

## RBKC Formal Replies to Information Requests Regarding Evidence Base to Support Basements Publication Planning Policy July 2013

Ref	Freedom of Information Question	RBKC RESPONSE	Further Reference made by RBKC	Implication for RBKC Proposed Basement Planning Policy Changes
<b>Freedom of Information Request 1 - 22.07.13</b>				
1.00	1 Please provide copies of briefing documentation and scope of instructions sent to Alan Baxter Associates to assist them in preparation of the "Residential Basement Study Report" that has been used to inform the proposed Basement Planning Policy changes	See Brief		
2.00	2 Please provide copies of all notes, emails and written exchanges between RBKC and Alan Baxter Associates that relate to "Residential Basement Study Report"	Refuse		
3.00	3 Please provide copies of all written documents and emails that have been used by Planning Department (during formulation of Proposed Basement Planning Policy Changes) as evidence of the fact that Basement Construction has a greater impact on residents and businesses during the construction phase – than other types of construction	Neighbour Survey September 2012 and Public Consultation		
4.00	4 Please provide copies of all written documents and emails that analyse construction schemes to determine which are basement construction only and those for which a basement is simply a component part of a larger scheme	No Supporting Evidence Available	No Supporting Evidence Available	RBKC do not know which Schemes are either standalone Basement Projects or Larger Development Schemes where the Basement is simply a small component part - RBKC have made the following statement <i>"The Council also notes that it is extremely rare for a basement to be dug in isolation, with the vast majority of such projects being associated with the refurbishment of the wider building"</i> See Document 35 - RBKC Consultation Response to Draft Policy March 2013"
5.00	5 Please provide copies of all written documents and emails that have been used to determine the proportion of inconvenience that should be attributed to the Basement Element of a general construction scheme - this information would have been used by Planning Department to ensure that the basement component of a larger redevelopment scheme was not inaccurately blamed for neighbour inconvenience that was attributable to the wider development	No Supporting Evidence Available	No Supporting Evidence Available	RBKC confirm that they have not carried out any Study to determine what proportion of Construction Related Inconvenience relates to the Basement or Wider Development - This is Critically Important to avoid inaccurate criticism of Basement Construction - Specific reference should be made to Official Statement by RBKC that <i>"The Council also notes that it is extremely rare for a basement to be dug in isolation, with the vast majority of such projects being associated with the refurbishment of the wider building"</i> See Document 35 - RBKC Consultation Response to Draft Policy March 2013" AND the Statement made within Document 3 - Arup Geotechnics - RBKC Town Planning Policy on Subterranean Development - Para 5.4 Page 23 - Nuisance During Works <i>"In general, these effects are at least of similar, and sometimes of greater, magnitude than equivalent categories of disturbance created by other types of residential building works (such as replacing a roof, converting a loft, or adding a conservatory).</i>
6.00	6 Please provide copies of all written documents and emails between Planning Department and environmental Health department that have been exchanged in relation to proposed Basement Planning Policy Changes	Refused to Provide Information		
7.00	7 Please provide copies of all written documents and emails that relate to any Study or Survey carried out into the impact that the construction of basement or subterranean structures within the gardens of Listed Buildings has had upon the host property – this should specifically include studies or information that relates to damage to the listed building	No Supporting Evidence Available		RBKC have no evidence that Basements constructed within the Gardens of Listed Buildings have caused Damage to the subject Listed Building
8.00	8 Please provide copies of all written documents and emails that relate to any study or survey that has been carried out to demonstrate the damage that has been caused throughout the borough during the construction of basements of a depth greater than a single storey – this information will have been used to inform the proposal to limit basement construction to a single storey	No Supporting Evidence Available - BUT - Refer to Report by Alan Baxter Associates	9.2.2.3 "Piled walls should be considered where deeper basements are to be built - excavations of greater than 3 or 4m" Specific Recommendations 13.3.3 "Deeper basements should be avoided or else formed using piled walls" Page 84 Question 5 "Deeper basements very close to neighbouring properties have an increased potential to cause greater movements. However, by adopting good practice and techniques discussed in the report, it is feasible to design and construct relatively deep basements close to neighbouring properties"	RBKC have no evidence that the Construction of Basements to a Depth of more than a Single Storey has caused any damage to either the host building or adjacent properties - The Alan Baxter Report confirms " <i>by adopting good practice and techniques discussed in the report, it is feasible to design and construct relatively deep basements close to neighbouring properties"</i> Para 9.2.2.3

9.00	9 Please provide copies of all written documents and emails that have been relied upon by the Planning Department in reaching the decision to ignore the Statements contained in BS 5837 2012 Paragraph 7.6.1 – identified in footnote 13 relating to paragraph 34.3.60 – namely “tunnelling underneath the root protection area should not be undertaken” – Provide details of the independent research or other studies carried out by RBKC to justify their alternative view to that described within British Standard 5837 2012	No Supporting Evidence Available		RBKC have no evidence to Justify the basis upon which they refuse to accept the Specific recommendations of the British Standard's Institute contained within BS 5837 2012 Paragraph 7.6.1 Subterranean Construction within the Root Protection Area - This is incompatible with the views expressed by RBKC Chief Arboricultural Officer Document 38 - Angus Morrison - Notes Agreeing to Tree Tunnelling - Kensington Palace Gardens - PP.08.1323
10.00	10 Please provide copies of all written documents, emails and specialist reports that have been relied upon to inform the contents of paragraph 34.5.54 – specifically the contention that “Basements... restrict the range of planting...including major tree's” – we are specifically requesting the expert Arboricultural and Horticultural evidence that will have been relied upon by RBKC	No Supporting Evidence Available BUT refer to Basements Visual Evidence Survey		RBKC have no evidence that current Garden Basement Policy restricts the range of planting
11.00	11 Please provide copies of all written documents and emails that relate to legal advice that RBKC has received in relation to “Basements – Publication Planning Policy – Partial review of the Core Strategy – July 2013”	No Supporting Evidence Available		RBKC have not taken Legal Advice to confirm that that the Proposed Planning Policies comply with the Law
12.00	12 Please provide copies of all internal notes, reports, emails or other correspondence produced or exchanged by any person involved in the production of “Basements – Publication Planning Policy – Partial review of the Core Strategy – July 2013”	Refused to Provide Information		
13.00	13 Please provide copies of all internal notes, reports schedules and emails that have been exchanged or relied upon in relation to the statement 34.3.63 “Basements in the gardens of listed buildings can result in extensive modifications to the buildings foundations” – We are seeking sight of the evidence relied upon by RBKC in making that statement	Refused to Provide Information		
14.00	14 Please provide details of the evidence backed Study that has been carried out to support the statement made at 34.3.49 – “Tight knit streets... can have several basements underway at any one time”	Refer to Ove Arup Report June 2008 :Page 8 and Alan Baxter Associates Para 12.6	ABA - Para 12.6 -It is possible for there to be more than one construction project in one street. Arup - Page 8 - Para 3 "Cumulative effects : The granting of permission to one applicant for a basement within a particular street often triggers several similar applications from neighbours. The cumulative effect - if any - of several underground developments in a given street could potentially differ from the impact of the initial “pioneer” basement. It is therefore appropriate to consider whether, for example, the layout and proximity of multiple basement schemes, especially adjacency of neighbouring schemes, is significant. If this is determined to be an important factor in engineering terms, then, within the context of planning policy, there could perhaps be provisions to ensure that any pioneering basements minimise the legacy problems that their schemes will leave for subsequent schemes in the local neighbourhood”	RBKC have no evidence that multiple Basement's have been constructed simultaneously within “tight knit streets ” - The Alan Baxter Report simply states that “it is possible” whilst the Arup Report merely considers the implications in terms of Engineering “ If this is determined to be an important factor in engineering terms”
<b>Freedom of Information Request 2 - 23.07.13</b>				
15.00	1 Please provide copies of all documents either email or physical paper that exist in relation to the initial brief issued to 8 Associates	RBKC Brief is Stated in Eight Associates Report		
16.00	2 Please provide copies of the original documents relied upon and generated when the 2 schemes analysed within the report were selected	No Supporting Evidence Available - BUT - "Explanation" contained within Eight Associates Report		
17.00	3 Please provide copies of all documents that relate to assessment of criteria required to select schemes for analysis	No Supporting Evidence Available		
18.00	4 Please provide copies of all documents that exist that relate to the report prepared by Eight Associates for RBKC entitled “ Life Cycle Carbon Analysis of Extensions and Subterranean Development in RBK&C” – either written or electronically held	Refused to Provide Information		
<b>Freedom of Information Request 3 - 24.07.13</b>				
19.00	Copies of all initial notices that have been received by Approved Inspections from the 1st May 2009 to 23rd July 2013	Weblink Provided		

