Royal Borough of Kensington and Chelsea Basement Policy

Traffic & Highways Policy Review

20 August 2013

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Consultants of the Year 2013 Finalist

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Issue	Date	Prepared by	Checked by	Approved by
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Comments

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1. Executive Summary

1.1. The purpose of this policy review is to make representations to The Planning Inspectorate about the draft policy produced by Royal Borough of Kensington and Chelsea (RBKC) regarding Basement Planning Policy, specifically relating to residential basement developments. In our view the draft policy is perverse.

1.2. In terms of construction traffic residential basement developments are no different from other types of residential development. Indeed it is very difficult to isolate those trips specifically related to basement construction from those associated with upper level development.

1.3. There is currently extensive planning policy and guidance already in place which seeks to reduce the noise pollution and disruption associated with construction in general.

1.4. RBKC already has policies in place that have to be met prior to the commencement of any construction through the implementation of a 'Construction Traffic Management Plan'. This gives RBKC the opportunity to manage construction throughout the borough.

1.5. The draft policy is considered to unfairly prejudice residential basement developments.

2. Notes about the Author

Mike Bedwell is a member of the Waterman Transport & Development (WTD) Board and a Chartered Engineer, with over 30 years experience in transportation planning, traffic engineering and highway design. He is a Fellow of the Institute of Highways and Transportation and Member of the Institute of Civil Engineering.

Mike advises clients on various aspects of highways and transportation relating to existing and proposed developments across a wide spectrum of land uses.

He has given expert evidence at more than 80 public inquiries on highways and transportation issues in relation to planning applications, compulsory purchase orders and development plan reviews.

Mike has delivered papers at both transport industry, and client specific, seminars and presented highway proposals to planning authority officers, committee members and members of the public.

3. Introduction

3.1. Waterman Transport & Development Ltd (WTD) has been instructed by Cranbrook Basements to provide advice in connection with the consultation draft policy produced by Royal Borough of Kensington and Chelsea (RBKC) regarding Basement Planning Policy, specifically relating to residential developments.

3.2. This report makes representation to the The Planning Inspectorate, that reviews the draft policy and provides support in favour of basement developments which is considered wholly permissible subject to the normal planning process that currently exists.

3.3. Cranbrook Basements has written to RBKC in relation to the policy with a view to clarifying a number of points.

3.4. The report concludes that the draft policy set out is perverse.

4. RBKC Basements Publication Planning Policy

4.1. The RBKC's reasoned justification within the Basements Publication Planning Policy specifically relates to highways and transport in the paragraphs as follows.

34.3.48 Basement development in recent years has been the subject of concern from residents. Basements have given rise to issues about noise and disturbance during construction, the management of traffic, plant and equipment, and concerns about the structural stability of nearby buildings. These concerns have been heightened by the growth in the number of planning applications for basements in the Royal Borough with 46 planning applications in 2001, increasing to 182 in 2010, 186 in 2011 and 307 in 2012. The vast majority of these are extensions under existing dwellings and gardens within established residential areas.

It appears that this policy is unfairly discriminating again basement extension when there could be similar numbers of upper level extensions. Paragraph 34.3.49 mentions that there could be numbers of basement extensions being constructed, as follows.

34.3.49 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.

It is considered that construction traffic related to basement construction is no different from other forms of construction. Potentially there could be a large number of upper level extensions being constructed at once in a street or area, or indeed a single large construction site. Paragraph 34.4.70 goes onto mention the perceived nuisance caused by construction traffic.

34.3.70 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.

This statement could apply to any construction site. The paragraph then continues to state that the applicants must minimise the impacts of construction:

The applicant must demonstrate that these impacts are kept to acceptable levels under the relevant acts and guidance, 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.

Currently these matters are dealt with through the submission of a Construction Traffic Management Plan (CTMP) which is a highly comprehensive document that must be approved by the Local Authority prior to construction being undertaken. This is also referred to in the public consultation document 'Residential Basement Study Report' which is discussed in Section 5. The CTMP is mentioned directly in paragraph 34.3.73 as follows.

34.3.73 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.

A copy of the CTMP, which is currently approved by RBKC, is provided at ***Appendix A***. The CTMP is discussed in more detail in Section 5 of this report, and is considered sufficient to enable RBKC to manage construction related traffic. Indeed there is other extensive policy, guidance and legislation that ensures construction is undertaken with minimal disruption, noise and pollution, which is also discussed in Section 6.

