

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: Richard Grantley and Margaret Moore

Representing: Milner Street Area Residents' Association

Email: info@misara.org

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 Basements

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.

Problems arising from basement developments are of very great concern to many of our residents.

We very much welcome the Council's recognition that much more control is needed over basement developments and many of the changes included in the Second Draft Policy as a result of consultation. Our comments comprise a list of recommendations and additions to the Second Draft Policy. We hope that the Council will adopt them.

Percentage of garden area to be developed (Policy CL7 (a))

1. The proposed reduction of the maximum garden area to be developed to 50% is a step in the right direction.
2. However, the letter of 31 January 2013 submitted on behalf of Thames Water states: "Urban creep (the loss of permeable area) has been significant across the Royal Borough over the last 40 years.....around 20% of green space has been lost during this time. This rate of urban creep has had a significant effect on the performance of the sewerage network. Therefore, and because of the specific sewer flooding risk in this area, Thames Water has concerns about *any* development taking place outside of the current footprint of buildings...." (our italics). On this logic, the reduction should be not to 50% but to 0%.
3. It has been suggested by RBK&C that the TW letter should not be taken into account as it does not represent the views of Thames Water and that a further letter from them was expected. However, no such letter has been seen or published and the risk expressed is so serious that no further basement development should be allowed outside the footprint of existing buildings unless and until TW has clearly and publicly retracted their original letter in writing and has replaced it with a new written statement of its position on the risk of flooding from basement developments

4. The Council's own Strategic Environmental Assessment (SEA) also says that "the impact [of basements beneath gardens] on flooding could be significant". This further makes the point that basement developments should not be allowed under gardens.

Limit to one storey (Policy CL7 (b))

5. We welcome the proposal to limit basements to one storey. However, the height limit of 3-4 metres is too large: basement ceilings are normally lower than this. We recommend a limit of 3 metres, measured internally from floor to ceiling.
6. Also, we are concerned about the suggestion that "a small extra allowance" is given for proposals with a swimming pool. This could create a loophole encouraging the building of swimming pools to get round the height restriction.

Conservation Areas and Heritage Assets (Policy CL7 (e) (f))

7. We agree with the draft policy statement that no harm must be caused to "heritage assets". These must include conservation areas, as they fall within the NPPF definition. We therefore support the option set out in the previous Strategic Environmental Assessment (December 2012) that there should be no new basements within conservation areas. As that SEA says, this would be compatible with SA Objective 16 (Cultural heritage) and may also have a positive impact on air quality and pollution, and on the creation of construction waste and reduction in traffic. (SA objectives 7, 9, 11 and 10).

Gardens of Listed Buildings (Box CL7 (f))

8. We approve of the proposal not to allow basements beneath the gardens of listed buildings (as well as under the buildings themselves). The "larger sites" where these may be allowed should be stated to be highly exceptional.

Construction noise and nuisance (Policy CL7 (l))

9. Construction noise is a major concern to our members, and many basement constructions projects can last for a year or more. Some control over this is needed. The applicant must be able to demonstrate that these impacts can be and are kept to acceptable levels.

Light wells and railings (Policy CL7 (g))

10. Basement developments should not introduce light wells to the back of the property (as well as to the front or side, as stated).

Safeguarding stability of neighbouring buildings (Policy CL7 (l) (m))

11. The policy must give clear protection to adjoining neighbouring properties at least equivalent to that given by the existing Core Strategy policy CL2(g) and policy CD32. The old Party Wall Act and Building Regulations do not cater sufficiently for

basement developments. The Basement Impact Assessment will require a second qualified structural engineer, who must be independent of the applicant. The independent structural engineer would report to the Council, but his/her fee would be met by the applicant. Both the applicant's and the independent structural engineer must agree to take responsibility/liability for any problems that occur, particularly in respect of properties not covered by the Party Wall Act. The independent structural engineer should be required to provide evidence that it possesses, and undertake to maintain, adequate professional indemnity insurance.

12. Paragraph 4.51 of the Strategic Environmental report (March 2013) implies that responsibility for structural damage to neighbouring buildings caused by new developments is solely that of the developer. We disagree. The Council must accept responsibility for ensuring, on a "best efforts" basis, that developments are controlled so as not to harm neighbouring properties.

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
<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.

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.

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