20.00	In circumstances where the Royal Borough of Kensington & Chelsea carried out Building Control Services – please provide copies of the Building Control Application Form that describes the nature of the work due to be carried out – if it is possible to identify the nature of the works from the front page only of each application form then it is not necessary to provide copies of the remainder of the document.	Weblink Provided		
	<b>Freedom of Information Request 4 - 28.07.13</b>			
21.00	1 Please provide copies of all correspondence, notes or documents that are either electronically or physically held or that have been exchanged between parties – that have been used to inform the decision to propose the banning of any type of excavation underneath the root protection area of a tree – despite the suggestion in BS 5837 2012 that this may be possible in certain cases	Repeats earlier request FOI 1 Q9		
22.00	2 Please provide copies of all documents or case studies or evidence that has been compiled to support the requirements of paragraph 34.3.60 in so far as is required for the purposes of reasoned justification and evidence based under the National Planning Policy Framework			
23.00	3 Please provide copies of any evidence based list that has been compiled by RBKC of the extent and location of any trees that have been damaged as a consequence of "Tunnelling Under" the root protection area whilst constructing a basement	No Supporting Evidence Available		RBKC Confirm that they have no evidence of any tree's that have been damaged within RBKC where excavation below the Root Protection Area has been carried out
	<b>Freedom of Information Request 5 - 01.08.13</b>			
24.00	1. Please provide the evidence that you have relied upon to demonstrate that the noise and inconvenience associated with a basement is greater than that for any other building project.	Residents and Neighbours Survey September 2012 and Public Consultations		RBKC confirm that the only source of information available is the Residents and Neighbours Survey 2012 - <b>The Survey is deeply flawed</b> because the RBKC failed to make a distinction between the vast majority of Developments where the basement is simply a component part and those where it is the basement is the only element of construction - This distinction is <b>CRITICAL</b> because as stated within the Arup report " <i>In general, these effects are at least of similar, and sometimes of greater, magnitude than equivalent categories of disturbance created by other types of residential building works (such as replacing a roof, converting a loft, or adding a conservatory)</i> " - There can be no doubt that Survey Respondents would have found it extremely difficult to distinguish between the various parts of a wider project and as a consequence Basement Construction will have been unreasonably blamed for inconvenience associated with other works - Please note the statement by RBKC " <b>The Council also notes that it is extremely rare for a basement to be dug in isolation, with the vast majority of such projects being associated with the refurbishment of the wider building</b> " See Document 30 - RBKC Consultation Response to Draft Policy March 2013 - SEE ALSO - <b>Document 34 - Planning Case Officer Decision Report Analysis - Basements and Associated Projects</b>

25.00	2. You stated that "concerns have been raised regarding "the structural stability of nearby buildings." Please produce evidence of the report by fully qualified Chartered Surveyors and Structural Chartered Engineers which justify this study	Residential Basement Study Report March 2013, Alan Baxter Report Para (9.2.3.7) (9.2.4.2) (9.2.5.3) and Ove Arup Report Section 5.2 and Residents and Neighbours Survey September 2012	<p><b>Alan Baxter Report 9.2.3.7</b> "When underpinning operations go wrong, resulting in movements, cracking of masonry or collapse of the construction above, it is often because the issues mentioned above in 9.2.3.4 to 9.2.3.6 have not been studied, understood and taken into account by the designers and constructors of the underpinning" <b>9.2.4.2</b> "Once the piles are constructed, the basement is formed by excavating within the perimeter of the piled wall. " <b>9.2.5.3</b> "In structures such as this, underpinning one building in a terrace, or one of a pair of semi-detached properties, will extend its foundations and those of the party wall down to a depth where the clay is stable and where there is no seasonal variation to cause ground movements. The consequence of this can be to create new problems which are experienced by an adjoining building, because of differential movements between the structure that has not been underpinned and the one that has. These problems will be more significant than those experienced prior to the construction of the underpinning and will be on-going into the future. T" <b>ARUP Report Section 5.2</b> "This section considers the potential effects of subterranean developments on nearby structures and infrastructure"....."Underpinning of shared party walls is a frequent engineering activity: the technique is widely and successfully used under both large and small structures. The issue of temporary, localised reduction of foundation bearing capacity can be mitigated by careful prior planning, by undertaking detailed and relevant design analyses and, perhaps most importantly, by good quality workmanship on site"....."Depending on the specific circumstances and method of working on site, ground movements can be controlled and limited by, for example: carrying out the work in gradual, piecemeal steps; using temporary props and struts to support the excavation; and using support from the permanent structure"</p>	<p><b>RBKC seek to cause alarm</b> by making the unsubstantiated statement "concerns have been raised regarding "the structural stability of nearby buildings." RBKC have been unable to produce any evidence to support their claim and have attempted to misdirect with a wide reference to the Baxter and Arup Reports - The specific clauses referenced have been stated (see left) and as can be seen a merely general engineering statements - It is an entirely ROUTINE part of any Basement Engineering Assessment that concerns relating to the stability of adjacent properties should be addressed - This would apply to any construction project</p>
			<p><b>ARUP Report Section 5.2</b> "This section considers the potential effects of subterranean developments on nearby structures and infrastructure"....."Underpinning of shared party walls is a frequent engineering activity: the technique is widely and successfully used under both large and small structures. The issue of temporary, localised reduction of foundation bearing capacity can be mitigated by careful prior planning, by undertaking detailed and relevant design analyses and, perhaps most importantly, by good quality workmanship on site"....."Depending on the specific circumstances and method of working on site, ground movements can be controlled and limited by, for example: carrying out the work in gradual, piecemeal steps; using temporary props and struts to support the excavation; and using support from the permanent structure"</p>	
26.00	3. Please confirm whether or not an analysis had been carried out to confirm the number of construction schemes where the basement forms part of a larger development scheme. For example, in circumstances where the basement is being constructed in conjunction with extensions to the remainder of the house or a wider refurbishment programme.	Repeats FOI 1 Q4		
27.00	4. With regard to the preceding numbered paragraph (3) please provide details of the study which has been carried out which correctly distinguishes between inconvenience associated with the basement element and inconvenience associated with the remainder of the construction project.	Repeats FOI1 Q3 and Q5		
28.00	5. You state that "management of traffic plant and equipment" has given rise to concerns. Please provide evidence of the reports and studies that have been carried out to inform that statement and in particular please advise the professional qualifications of those persons who have made those statements particularly with regard to professional highways qualifications.	No Supporting Evidence Available - BUT - Residents and Neighbours Survey September 2012 and Public Consultations		<p><b>RBKC confirm that the only source of information available</b> is the Residents and Neighbours Survey 2012 - <b>The Survey is deeply flawed</b> because the RBKC failed to make a distinction between the vast majority of Developments where the basement is simply a component part and those where it is the basement is the only element of construction - This distinction is <b>CRITICAL</b> because as stated within the Arup report " <b>In general, these effects are at least of similar, and sometimes of greater, magnitude than equivalent categories of disturbance created by other types of residential building works (such as replacing a roof, converting a loft, or adding a conservatory)</b>" - There can be no doubt that Survey Respondents would have found it extremely difficult to distinguish between the various parts of a wider project and as a consequence Basement Construction will have been unreasonably blamed for inconvenience associated with other works - Please note the statement by RBKC "<b>The Council also notes that it is extremely rare for a basement to be dug in isolation, with the vast majority of such projects being associated with the refurbishment of the wider building</b>" See Document 35 - RBKC Consultation Response to Draft Policy March 2013</p>

