

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: Kevin Scott

Company/Organisation: Kevin Scott Consultancy Limited

Representing: Property Investment (Chelsea) Limited c/o Chancery St James Plc

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

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

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.

We do not object to the principle of a bespoke basement policy. Our concerns relate to certain aspects of the detail of the policy which are considered below. It follows that we object to this insofar as it requires compliance with all of the criteria listed in CL7 a to n. We object to certain of these criteria as set out below.

The reduction to 50% from the present level set out in CL7 a is arbitrary. Para 34.3.54 states that this is required to allow sufficient space for tree and shrub planting.

It does not take account of the existing garden size. On a small garden the 50% figure would constrain the amount of accommodation available under the policy leaving an area of only token greenery with no room for major trees or any serious prospect of this being delivered.

On larger properties there may well be potential to increase beyond the 50% figure and still maintain sufficient areas for tree planting etc. It also ignores the fact that there are many rear gardens within the Borough which are already hard surfaced over all or part of their area. The 2009 SPD allows a basement under a larger area but also requires 1m of top soil over it. In these situations (where the garden is hard surfaced) the scope for planting is actually an improvement over the current position resulting in increased not reduced areas for planting.

For these reasons the policy is not justified or effective.

CL7b seeks to reduce the number of levels of basement. Para 34.3.59 states that this is due to the increased structural risk and complexities associated with such development. This 'precautionary' approach prevents applicants from putting forward a well considered case based on assessing and mitigating the risks associated with it.

It is also focussed on the construction impacts and not the long term visual or amenity issues of the scheme which may well be neutral. These are the areas that planning should be more properly concerned with, particularly where the technical issues are properly addressed through supporting information or other legislation such as the Party Wall Act and the Building Regulations.

We therefore do not consider this aspect of the policy to be justified. For the same reasons we object to CL7 c.

We object to CL7 f. This represents a very significant change in the level of restriction to be imposed from the existing situation by resisting any form of basement extension

to a listed building.

We remain of the view that a well designed basement can, in some instances, allow the hierarchy of the existing/original building to be properly interpreted. A discrete connection to a basement extension below the garden can be achieved in a number of ways that are not dependent on the size of the building as implied in CL7 f.

This blanket ban goes well beyond the scope of the NPPF (paras 131 to 134) which require a more balanced assessment. We do not believe, therefore, that the Policy would be consistent with national policy.

Overall the policy seeks to constrain unfairly a form of development which has the potential to provide additional accommodation in the most sustainable of cities. Such an approach is contrary to the presumption in favour of sustainable development set out in the National Planning Policy Framework. We do not believe, therefore, that the Policy would be consistent with national 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.

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

CL7