

# Xx 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:** Stefan B Tietz

\_\_\_\_\_  
\_\_\_\_\_

**Company/Organisation:** Private Resident \_\_\_\_\_

**Representing:** \_\_\_\_\_

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**

I refer to  
Basements\ Publication Planning Policy  
Partial Review of Core Strategy July 2013  
And Policy CL7 as set out on pages 11 and 12 of that document.

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

**Yes**

**No**

**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.**

Construction of new deep basements has had a major impact across extensive neighbourhoods and disturbance to many including us. It has added noise dust and traffic congestion and, in some more extreme cases, cases of structural damage to the site of the basement and its neighbours. Furthermore the period of disturbance continues for many more months than that occasioned by regular maintenance or modification of buildings.

The current proposals are thus welcomed by limiting and controlling such construction, particularly the large scale applications.

I believe items **a.** to **n.** to be well and carefully reasoned and an important contribution to the avoidance of excessively large or deep, potentially dangerous or environmentally unsuitable basement construction. Taking these in turn:-

**Para a.** avoids over-development and encourages the retention of garden areas

**Para b, c , e and f** aim to avoid excavation to excessive depths, and thus the increased risk of damage to the property, its neighbours and disturbance of the water table and drainage.

**Para d** aims to safeguard trees, whose preservation is part of national policy

**Paras g and h** aim to safeguard the streetscape and the environmental character of the area.

**Para i** is important to safeguard the natural development of gardens and maintain a safe drainage system

**Para j** supports national policy in reducing the waste of energy, water and the risk of pollution from waste.

**Paras k and l** aim to safeguard the rightful interest of neighbours, the locality and the public by providing a degree of control over traffic, the construction process and the pollution which this might cause.

**Para m** aims to maintain the structural integrity and limit damage to buildings and relevant infrastructure within the area at risk by the new construction

**Para n** aims to reduce the risk of flooding by raising water and sewerage to a level which allows it to link to the existing local drainage systems.

**General Comment:** while experience may suggest further improvement to the regulations over time, the current proposals will do much to reduce the hazard which construction of deep basements could create through lack of adequate controls. In my opinion they meet the criteria listed on page 2, are sound and badly needed.

**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:**

<b>Positively prepared</b>	<b>Justified</b>	<b>Effective</b>	<b>Consistent with national policy</b>
<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?

X

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 professionally qualified in law but have experience at drafting/ updating British and EU Construction standards, to take note of changing circumstances and new issues. The need for these new proposals is thus similar in addressing the change in circumstances where deep basements are to be constructed. I am aware of existing laws and regulations which aim inter alia to control construction, its safe execution, the interests of neighbours, safeguarding the environment including its historic content allied issues. Just as there is a continuing need to keep British, Eurocode and various other Standards up to date, these proposals state what additional safeguards have become justified from the relatively recent desire to construct some deep basements within an existing environment. I do not believe that the requirements of the existing legislation are thereby negated. **In my opinion these proposals are furthermore very necessary.**

Typically requirements regarding the preservation of Listed Buildings already exist. The potential risk of adding deep basements underneath or near to them creates a new risk and **Paras e, f and m** offer some recommended safeguards.

The issues addressed in **paras. e, j, l and m** augment requirements of Building Regulations and the London Building Act, safeguarding our heritage and supporting legislation aimed to avoid the waste of energy. They also take note of the nuisance resulting from excessive noise and pollution.

Other paragraphs address other equally important issues, broadly envisaged in law but not specific to each change of circumstances. The proposals, backed by explanations, have become necessary because conditions arising through the numerous recent applications for constructing deep basements were not historically envisaged.

Similarly **Para d** and the preservation of trees is addressed by legislation such as Tree Preservation Orders, with the present proposals only referring to the

conditions newly created by deep basements.

**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**