29.00	<p>6. Where the basement is simply a component part of a larger development project please provide details of the method that you have used to distinguish between the construction impact that relates to the basement from the construction impact that relates to the wider project. This is particularly important in view of the statement made by ARUP Associates – their report to RBKC entitled “RBKC Town Planning Policy on Subterranean Development” under numbered paragraph 5.4 Nuisance Caused During Works which states “in general these effects (basements) are at least of similar and sometimes greater magnitude than equivalent categories of disturbance caused by other types of residential building works such as replacing a roof, converting a loft or a adding a conservatory.”</p> <p>In essence, what ARUP have said is that the construction of a basement is virtually indistinguishable from a larger construction project as the impacts are similar.</p>	Repeats FOI 1 Q3 and Q5 plus Repeats FOI 5 Q3 and Q4		
30.00	<p><b>The following question relates to numbered paragraph 34.3.49 of Basements Publication Planning Policy</b> “ <i>In the Royal Borough, the construction impact of basements is a significant material consideration in planning. This is because the Borough is very densely developed and populated. Tight knit streets of terraced and semi-detached houses can have several basement developments under way at any one time. The duration of construction is longer than for above ground extensions, the excavation process has a high impact on neighbours and the removal of spoil requires many more vehicle movements</i>”</p>			
31.00	<p>1. You state that “<i>in the Royal Borough the construction impact of basements is a significant material consideration in planning</i>”. On the official RBKC planning website under the heading of “Once an application has been made” you state that “disruption and disturbance from building work” are not material planning matters. Please explain this contradiction.</p>	Refused to Provide Information		
32.00	<p>2. You state that “<i>tight knit streets of terraced and semi-detached houses can have several basement developments underway at any one time.</i>” Please provide evidence to support this statement – namely that multiple basements are regularly being constructed simultaneously in tight knit streets – please support your confirmation with a list of addresses and dates when this has occurred.</p> <p>It is extremely important that you provide detailed evidence to support your contention as it is central to the proposed policy to restrict basement construction based on the grounds of inconvenience and disruption – particularly with regard to highways.</p>	Repeats FOI 1 Q14		
33.00	<p>3. You state that “<i>the duration of construction (for basements) is longer than for above ground extensions</i>” Please provide evidence of the professionally prepared reports prepared by qualified individuals to substantiate this statement. We are unaware of any evidence that the Local Authority possess based on studies that have been carried out by RBKC.</p>	<b>No Supporting Evidence Available</b> - BUT - Refer Alan Baxter Associates Report Section 12	<b>Alan Baxter Report - Section 12</b> “ <i>Basement projects also tend to go on for much longer than projects which involve works only to the above ground elements</i> ”	<b>RBKC have carried out no study</b> to support their statement regarding the duration of the construction phase for a Basement - RBKC make reference to The Alan Baxter Report which is unspecific - simply stating that “ <i>Basements tend to go on for much longer</i> ” There has been no Study to prove this point - nor has there been any attempt to separate “ <i>the vast majority of such projects being associated with the refurbishment of the wider building</i> ” See Document 35 - RBKC Consultation Response to Draft Policy March 2013”
34.00	<p>4. You state that “<i>the excavation process has a high impact on neighbours.</i>” Please provide evidence to support this statement bearing in mind the comments of ARUP Associates within numbered paragraph 5.4 of their report which states that “in general these effects (basements) are generally of at least similar and sometimes of greater magnitude than equivalent categories of disturbance created by other types of residential building works such as replacing a roof, converting a loft or a adding a conservatory.” Your response on this point is particularly important because you are in effect contradicting statements made by ARUP Associates. To our knowledge none of the statements made by ARUP have been rejected by the Local Authority.</p>	Residents and Neighbours Survey September 2012 and Alan Baxter Associates Report - Section 12 and Ove Arup Report - Para 5.5 Page 9		RBKC refer to the Residents and Neighbours Survey 2012 - <b>The Survey is deeply flawed</b> because the RBKC failed to make a distinction between the vast majority of Developments where the basement is simply a component part and those where it is the basement is the only element of construction - This distinction is <b>CRITICAL</b> because as stated within the Arup report “ <i>In general, these effects are at least of similar, and sometimes of greater, magnitude than equivalent categories of disturbance created by other types of residential building works (such as replacing a roof, converting a loft, or adding a conservatory)</i> ” - There can be no doubt that Survey Respondents would have found it extremely difficult to distinguish between the various parts of a wider project and as a consequence Basement Construction will have been unreasonably blamed for inconvenience associated with other works - Please note the statement by RBKC “ <b>The Council also notes that it is extremely rare for a basement to be dug in isolation, with the vast majority of such projects being associated with the refurbishment of the wider building</b> ” See Document 305- RBKC Consultation Response to Draft Policy March 2013