Policy CL7 – Basements

4.2. The new policy that RBKC is seeking to become adopted, in relation to construction traffic in Policy CL7, states.

'Ensure that traffic and construction activity does not harm pedestrian, cycle, vehicular and road safety, affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living working and visiting nearby'

Again the CTMP provides RBKC with the necessary authority to manage construction.

5. Correspondence with RBKC

5.1. Cranbrook Basements (CB) has corresponded with RBKC in relation to the basement policy in order to clarify a number of points. A response was received from RBKC dated 16th August 2013, details of this are provided in ***Appendix B***.

5.2. The matters pertinent to highways and transport are discussed. In the letter, where RBKC state that 'information is not sought', RBKC is not able to respond directly, or alternatively additional information/data has not directly been requested. Each traffic/highways related comment (CB) is relayed which is then followed by RBKC's response, WTD then make further comments which relate to this note only and did not form part of the correspondence, as follows.

(CB) - 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.

(RBKC) Concerns are raised in the Residents and Neighbours Surveys, September 2012. Public consultation documented throughout the formulation of the policy.

These are available on the Council's website:

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

(WTD) – It is considered that the RBKC public consultation response form is bias towards the respondent giving a positive answer against basement developments. For example if the response to the question 'Do you consider the planning policy to be sound?' is 'yes' then further explanation within the questionnaire is sought , whereas if the respondent replies 'no' there is no opportunity to expand upon this.

(CB) - 2. You state that *"tight knit streets of terraced and semi-detached houses can have several basement developments underway at any one time."*

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.

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.

(RBKC) - Repeats earlier request in this letter (pt 2 under para 34.3.4).and Request 1 (pt 14)

WTD – The Residential Basements Study Report states

> *'It is possible for there to be more than one construction project in one street. Construction methodology and in particular the Construction Traffic Management Plan for a project must have regard to the impact of multiple permissions for basements in a street or area. This is particularly important where the streets are narrow or have limited access'*

Therefore, the Residential Basements Study Report suggests that multiple basement construction projects can be controlled and monitored by the implementation of the CTMP. The CTMP is discussed in more detail in Section 6.

(CB) - 3. You state that “the duration of construction (for basements) is longer than for above ground extensions”. 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.

(RBKC) - Residential Basements Study Report, March 2013, Alan Baxter and Associates (Section 12):

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

(WTD) – The above mentioned document states at paragraph 12.2

> ‘*Basement projects also tend to go on for much longer than projects which involve works only to the above ground elements’.*

This is a very broad statement that is not substantiated in the report other than stating, in relation to basement construction.

> ‘*There is a requirement to remove large quantities of bulk excavation from site and to deliver construction materials and equipment.’*

(CB) - 5. You state that “the removal of spoil requires many more vehicle movements.”

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.

(RBKC) - No further information other than in

- *Ove Arup and Partners Scoping Study, June 2008 (para 5.5, pg 9: Environment)*
- *Residential Basements Study Report, March 2013, Alan Baxter and Associates (para 12.5)*

(WTD) – Please refer to comment above.

(CB) The following question relates to numbered paragraph 34.3.52 of “Basements Publication Planning Policy”

1. You state that “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.”

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.

(RBKC) - No information is available.

(WTD) – Given that there is no information available this claim is unsubstantiated, it is considered that RBKC must retract it from their draft policy.

(CB) - As you are aware Planning Policy Guidance Circular 11/95.. states within Appendix B.. Conditions which are unacceptable Paragraph 7 – "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."

At Paragraph 38 Circular 11/95 goes onto say "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."

Further at Paragraph 39 "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."

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.

(RBKC) - No information sought.

(WTD) – Noted, no further comment.

(CB) - 3. Please provide an explanation as to why a basement should require "exceptional circumstance" 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."

(RBKC) - No information sought.

(WTD) – Noted, no further comment.

(CB) - 3. You state that "construction and traffic management plans and demolition and construction management plans should be discussed with the Council at pre-application stage."

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.

(RBKC) - No information sought.

(WTD) – Noted, no further comment.

6. Relevant Supporting Planning Policy, Guidance and Regulation

6.1. There are various policies and guidance which seek to minimise the noise, pollution and disruption from construction.

1980 Highways Act

6.2. The 1980 Highways Act, Section 179, allows for cellar, vault or arches to be constructed within the public highway subject to Highway Authority consent. Therefore, developments such as basements which are constructed within the boundary of the property fall within the Act.

TfL's Construction Logistics Plans

6.3. In terms of the management of construction traffic TfL require the production of Construction Logistic Plans (CLPs) as part of the planning process where TfL consider it is appropriate. CLPs help developers and contractors to manage all types of freight vehicle movement to and from construction sites. They improve the safety and reliability of deliveries to a site, reduce congestion and minimise the environmental impact.

