

## Kevin O'Connor

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**From:** Kevin O'Connor  
**Sent:** 19 August 2013 02:08  
**To:** robin.yu@rbkc.gov.uk  
**Cc:** Preeti.GulatiTyagi@rbkc.gov.uk; Poppy Sahota; Robert Walker  
**Subject:** Freedom of Information Act - Formal Request

Good morning Robin

Many thanks for your recent letter – I note that unless we had requested a document no information was forthcoming as a consequence a significant quantity of our reasonable enquiries remained unanswered

The questions that are detailed in the following paragraphs are extremely simple to answer and should take no more than 2-3 hours – the information will either be immediately available or will simply not have been obtained

The information requested is being used to inform our contribution to the forthcoming Basement Planning policy Review process – I would be grateful if this information could be made available by 23<sup>rd</sup> August – I acknowledge that this is extremely short notice but in the interests of transparency and to assist the Inspector it would be better if the information is included now and in detail – before the September deadline

Please treat this email as a formal request for the supply of information under the Freedom of Information Act

These enquiries are made with reference to the Basements Publication Planning Policy July 2013

1. The Report by Alan Baxter Associates was written by Michael Coombs and Jim Gardiner – Please provide a copy of the document that RBKC have relied upon to demonstrate the Professional qualifications held by the report Authors that enables them to comment professionally upon Arboricultural issues – We have been unable to trace a suitable qualification for either person
2. The Report by Alan Baxter Associates was written by Michael Coombs and Jim Gardiner – Please provide a copy of the document that RBKC have relied upon to demonstrate the Professional qualifications held by the report Authors that enables them to comment professionally upon Hydrological issues – We have been unable to trace a suitable qualification for either person
3. The Report by Alan Baxter Associates was written by Michael Coombs and Jim Gardiner – Please provide a copy of the document that RBKC have relied upon to demonstrate the Professional qualifications held by the report Authors that enables them to comment professionally upon Geological issues – We have been unable to trace a suitable qualification for either person
4. The Report by Alan Baxter Associates was written by Michael Coombs and Jim Gardiner – Please provide a copy of the document that RBKC have relied upon to demonstrate the Professional qualifications held by the report Authors that enables them to comment professionally upon Horticultural issues – We have been unable to trace a suitable qualification for either person
5. The Report by Alan Baxter Associates was written by Michael Coombs and Jim Gardiner – Please provide a copy of the document that RBKC have relied upon to demonstrate the Professional qualifications held by the report Authors that enables them to comment professionally upon Environmental Health issues – We have been unable to trace a suitable qualification for either person
6. The Report by Alan Baxter Associates was written by Michael Coombs and Jim Gardiner – Please provide a copy of the document that RBKC have relied upon to demonstrate the Professional qualifications held by the report Authors that enables them to comment professionally upon Stormwater Drainage Issues – We have been unable to trace a suitable qualification for either person

