have to impose that on neighbours?

73: [Unless prior neighbour consultation is made mandatory, developers invariably ignore this recommendation and hide behind the planning permission process]

Accordingly proposed Policy CL7 should be modified to reflect these concerns

** Thames Water Property Services comment ID 288 made January 2013 at

<https://planningconsult.rbkc.gov.uk/consult.ti/Basementsdraftpolicies/listRepresentations?objectoruid=5794433&findbutton=Y>

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.

See main section responses above: RBKC policy compliance shortfalls indicated

please attach additional pages as required

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

Yes

Maybe

No

Please specify on what matter

I Nominate Christopher B Hunt, 9 Strathmore Gardens, to speak for all my interests