6.4. Indeed RBKC's CTMP itself provides a method to enhance safety and the negative environmental impacts brought about by construction.

TfL's London Freight Plan

6.5. The vision for sustainable freight distribution in London is for:

'…the safe, reliable and efficient movement of freight and servicing trips to, from, within and, where appropriate, through London to support London's economy, in balance with the needs of other transport users, the environment and Londoners' quality of life…'

6.6. The London Freight Plan encourages the development of Delivery Management Plans which can effectively present a mileage saving effect, reduce noise and CO_2 emissions.

6.7. It encourages contractors to sign up to the Freight Operator Recognition Scheme which provides a quality benchmark for use by clients when awarding servicing, maintenance and supply contracts. This provides a simple way for clients to ensure the sustainable credentials of freight operators.

London Plan 2011

6.8. Policy 5.3 Sustainable design and construction strategy of the London Plan states that

"Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process."

6.9. The policy seeks to minimise carbon dioxide emissions across construction sites, minimise pollution (including noise, air and urban run-off), minimise the generation of waste and maximise reuse or recycling as well as securing sustainable procurement of materials, using local supplies where feasible. Again RBKC's CTMP would manage these aspects.

6.10. It can be concluded that there are already significant policies and guidance in place to reduce or minimise the effects of construction traffic, noise and pollution. Therefore, basement construction should be permitted on this basis.

6.11. It can be very difficult to isolate construction traffic that purely relates to basement applications

since many planning applications are for basement works which include works to upper floor levels. For example, the case study 44 Markham Square, within the Eight Associates document 'Life Cycle Carbon Analysis of Extensions and Subterranean Development in RBKC' (commissioned by RBKC) the description is 'Construction of new basement beneath house and garden and erection of rear extensions at lower ground and first floor levels and alterations to the front vaults'.

British Research Establishment document - Controlling Particles, Vapour and Noise Pollution from Construction Sites

6.12. The British Research Establishment (BRE) document, which has been based on many years of construction experience and research, recognises that construction sites can be a major source of pollution if not properly managed and controlled. The BRE guide is intended to control air pollution and noise emissions from construction sites through pre-project planning, management and good standards of practice. A small example of a number of these are presented below.

- Wheel washing to prevent debris and mud from collecting on the highway; for small sites this can be done manually using a hose and brush which in itself will not cause a particular noise problem.
- Avoid the overfilling of vehicles to prevent spills.
- Use sheeting to cover loads to prevent wind-raised particles
- Plant and vehicles should comply with EU noise emission limits
- Construction works would be restricted to ensure noisy works are carried out during the day.
- Method Statements
- Pre-fabricated components and construction wherever possible
- Building materials and furnishings with low pollution emissions
- Optimise site layout
- Good site housekeeping
- Training and Management procedures

The Control of Dust and Emissions from Construction and Demolition

6.13. The best practice guidance produced in partnership by the Greater London Authority and London Councils builds on other guidance and augments individual local authorities' Considerate Contractors' Schemes and the experience of local authority officers. It establishes best practice that is relevant and achievable, with the overarching aim of protecting public health. It aims to provide an overall mechanism to deal with the cumulative impacts of the many individual construction sites within a London borough. This document complements or replaces individual boroughs' considerate contractors' documents, where they exist, and allows those boroughs that do not have their own scheme to access guidance to ensure proper management of demolition and construction sites.

6.14. There are three principles that are well established and are central to the control strategies suggested by the Guidance. They follow a hierarchy to control the emissions of dust and other emissions and reduce human exposure, which are:

1 - Prevention

2 - Suppression

3 - Containment

6.15. The best practice seeks to manage dust, emissions, construction traffic, noise and demolition and provide methods of best practice such as the provision of method statements.

RBKC's Construction Management Plan

6.16. RBKC's CTMP provides a series of 32 questions which must be completed to the satisfaction of RBKC prior to construction. The questions seek to gain understanding of the arrangements and management of construction traffic which are discussed below:

Q.1 Site address

Q.2 Contact details of the person submitting the CTMP

Q.3 Description of the works

Q.4 Programme / key dates – This provides RBKC the opportunity to project manage the number of developments, thus potentially eliminating the issue of several basement developments underway at any one time as stated in the draft policy 34.3.49.