				The Report by Alan Baxter Associates acknowledges in Section 12 " <b>All construction is disruptive and involves noise, dust, vibration, delivery of materials to and from site, access to the site by construction operatives and access for plant, machinery and equipment</b> " .....AND ....." <i>Where the works involve the excavation of a new basement below or adjacent to an existing building, they tend to be at the upper end of the scale of domestic construction projects as far as the potential for disruption to neighbours is concerned</i> ". This evidence is inconclusive and most certainly does not demonstrate that construction phase inconvenience attributable to basements is so terrible that Planning Consent should be refused
35.00	5. You state that " <i>the removal of spoil requires many more vehicle movements.</i> " We do not understand this statement. If your intention is to suggest that a basement requires more vehicle movements than an above ground extension then please provide copies of the detailed time and motion study and material delivery schedule that has been relied upon to support you statement. Importantly – please provide details of the method you have used to distinguish between soil or general waste removal and general material deliveries into site on a development where the basement is a component part of a larger project. Your response on this point is extremely important because you are claiming that basements are somehow more intensive processes than above ground building works and we are seeking evidence to support the statement that you are making so far as we are aware RBKC have no evidence to support their statement.	No Supporting Evidence Available BUT refer Ove Arup Report Para 5.5 Page 9 and Alan Baxter Associates Report Para 12.5	Arup Report Page 5.5 Page 9 " <i>The process of extending a property by digging downwards to form a basement will produce a considerably greater volume of spoil and require a greater volume of construction materials (notably concrete, which has a relatively high carbon dioxide emission rating) than would be typical in an above-ground extension to a residential property, such as a loft conversion or a Conservatory</i> " Alan Baxter Associates Report. Para 12.5 "Construction of basements under existing buildings is a slow process. There is a requirement to remove large quantities of bulk excavation from site and to deliver construction materials and equipment"	RBKC have no evidence to support their claim that "the removal of spoil requires many more vehicle movements" as they have not been specific as to the comparison they seek to make. It is undeniable that basements generate excavated soil as to a lesser extent do traditional foundations
36.00	The following question relates to numbered paragraph 34.3.50 of Basements Publication Planning Policy. " <i>A basement development next door has an immediacy which can have a serious impact on the quality of life, whilst the effect of multiple excavations in many streets can be the equivalent of having a permanent inappropriate use in a residential area with long term harm to residents' living conditions. There are also concerns over the structural stability of adjacent property, character of rear gardens, sustainable drainage and the impact on carbon emissions. For all these reasons the Council considers that careful control is required over the scale, form and extent of basements</i> ". 34.3.51 - " <i>The policy therefore restricts the extent of basement excavation under gardens to no more than half the garden and limits the depth of excavation to a single storey in most cases. The extent of basements will be measured as gross external area (GEA)</i> ".			
37.00	1. Please provide details of the method of calculation and the basis of the assessment which has been carried out to restrict basement excavation to no more than half the garden area as an adequate means to address the concerns which you have raised in paragraph 34.3.50. It would appear that your restriction of excavation to no more than half the garden area is entirely arbitrary. Your evidence to the contrary is requested.	No Supporting Evidence Available		RBKC advise that they are unable to provide any evidence that supports the proposed restriction on garden basement size to 50% on the basis that the limitation will address the issues raised in Para 34.3.50
38.00	The following question relates to numbered paragraph 34.3.52 of Basements Publication Planning Policy. " <i>Restricting the size of basements will help protect residential living conditions in the Borough by limiting the extent and duration of construction and by reducing the volume of soil to be excavated. Large basement construction in residential neighbourhoods can affect the health and well-being of residents with issues such as dust, noise and vibration experienced for a prolonged period. A limit on the size of basements will reduce this impact</i> ".			
39.00	1. You state that " <i>restriction to size of basements will help to protect residential living conditions in the borough by limiting the extent and duration of construction and by reducing the volume of soil to be excavated.</i> " Please provide details of the specific calculations that you have carried out to determine the amount of time which is required to construct a basement and the amount of vehicle movements that may be required to remove the spoil. Please provide details of the alternative calculations which you have carried out to demonstrate the very significant reduction in excavation time which is achieved using mechanised excavation equipment.	No Supporting Evidence Available		RBKC confirm they have no evidence to prove that restricting the amount of soil to be excavated during basement construction will " <i>protect residential living conditions within the borough</i> "



40.00	<b>The following question relates to numbered paragraph 34.3.53 of Basements Publication Planning Policy.</b> "The carbon emissions of basements are greater than those of above ground developments per square metre over the building's life cycle <sup>1</sup> 2 . The embodied carbon <sup>3</sup> in basements is almost three times the amount of embodied carbon in an above ground development per square metre. This is because of the extensive use of concrete and particularly steel both of which have high embodied carbon. Climate change mitigation is a key policy in the London Plan which promotes sustainable design and construction (including avoiding materials with a high embodied energy) and reducing carbon dioxide <sup>4</sup> . Limiting the size of basements will therefore limit carbon emissions and contribute to mitigating climate change ".			
41.00	1. You state that "large basement construction in residential neighbourhoods can affect the health and wellbeing of residents." Please provide details of the reports and case studies which have been carried out to demonstrate that the health of residents has been affected. Please include medical reports to substantiate the claim.	<b>No Supporting Evidence Available</b> - BUT - Refer Residents and Neighbours Survey September 2012	RBKC Residents and Neighbours Survey - Page 8 - Summary Table - RBKC State that 3 People had Health Issues = 0.002%	1354 Questionnaires Submitted to RBKC - 3 People stated they felt that when a Basement was constructed near to the - they experienced Health Problems - One of the 3 Respondents stated that "Health issues with my daughter. Dust, pollution. <b>My daughter has an allergy to saw dust</b> "
42.00	<b>The following question relates to numbered paragraph 34.3.54 of Basements Publication Planning Policy.</b> "The townscape of the Borough is urban and tightly developed in character. However, rear gardens are often a contrast, with an informal picturesque and tranquil ambience, regardless of their size. Whilst basements can preserve the remaining openness of the townscape compared with other development forms, it can also introduce a degree of artificiality into the garden area and restrict the range of planting <sup>5</sup> . Retaining at least half of each garden will enable natural landscape and character to be maintained, give flexibility in future planting (including major trees), support biodiversity and allow water to drain through to the 'Upper Aquifer' <sup>6</sup> 7. 'Garden' is the private open area to the front, rear or side of the property, each assessed separately, and includes unpaved or paved areas such as yards. This policy takes into account the London Plan <sup>8</sup> and the Mayor of London's Housing SPG9 both of which emphasise the important role of gardens. The National Planning Policy Framework (NPPF) <sup>10</sup> also supports local policies to resist inappropriate development of residential gardens and excludes private gardens from the definition of previously developed land " .			
43.00	1. You state that "basements.... can also introduce a degree of artificiality into the garden area." Please provide statistical evidence to support your contention that an extremely small number of basements with formal gardens have had a negative effect on the "green and leafy nature" of the borough.	<b>No Supporting Evidence Available</b> BUT Refer Basements Visual Evidence July 2013		<b>RBKC confirm no evidence</b> that Basement Construction with formal gardens have had a negative effect on the "green and leafy nature" of the borough.
44.00	2. You state that "basements... restricts the range of planting." Please provide the evidence from a suitably qualified horticultural expert and a suitably qualified arboriculturalist which you have used to support your statement.	<b>No Supporting Evidence Available</b> BUT Refer Basements Visual Evidence July 2013		<b>RBKC confirm they have no expert evidence</b> that confirms "basements....restricts the range of planting"
45.00	3. You state that "retaining at least half of each garden will enable natural landscape and character to be maintained, give flexibility in future planting including major trees." Please provide details of the professional Arboricultural and horticultural reports which you have had prepared and rely upon to support this statement.	<b>No Supporting Evidence Available</b> BUT Refer Basements Visual Evidence July 2013		<b>RBKC confirm they have no evidence</b> - in the form of professional studies or reports prepared by Professional Arboricultural or Horticultural Reports in preparing draft basement policy
46.00	4. The current planning policy requires a minimum of one metre of soil is retained over the entire basement below a garden. Please provide detailed professional evidence which states that one metre depth of soil is insufficient to plant trees and shrubs.	<b>No Supporting Evidence Available</b> BUT Refer Basements Visual Evidence July 2013		<b>RBKC confirm that they do not have any evidence</b> that 1m of fresh topsoil retained above a garden basement is insufficient to plant tree's and shrubs
47.00	5. You state that "retaining at half of each garden will... support biodiversity." Please provide professional reports or professionally supported documentation that demonstrates one metre of soil above a basement that is greater than half of the garden area <b>will not</b> support biodiversity. We are of the opinion that one metre of soil across the top of a larger basement structure within the garden is more than adequate to support a high degree of biodiversity – moreover additional benefits to biodiversity are achieved where the existing garden which may previously have been paved is covered in fresh soil.	<b>No Supporting Evidence Available</b>		<b>RBKC confirm that they do not have any evidence</b> that 1m of fresh topsoil retained above a garden basement is insufficient to support Biodiversity
48.00	6. You state that "retaining at least of half of each garden will... allow water to drain through to the upper aquifer." Please confirm whether or not you have sought evidence and advice from fully qualified hydrogeological experts and provide copies of their report and case study to support your statement.	<b>No Supporting Evidence Available</b> BUT Refer Alan Baxter Associates Report		<b>RBKC confirm that they do not have Expert Evidence</b> in the form of Reports from Hydrogeological Specialist to support the proposed requirement to restrict garden basement construction to 50% of garden area as a measure necessary to ensure water drains through to the upper Aquifer

