

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: Dr David Innes

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, CL7 c, CL7 k

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

CL7 a: This policy is unjustified.

I see no justification to limit basements to a single storey, because:

1. Multiple storey basements exist across the Borough and will continue to be built under commercial properties and in larger residential developments, so why should small independent house owners be unfairly denied their right of doing the same – hence there is no rationale for banning double basements under smaller houses if major projects will continue to have them allowed
2. The engineering design and construction methods for double basements are well developed and a double basement is no more likely to cause issues (damage to neighbouring properties, etc.) than that of a single basement – hence there is no rationale for banning double basements from an engineering complexity point of view
3. A double basement under a small house (say with a 50m² floor area) in general not going to cause any more disruption or take longer than a single basement under a house twice the size (e.g. with a footprint of 100m²) – hence there is no rationale for banning double basements from an construction impact point of view
4. Double basements are extremely well insulated with the earth shielding the majority of the property from seasonal temperature fluctuations and hence are much greener, have a lower carbon footprint and use less energy) – hence there is no rationale for banning double basements from an environmental impact point of view
5. Multi-storey basements in 99% of cases provide additional living space for the home owners and generally don't result in an additional dwelling so there is no impact of traffic density, etc. issue – hence there is no rationale for banning double basements from a vehicle density / road safety, etc. point of view
6. Multiple double basements have been constructed under residential houses without any issue – hence there is no rationale for banning double basements without a strong data-backed-up argument, which the Council have not provided

Regarding the assertion by RBKC that garden basements make gardens look more artificial than other gardens, I haven't seen any evidence to support this. The visual evidence provided by RBKC is a selection of poor quality pictures and not a study. It is preposterous to submit as evidence when it is clearly not.

RBKC state that exceptions to the 50% maximum may be made for large comprehensively planned sites. If smaller sites are comprehensively planned why can't exceptions be made in these cases? The policy should be adjusted to include the exception for smaller sites with gardens as long as they are planned well. A two tiered approach taken by this policy is overly complex and unfair.

CL7 b: It is stated by RBKC that basement development takes longer than for above ground developments. There is so supporting evidence to justify this claim. This also cannot be used as a reason to limit multi-storey basements. RBKC should provide the evidence or remove this claim.
As with the claim that basement development has a high impact on neighbours, again there is no supporting evidence provided in the reasoned justification for this.

CL7 c: It is stated by RBKC that basement development takes longer than for above ground developments. There is no supporting evidence to justify this claim. This cannot be used as a reason to limit multi-storey basements. RBKC should provide the evidence or remove this claim.
As with the claim that basement development has a high impact on neighbours, again there is no supporting evidence for this.

CL7 k: RBKC have not put forward any evidence to demonstrate how basement construction has harmed pedestrians, cycle and vehicular and road safety etc.

What is a significant increase in traffic? Without providing clear definitions of what significant increase means the policy is unsound.

How is unreasonable inconvenience measured? These are terms which have no meaning because there is no explanation of how they are quantified.

There are already rules and regulations governing noise, vibration, dust, road safety etc. The problem appears to me to be that people are not abiding by the current rules. The problem is policing of policy rather than adding to policy.

Please attach additional pages as required

Do you consider the Planning Policy Document to be legally compliant?

Yes

No

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.

The new policy was based on a referendum / questionnaire which was sent out by the Council. This questionnaire was sent predominantly to residents who's neighbour had had a basement excavated.

This is resulted in a totally biased response and was totally underhanded of the Council!

please attach additional pages as required

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

Yes

No

X

Please specify on what matter