7. The Report by Alan Baxter Associates was written by Michael Coombs and Jim Gardiner – Please provide a copy of the document that RBKC have relied upon to demonstrate the Professional qualifications held by the report Authors that enables them to comment professionally upon SUDS Design – We have been unable to trace a suitable qualification for either person
8. The Report by Alan Baxter Associates was written by Michael Coombs and Jim Gardiner – Please provide a copy of the document that RBKC have relied upon to demonstrate the Professional qualifications held by the report Authors that enables them to comment professionally upon Sustainability Issues – We have been unable to trace a suitable qualification for either person
9. RBKC have accepted that the Report “Basements Visual Evidence” was flawed and have agreed in writing to remove inaccurate references to garden space not affected by Basements (4 Earls Court Gardens) – Please provide a copy of the modified report
10. Please provide copies of the case studies carried out by RBKC that are relied upon to support the contention that Basement Construction is more disruptive/inconvenient than other forms of construction
11. Please provide copies of all calculations, case study addresses and plans etc that have been used to support the Eight Associates Reports relating to Basement Carbon production – both in terms of embedded and lifecycle carbon – Your reference to that fact that the Eight Associates report was previously unchallenged is irrelevant because RBKC are effectively seeking to “readopt” planning policy based upon the flawed Eight Associates Report – We are therefore entitled to challenge the report - We intend to directly challenge the accuracy of the calculations and the report – In the interests of transparency we are simply seeking the information that was used to inform the report - If the information is not supplied we will raise the matter directly with the Inspector at the Examination in Public – it is unacceptable for RBKC to operate what is a highly technical Planning Policy without the physical calculations to support that policy - Please provide copies of all calculations, case study addresses and plans etc that have been used to support the Eight Associates Reports relating to Basement Carbon production – both in terms of embedded and lifecycle carbon – If the detailed build up to the calculations are not provided then the Inspector may strike out the entire report as being unreliable
12. Please provide a copy of the list of addresses within RBKC at which basements have allegedly been simultaneously constructed leading to intensified inconvenience – please ensure dates are appended
13. Please provide a copy of the list of addresses at which alleged damage has been caused to adjacent properties where the damage has been certified, by a Chartered Engineer, to have arisen as a consequence of basement construction
14. Please provide a copy of the report that RBKC have commissioned to support the contention that Basement Construction is noisier than other types of construction - along with evidence of the case study addresses
15. Please provide a copy of the report that RBKC have commissioned to ascertain whether or not the concerns that have been raised in relation to stability of adjacent buildings are based upon evidence based fact or simply anecdote – reference to the Baxter Report should be avoided as it is not evidence based
16. Please provide copies of the Report that RBKC have commissioned to investigate whether or not “concerns over management of plant, traffic and equipment” are justified in relation to Basement Development – we are particularly interested in understanding how RBKC have managed to reach a distinction between standalone basements or larger schemes where basements are simply a small component part
17. Please provide a copy of the document or electronic notification that withdraws the statement made on the official RBKC planning website under the heading of “*Once an application has been made*” that “*disruption and disturbance from building work*” are not material planning matters.

18. Please provide copies of the Case Study analysis that has been conducted by RBKC to demonstrate that Basement Construction is of longer duration than other types of construction
19. Please provide a copy of any correspondence that RBKC may have received from the Greater London Authority that states that Paragraph 3.5 of the London Plan where it makes reference to development "on gardens" – that this may also be taken as a reference to development "below gardens" – if you do not wish to provide a copy of any document due to issues of confidentiality – then please simply state that you have received written confirmation that paragraph 3.5 of the London Plan insofar as it refers to development "on gardens" – that this applies equally to development below gardens
20. Please provide a copy of the Report or other study that has been carried out by RBKC that enables the Planning Department to contradict the written statement made by RBKC Chief Arboricultural Officer Mr Angus Morrison who supported tunnelling below tree's in relation to PP/08/1323 dated the 9th July 2008 – we are seeking the evidence that RBKC Planners have relied upon to contradict written statements relating to tree's that have been made by the Royal Boroughs Chief Arboricultural Officer
21. Please provide a copy of the case studies or other reports that have been produced by RBKC Planners to support the stance that as a matter of Planning Principle - Basements below a Listed Building can never be acceptable
22. Please provide a copy of the document that defines the level of damage ( As set out in Ciria Damage Report C580) that is acceptable to a Listed Building during any alteration that is not related to a Basement
23. Please provide a copy of the analysis that RBKC has carried out to enable it to ignore the central aim of Planning Policy Guidance Circular 11/95.. "Use of Conditions in Planning Permission" where specific guidance is provided on attempts to control matters that are the subject of alternative legislation under numbered paragraph 22 – "other matters are subject to control under separate legislation, yet also of concern to the planning system. A condition which duplicates the effect of other controls will normally be unnecessary, and one whose requirements conflict with those of other controls will be ultra vires because it is unreasonable."
24. Please provide a copy of the detailed analysis carried out by RBKC to determine the number of properties where it is possible to locate a skip on the front garden – bearing in mind how few properties have a vehicular crossover and how very small most gardens are
25. Please provide a copy of the detailed analysis carried out by RBKC to determine that a builders skip associated with a Basement cannot be allowed on the Public Highway except in exceptional circumstances

I look forward to hearing from you as a matter of urgency

Kind regards

**Kevin O'Connor**

**Director, Project Management**

For and on behalf of Cranbrook Basements

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