

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: Mark & Sophie Fitzgerald

Company/Organisation: _____

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

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

CL7 a, CL7 b,

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.

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

CL7 a: The evidence RBKC claim to support this policy is simply just not there. For example:

- 1) Where is the evidence to support the claim construction impact is a factor? Just stating this is not real evidence.
- 2) Where is the evidence to support the drainage argument? The Alan Baxter & Associates report uses a rule of thumb to support their 50% figure. No real evidence to justify the drainage argument has been provided.
- 3) Where is the evidence to support why planting on basement roofs is not possible? There is planting on roofs throughout the borough and London. Examples of roof planting are the Kensington Roof Gardens and the roof of Westminster Underground Station where there are several large mature trees inside the MP's building, Portcullis House.

Given the lack of supporting evidence the policy is not justified.

CL7 b: Again, the evidence RBKC claim to support this policy does not exist:

- 1) Where is the evidence to show basement development takes longer than for above ground extensions?
- 2) No evidence has been provided to support only single level basements from an engineering perspective.
- 3) The Alan Baxter & Associates report does not recommend or state the basements should be limited to a single storey.

Once more, given the lack of supporting evidence the policy is not justified

Finally, as a resident of RBKC myself, I would like to highlight the way RBKC differentiated between advocates and opponents of basement construction with their wording in the Statement of Consultation - July 2013. In paragraph 3.10, advocates of basement construction were referred to as 'individuals'. In paragraph 3.12, opponents to basement construction were referred to as 'residents'. Using the word 'individuals' implies these advocates' responses were not from residents. I can see that some of the respondents to paragraph

3.10 were residents but that they have been dismissed as 'individuals' in the Statement of Consultation. This gives the mistaken impression that no residents responded as against the policy. This incorrect differentiation should be acknowledged & corrected by RBKC.

The above also shows the way that the evidence has been selectively filtered and used to support the policy and has not been used to prepare a balanced policy. In the long term this is likely to make the policy ineffective as this unbalanced use of evidence will be uncovered and used in appeals to defeat the policy.

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.

No clear evidence exists to support the claims made by RBKC for restricting basements to 50% of gardens or a single storey. The SEA / SA does not show an improvement with the proposed policy over the existing policy.

please attach additional pages as required

Yes

No

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

Please specify on what matter

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