49.00	<p>7. When focussing on the issue of surface water and ground water the report prepared by Alan Baxter Associates under paragraph 13.3.5 (a) states that <i>"in order to maintain the surface water and ground water status quo... sites where the near surface conditions are gravel or sands no more than 75% of the area of a garden should be built under with a basement."</i></p> <p>RBKC have decided to ignore this specific advice and restrict basement size to 50% of garden area in relation to water related issues. RBKC must have specifically considered hydrogeological issues when choosing to ignore the specific advice of Alan Baxter Associates with regard to the size of a garden basement in gravel or sands.</p> <p>Please provide details of the expert hydrogeological assessment which was carried out that has enabled the planning department to reach the decision to ignore the specific advice of Alan Baxter Associates in relation to surface water and ground water issues.</p> <p>Please provide details of the professional evidence that you have relied upon to demonstrate that the current requirement to retain a minimum of 15% of garden undeveloped is insufficient to deal with water related issues.</p>	No Supporting Evidence Available		<p><b>RBKC confirm that they will ignore</b> the recommendations of the Alan Baxter Report that Garden Basements in Gravel should be 75% of Garden Area and instead opt for an unsubstantiated limit of 50%</p>
50.00	<p>8. You state that <i>"this policy takes into account the London Plan"</i> – you make specific reference to Plan Policy 3.5 of the London Plan. Paragraph 3.5 of the London Plan does not relate to subterranean construction – instead referring specifically to development "on gardens." We have a specific note from the Senior Strategic Planner at the Greater London Authority who confirms this point and goes on to say in writing that with regard to subterranean extensions reference should be made to paragraph 1.2.25 of the London Plan.</p> <p>Please explain why you have sought to inaccurately make reference to a part of the London Plan which clearly does not relate to basement extensions. This suggestion is highly misleading.</p>	Refused to Provide Information		
51.00	<p>9. You state that <i>"the National Planning Policy Framework also supports local policies to resist inappropriate development of residential gardens and excludes private gardens from the definition of previously developed land."</i> As you are aware the NPPF makes no reference to subterranean construction and the reference under numbered paragraph 53 to inappropriate development relates to "garden grab development."</p> <p>With reference to numbered paragraph 53 of the NPPF please explain how you can demonstrate that subterranean development in excess of 50% of the garden area would cause harm to the local area.</p>	Refused to Provide Information		
52.00	<p><b>The following question relates to numbered paragraph 34.3.55 of Basements Publication Planning Policy. " Keeping the unexcavated area of a garden in a single area and adjacent to similar areas in other plots allows better drainage, and continuity of larger planting supporting biodiversity. In back gardens this area will usually be the end of the garden furthest from the building".</b></p>			
53.00	<p>1. You state that <i>"keeping the unexcavated area of a garden in a single area and adjacent to similar areas in other plots allows better drainage."</i> Please provide proof, evidence or explanation from a fully qualified hydro geologist or similarly qualified person which supports your statement. Alternatively provide written evidence of the information which is at your disposal to support your statement.</p>	No Supporting Evidence Available		<p><b>RBKC have confirm that they have no evidence to support the statement "keeping the unexcavated area of a garden in a single area and adjacent to similar areas in other plots allows better drainage" - RBKC directly contradict the statement contained within the Arup Report "It is understood that, within the Borough, it has been suggested that it may be useful to require subterranean developers to leave a buffer of soil between adjacent basements, in order to enable groundwater to flow around and between individual basements. As described above, this provision is unlikely to be necessary, as the groundwater in the Upper Aquifer can tend to find an alternate route, even under obstructions as large as entire city "blocks". Document 3 Arup - Report - Underground Water - Para 5.1 Page 20</b></p>
54.00	<p>2. You state that <i>"keeping the unexcavated area of a garden in a single area... allows... continuity of large planting supporting biodiversity."</i> Please provide evidence from a fully qualified Arboricultural expert and horticultural expert that supports your statement.</p>	No Supporting Evidence Available		<p><b>RBKC confirm that they have no evidence to support the statement "keeping the unexcavated area of a garden in a single area... allows... continuity of large planting supporting biodiversity."</b></p>
55.00	<p>3. You state that <i>"the unexcavated area of a garden... will usually be at the end of the garden furthest from the building."</i> Please provide the reasoned justification to support this statement together with copies of the professional advice that you have received from fully qualified individuals, with suitable evidence, that supports your statement that the garden area should be located to the rear of the property and not elsewhere.</p>	No Supporting Evidence Available		<p><b>RBKC confirm that they have no evidence to support the statement "the unexcavated area of a garden... will usually be at the end of the garden furthest from the building"</b></p>



56.00	<b>The following question relates to numbered paragraph 34.3.56 of Basements Publication Planning Policy. "As well as causing greater construction impacts and carbon emissions, deeper basements have greater structural risks and complexities11. In order to minimise these risks to the high quality built environment of the Royal Borough the policy takes a precautionary approach by limiting basements to a single storey".</b>			
57.00	<p>1. We do not understand your reference to a "<i>precautionary approach by limiting basements to a single storey.</i>" It would appear that you are saying that you have not conducted a detailed study of basements carried out within the borough which has produced evidence to show continual and significant structural damage on a wide scale related to deeper basements.</p> <p>Notwithstanding this and in the absence of any evidence you wish to adopt a precautionary approach, effectively "just in case there is a problem" intending to restrict basements to a single level. We are seeking a specific answer to this specific point and would be grateful if you do not attempt to confuse matters by making reference to carbon or other unrelated factors.</p> <p>We are seeking a direct answer to this question – are you seeking to restrict basements to a single level based upon perceived structural risk without having carried out a full and detailed survey across a large number of basement projects which have been completed in the borough in recent years? We are unaware of any such study having been carried out by RBKC and in the absence of this research your approach is unreasonable.</p>	No Supporting Evidence Available		RBKC confirm that they have no evidence or Professional Reports that demonstrate basements constructed to a depth of more than one storey have actually resulted in higher levels of structural damage than that which might apply to basements of a single storey
58.00	<b>The following question relates to numbered paragraph 34.3.59 of Basements Publication Planning Policy. "Building additional basements underneath existing ones will result in deep excavations which have greater structural risks. Basements will therefore be restricted to single, one-off schemes and, once a basement is built, a further basement underneath or in the garden will not be acceptable at the same site"</b>			
59.00	<p>1. You state that "<i>once a basement is built a further basement... in the garden will not be acceptable at the same site.</i>" Please provide the reasoned justification for this approach. This policy will effectively prevent any person who had constructed a basement below their original property from subsequently constructing basement in the garden area.</p> <p>Please provide a logical explanation as to why it would not be permissible for a householder who had completed a basement construction below their original house, say, ten years ago would not now be permitted to construct a basement of any size within their rear garden.</p>	Refused to Provide Information		
60.00	<b>The following question relates to numbered paragraph 34.3.60 of Basements Publication Planning Policy. "Trees make a much valued contribution to the character of the Borough, and bring biodiversity and public health benefits. Works to, and in the vicinity of, trees, need to be planned and executed with very close attention to detail. All applications for basements likely to affect trees13 either on-site or nearby must be accompanied by a full tree survey and tree protection proposal for the construction phase. Core Strategy Policy CR6 Trees and Landscape will also apply".</b>			
61.00	<p>1. Within paragraph 34.3.60 you make reference to footnote 13 which in turn refers to British Standard 5837 2012. Point 7.6 of BS 5837 2012 specifically deals with subterranean construction and trees.</p> <p>The British Standard concludes having carried out enormous research informed by leading professional experts that it may be possible to excavate below the root protection area of trees and that each case should be assessed on its merits in the light of site specific specialist advice.</p> <p>Please provide details of the professional Arboricultural advice and reports that have been prepared to contradict the recommendations contained within 7.6 of BS 5837 2012.</p>	Repeats FOI1 Q9 and FOI 4 Q1		

62.00	<p>2. The RBKC policy proposal is to prevent excavation below the root protection zone of a tree despite the statements contained within BS 5837 2012 which confirms that in individual cases this may be possible – subject to circumstance.</p> <p>Excavation below the roof protection area of trees within RBKC has been acceptable where sufficient evidence is provided and we would direct you to excavation below trees at 10 Kensington Palace Gardens and in particular the observations of the Principal Arboricultural Officer of the Royal Borough of Kensington &amp; Chelsea who states that he has no objection to the excavation below the root protection area of trees at the subject property on the basis that engineering and Arboricultural justification has been provided.</p> <p>Please refer to written comments made under Planning Reference PP/08/1323 dated the 9th July 2008 by Mr Angus Morrison – Chief Arboricultural Officer, RBKC. Based upon the agreement of the Chief Arboricultural Officer of RBKC that excavation below the root protection area of a tree is possible following detailed engineering evaluation I would be grateful if you would provide detailed evidence of case studies which have been carried out in the intervening period within RBKC – which prove that trees have suffered as a consequence of excavation below the root protection area.</p> <p>We have been unable to find any evidence to justify the decision of RBKC to ignore the recommendations of BS 5837 2012 on this specific point.</p>	Repeats FOI1 Q9 and FOI 4 Q1		
63.00	<p><b>The following question relates to numbered paragraph 34.3.62 of Basements Publication Planning Policy.</b> <i>"The special architectural or historic interest of listed buildings goes beyond appearance. It includes the location and hierarchy of rooms and historic floor levels, foundations, the original purpose of the building, its historic integrity, scale, plan form and fabric among other things. Consequently, the addition of a new floor level underneath the original lowest floor level of a listed building, or any extension of an original basement, cellar or vault, will affect the hierarchy of the historic floor levels, and hence the original building's historic integrity. Basements under listed buildings are therefore resisted by the policy".</i></p>			
64.00	<p>1 RBKC seeks to ban basements below the footprint of Listed Buildings on the basis that in all cases basement development on Listed Buildings <b>must</b> have a negative impact on the host buildings historic integrity and should therefore be resisted by policy.</p>	Refused to Provide Information		
65.00	<p>2 The Local Authority will have considered the comments of English Heritage under PPS 5 which states under paragraph 178 which states "assessment of an asset significance and its relationship to it setting will usually suggest the forms of extension that might be appropriate." Please explain why RBKC refuses to accept that subterranean extensions to Listed Buildings should be judged on a case-by-case basis – preferring rather to adopt a blanket ban – particularly in light of Guidance by English Heritage that an individual assent is required.</p>	Refused to Provide Information AND Allege English Heritage Document Now Invalid		<p><b>RBKC claim that the Publication produced by English Heritage "Planning for the Historic Environment PRACTICE GUIDE" is no longer a valid document. This statement is directly contradicted by English Heritage who state "The Practice Guide is still a valid document and we are still waiting for the results of a review of guidancesupporting national planning policy. We will be updating our guidance once this review has been completed but for the time being, other than the redundant references to PPS5 policies, the document can still be used" - Document 45 - English Heritage Statement on Practice Guide</b></p>
66.00	<p>3. Please explain why an extension of a Listed Building above ground is not subject to the same blanket ban based on architectural hierarchy and layout that applies to a subterranean extension. It would appear that there is no reasoned justification for the blanket ban that is being applied in relation to plan for arrangement of subterranean extensions when identical circumstances exist for extensions above ground.</p> <p>The proposed ban is highly prejudicial and misconceived.</p>	Refused to Provide Information		
67.00	<p>4 Please explain why if RBKC are prepared to consider above ground extensions to Listed Buildings then why is similar consideration not given to subterranean extensions?</p>	Refused to Provide Information		

68.00	<p>5 Within PPS5 English Heritage specifically address the issue of subterranean extension under numbered paragraph 182 where they say that “proposals to remove or modify internal arrangements including the insertion of new openings or <u>extension underground</u> will be subject to the same considerations of impact on significance as for externally visible elements.”</p> <p>This statement indicates that English Heritage require subterranean extensions to be considered on the same basis as those which are constructed above ground – this in turn indicates that upon architectural principles a blanket ban on extensions below Listed Buildings is inappropriate and that development should be considered on a case-by-case basis.</p> <p>Please provide an explanation that clearly states why subterranean extension below the footprint of a Listed Building can never be acceptable based upon plan form and hierarchical architectural arguments alone (for the purpose of this question structural considerations should be ignored as they are a separate issue dealt with elsewhere within this letter).</p>	Refused to Provide Information		
69.00	<p><b>The following question relates to numbered paragraph 34.3.63 of Basements Publication Planning Policy.</b> “ Foundations are part of the historic integrity of a listed building. Basements in the gardens of listed buildings can result in extensive modifications to the building’s foundations. This can harm the historic integrity and pose risks of structural damage to the building. Basements under the gardens of listed buildings are therefore also normally resisted. However, they may be acceptable in a large garden where the basement can be built without extensive modifications to the foundations by being substantially away from the listed building so that it does not harm the significance of the listed building and the link between the listed building and the basement is discreet and of an appropriate design ”.</p>			
70.00	<p>1. You state that “<i>basements in the gardens of Listed Buildings can result in extensive modifications to the buildings foundation.</i>”</p> <p>Please provide full details of the case studies which have been conducted and the report that has been produced by qualified structural engineers indicating the extent of modification to the foundations of Listed Buildings which have been carried out within the borough within the last three years. We are seeking an understanding of the information that has been used by the Local Authority to support their statement.</p>	Refused to Provide Information		
71.00	<p>2. You state that “<i>basements in the gardens of Listed Buildings... pose risks of structural damage to the building.</i>”</p> <p>Basements have been successfully constructed within the gardens of Listed Buildings for many years within RBKC – please provide details of the study which has been carried out proving that significant structural damage has been caused to Listed Buildings with RBKC in recent years as a consequence of basements being constructed within the gardens of Listed Buildings. Please ensure that the evidence provided is supported and endorsed by fully qualified Structural Engineers and Chartered Surveyors.</p>	Alan Baxter Associates Report Para 9.2.6.2	Alan Baxter Report Para 9.2.6.2 - “It is beneficial for the existing adjoining buildings if these basements are designed and built so that they are structurally independent of the structures of the adjoining houses”	The Report by Alan Baxter Associates specifically addresses the issue of potential damage to a Listed Building as a consequence of Basement Construction and concludes:- “ From a structural engineering viewpoint there is little difference in risk between a listed and unlisted building ” - Baxter goes on to state “The objection to basements under listed buildings primarily relates to how a building is used rather than any particular structural risk” - RBKC have been advised by their appointed Structural Engineers that basements below Listed Building pose no additional or special Risks and having accepted that they have no evidence that any foundation has been extensively modified - it is wholly unreasonable for RBKC to impose a blanket ban on Basement construction either below a Listed Building or in the Garden of a Listed Building
72.00	<p>3. You state that the construction of basements “<i>may be acceptable in a large garden where the basement can be built without extensive modification to the foundations.</i>”</p> <p>This statement implies that minor modifications to the foundations are acceptable and on this basis we ask for your clarification as to what would constitute a modification which was not “<i>extensive.</i>”</p> <p>We assume that you will have made further reference to Table 2.5 of Ciria Report C 5804 and your clarification as to what level of damage would be acceptable is requested.</p>	Refused to Provide Information		
73.00	<p>4. Please note that any material modification to a Listed Building involving structural repairs, extensions, replacement windows, modification to plan form will always have a structural impact of some degree and on this basis if you simply respond to our enquiry stating that no damage should be caused then this will effectively require a blanket policy across the borough in relation to modifications of Listed Buildings of any type. In the event that you wish to make a distinction between damage which may be caused as a consequence of subterranean construction and damage which may be caused as a consequence of above ground construction please provide a reasoned explanation as to why this distinction is appropriate supported by evidence from a fully qualified chartered engineer or chartered surveyor.</p>	Refused to Provide Information		

74.00	<p><b>The following question relates to numbered paragraph 34.3.67 of Basements Publication Planning Policy.</b> <i>"It is very important to minimise the visual impact of light wells, roof lights, railings, steps, emergency accesses, plant and other externally visible elements. Care should be taken to avoid disturbance to neighbours from light pollution through roof lights and other forms of lighting. Introducing light wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area. Where external visible elements are allowed they need to be located near the building, and sensitively designed reflecting the existing character and appearance of the building, streetscape and gardens in the vicinity "</i>.</p>			
75.00	<p>1 You state that <i>"it is very important to minimise the visual impact of light-wells."</i> Please explain why it is "very important" to minimise the impact of light-wells compared with other above ground forms of development.</p>	Refused to Provide Information		
76.00	<p>2 You state that <i>"care should be taken to avoid disturbance to neighbours from light pollution through roof lights."</i> Please provide evidence of the study where light pollution through roof lights has been assessed as being greater than other above ground forms of glazing which will generally be far more visible from adjacent properties or to members of the public. Your statement implies that there is a significant problem with light pollution from basements and we would ask for your reasonable explanation as to the evidence you have used to make this statement.</p>	Refused to Provide Information		
77.00	<p>3. You state that <i>"introducing light-wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area."</i> This statement means that with any street there may be multiple light-wells that have become an established feature of the street scene, by consequence of their presence may not necessarily be regarded as a positive feature by a Planning Officer even though they form part of the prevailing style of development in view of their number. Please explain your intention in using the term <i>"not a positive feature of the street scape"</i> within the context of our wider question. It would appear that the intention of this statement is to allow Planning Officer the right to determine whether or not a prevailing style of development is positive – for example, if a Planning Officer simply does not like the appearance of light-well grilles within any given road, irrespective of the number that may exist, then the Planning Officer can refuse to allow consent for the proposed light-well on the basis that it is not regarded as <i>"a positive feature of the street scape."</i></p>	Refused to Provide Information		
78.00	<p><b>The following question relates to numbered paragraph 34.3.70 of Basements Publication Planning Policy.</b> <i>"Basement construction can cause nuisance and disturbance for neighbours and others in the vicinity, through construction traffic, parking suspensions and the noise, dust and vibration of construction itself. The applicant must demonstrate that these impacts are kept to acceptable levels under the relevant acts and guidance<sup>18</sup>, taking the cumulative impacts of other development proposals into account. The building compound and the skip location should be accommodated on site or in exceptional circumstances in the highway immediately outside the application site.<sup>19</sup> "</i></p>			

79.00	<p>1. You state that <i>“the applicant must demonstrate that these impacts are kept to acceptable levels under the relevant Acts and guidance, taking the cumulative impact of other development proposals into account.”</i></p> <p>Planning Policy Guidance Circular 11/95.. “Use of Conditions in Planning Permission” offers specific guidance 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.”</p> <p>“A condition cannot be justified on the grounds that the Local Planning Authority is not the body responsible for exercising a concurrent control, and there cannot ensure that it will be exercised property.”</p> <p>Under paragraph 31 – “A condition which is not sufficiently precise for the applicant to be able to ascertain what must be done to comply with it is ultra vires and cannot be imposed. Vague expressions... for example, so as not to cause annoyance to nearby residents give occupants little idea of what is expected of them.”</p> <p>Please explain the basis upon which the Planning Department is seeking confirmation from applicants that they will comply with the mandatory requirements of other statutory regulators.</p>	Refused to Provide Information		
80.00	<p>2. You state that <i>“the building compound and the skip location should be accommodated on the site or in exceptional circumstances in the highway immediately outside the application site.”</i></p> <p>As you are aware Planning Policy Guidance Circular 11/95.. states within Appendix B.. Conditions which are unacceptable Paragraph 7 – <i>“to require that loading and unloading, and the parking of vehicles, shall not take place on the highway at the front of the premises. This Condition purports to exercise control in respect of the Public Highway, which is not under the control of the applicant.”</i></p> <p>At Paragraph 38 Circular 11/95 goes onto say <i>“it is unreasonable to impose a Condition worked in a positive form which developers would be unable to comply with themselves or which they could comply with only with the consent or authorisation of a third party”..... “Conditions which require the applicant to obtain an authorisation from another body should not be imposed.”</i></p> <p>Further at Paragraph 39 <i>“it would be ultra vires, to require works which the developer has no power to carry out or which would need the consent or authorisation of a third party.”</i></p> <p>As you are aware the vast majority of properties within RBKC do not have a vehicular crossover to enable a skip to be deposited on the front garden nor is the front garden in the vast majority of cases large enough to accommodate a skip plus the other equipment which may be required to construct the development. Please prove justification for requiring developers to demonstrate that they will obtain consent from third parties for highways permission to locate a skip or other construction related element on the public highway. In light of the guidance contained within the Circular 11/95.</p>	Refused to Provide Information		
81.00	<p>3. Please provide an explanation as to why a basement should require <i>“exceptional circumstance”</i> to gain permission to place a skip on the public highway in comparison to other above ground extensions – please refer to “Best Practice Guide” issued by London Councils which confirm the use of skips as “low risk.”</p>	Refused to Provide Information		
82.00	<p><b>The following question relates to numbered paragraph 34.3.71 of Basements Publication Planning Policy.</b> <i>“ Basement development can affect the structure of existing buildings. The applicant must thoroughly investigate the ground and hydrological conditions of the site and demonstrate how the excavation, demolition, and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability20. Minimising damage means limiting damage to an adjoining building to Category 121 (Very Slight - typically up to 1mm). These are fine cracks which can be treated easily using normal decoration. The structural stability of the development itself is not controlled through the planning system but through Building Regulations and the Party Wall Act is more suited to dealing with damage related issues ”.</i></p>			



83.00	<p>1. You state that the basement and temporary works must be carried out... <i>"limiting damage to an adjoining building to Category 1 of Table 2.5 of the Ciria Report C 5804."</i></p> <p>This requirement ignored the specific advice contained within the Alan Baxter Report paragraph 14.4.1 (H) which states that Category 2 of Ciria Report 580 should be achieved.</p> <p>Please provide an explanation as to why you have ignored the advice of your independent structural engineers. Please also confirm details of the specific advice that you have received from fully qualified structural engineering staff stating that you should ignore the advice contained within the Baxter Report and apply an alternative standard.</p>	No Supporting Evidence Available BUT Refer Alan Baxter Associates Report Para 10.9		
84.00	<p><b>The following question relates to numbered paragraph 34.3.73 of Basements Publication Planning Policy.</b> <i>"Applicants wishing to undertake basements are strongly advised to discuss their proposals with neighbours and others, who will be affected, commence party wall negotiations and discuss their schemes with the Council before the planning application is submitted. Sharing emerging proposals related to traffic and construction with residents and businesses in the vicinity is beneficial as local knowledge and their needs can be more readily taken into account. Construction and traffic management plans and demolition and construction management plans should be discussed with the Council at pre-application stage, and submitted with the planning application".</i></p>			
85.00	<p>1. You state that before making a planning application applicants should <i>"commence party wall negotiations."</i></p> <p>Please provide details of the professional advice that you have received from Chartered Surveyors that recommends in advance of gaining planning consent for a scheme the party wall process should begin.</p>	No Supporting Evidence Available		RBKC confirm that they have not obtained Reports or Professional Advice from Party Wall Surveyors to support their recommendation that Party Wall Negotiations should commence before submitting a Planning Application
86.00	<p>2 Please confirm that you have considered the fact that Party Wall costs are not automatically borne by the individual having the works carried out and by consequence you expose the adjoining owner to costs that they may not recover from engagement in the party wall process before a planning application has even been submitted.</p>	Refused to Provide Information		
87.00	<p>3 You state that <i>"construction and traffic management plans and demolition and construction management plans should be discussed with the Council at pre-application stage."</i></p> <p>Please explain the basis upon which you can require an applicant to discuss these matters with the Local Authority in advance of the submission of a Planning Application.</p>	No Supporting Evidence Available		
<b>Freedom of Information Request 6 - 01.08.13</b>				
88.00	<p>Please supply the Detailed Plans and Specifications that were used as case study by Eight Associates and are referred to in the attached SAP Calculations for both the Extension and the Basement Calculations</p>	No Supporting Evidence Available		
<b>Freedom of Information Request - 19.08.13</b>				
89.00	<p>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</p>	No Response from RBKC		
90.00	<p>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</p>	No Response from RBKC		
91.00	<p>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</p>	No Response from RBKC		

92.00	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	No Response from RBKC		
93.00	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	No Response from RBKC		
94.00	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 Storm water Drainage Issues – We have been unable to trace a suitable qualification for either person	No Response from RBKC		
95.00	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	No Response from RBKC		
96.00	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	No Response from RBKC		
97.00	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	No Response from RBKC		
98.00	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	No Response from RBKC		
99.00	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	No Response from RBKC		
100.00	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	No Response from RBKC		
101.00	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	No Response from RBKC		
102.00	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	No Response from RBKC		
103.00	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	No Response from RBKC		

104.00	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	No Response from RBKC		
105.00	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.	No Response from RBKC		
106.00	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	No Response from RBKC		
107.00	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	No Response from RBKC		
108.00	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	No Response from RBKC		
109.00	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	No Response from RBKC		
110.00	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	No Response from RBKC		
111.00	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."	No Response from RBKC		
112.00	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	No Response from RBKC		
113.00	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	No Response from RBKC		