Q.5 Days and times of site operation - Again this provides RBKC the opportunity to ensure that restrictions are in place to help manage the disturbance to neighbours to ensure works are undertaken during reasonable times of the day as stated in the draft policy 34.3.70.

Q.6-7 Routing of demolition, excavation and construction vehicles have to be provided. This provides RBKC the opportunity to ensure that impact on residential streets is minimised since the routing of heavy vehicles can be managed.

Q.8–10 Details of the site access, how materials and skips will be stored and how vehicles will access the site have to be submitted. This ensures that large HGVs can adequately gain access to the development particularly in areas that may have narrow streets.

Q.11-12 The number of vehicles accessing the site per day / week have to be provided. This gives RBKC the opportunity to manage the number of HGV trips which is of concern raised the draft policy 34.3.48.

Q.13 Requests of wheel washing facilities will be required, thus managing the release of debris and dust.

Q.14 Methods of how protection of damage to the public highway is to be provided which must be to the satisfaction of RBKC.

Q.15-18 Arrangements for controlling and co-ordinating delivery vehicles provides RBKC the authority to manage HGV trips and other vehicles associated with construction.

Q.19 Existing waiting and loading restriction associated with the site have to be submitted, this ties into Q.15-18.

Q.20-26 This looks at the impact on other highway users such as pedestrian impact from storage and plant, traffic diversions and requests the specification of delivery methods for various types of loads such as concrete and spoil.

Q.27 This question seeks to understand the extent to any necessary utility diversions.

Q.28 Other general management issues such as CTMP monitoring reviews, how complaints will be dealt with and details of construction related equipment.

Q.29 Contact details of the person who will be responsible for coordinating traffic arrangements are required.

Q.30 Arrangements on how domestic and commercial waste collections will be collected during the construction phase.

Q.31 Contact details of the person who will be dealing this any possible complaints.

Q.32 Details required of an equipment or structure which will be overhanging the public highway. And overhang will require a licence.

6.17. It can be concluded that the CTMP, which is already in place and used by RBKC, is more than sufficient to manage the traffic generated by construction of basements (and any other type of construction) and that additional policy is not needed.

Health and Safety Executive

6.18. The Health and Safety Executive whose mission is 'to prevent death, injury and ill health in Great Britain's workplaces have produced a range of documents associated with construction and workplace traffic as follows.

- Workplace Transport Safety
- Construction Site Transport Safety
- Safe use of skip loaders
- Safe use of Vehicles on Construction Sites

6.19. These documents consider the key aspects that go towards reducing the number of accidents at work through the implementation of good practice which in turn reduces the inconvenience through noise, dust and pollution. Some of the key aspects are:

- Keeping pedestrians and vehicles apart
- Minimising Vehicle Movements
- Managing the people on site
- Turning vehicles
- Visibility

The Construction (Design and Management) Regulations 2007

6.20. The CDM regulations have provided acts that seek to ensure that places of work are safe.

6.21. Of particular note is Part 4: Duties Relating to the Health and Safety on Construction Sites Section 36 Traffic Routes, which states:

'(1) Every construction site shall be organised in such a way that, so far as it reasonably practicable, pedestrians and vehicles can move safely and without risks to health.

(2) Traffic routes shall be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) A traffic route shall not satisfy sub-paragraph (2) unless suitable and sufficient steps are taken to ensure that –

(a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;

(b) any door or gate for pedestrians which leads onto a traffic route is sufficiently separated from that traffic route to enable pedestrians to see any approaching vehicle or plant from a place of safety;

(c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable –

(i) there are provided other means for the protection of pedestrians, and

(ii) there are effective arrangements for warning any person liable to be crushed or trapped by any vehicle of its approach;

(d) any loading bay has at least one exit point for the exclusive use of pedestrians; and

(e) where it is unsafe for pedestrians to use a gate intended primarily for vehicles, one or more doors for pedestrians is provided in the immediate vicinity of the gate, is clearly marked and is kept free from obstruction.

(4) Every traffic route shall be –

(a) indicated by suitable signs where necessary for reasons of health or safety;

(b) regularly checked; and

(c) properly maintained

(5) No vehicle shall be driven on a traffic route unless, so far as is reasonable practicable, that traffic route is free from obstruction and permits sufficient clearance.'

6.22. The regulations therefore ensure the safe passage of construction related vehicles. Similarly, Section 37, in relation to vehicles states

'37 – (1) Suitable and sufficient steps shall be taken to prevent or control the unintended movement of any vehicle.

(2) Suitable and sufficient steps shall be taken to ensure that, where any person may be endangered by the movement of any vehicle, the person having effective control of the vehicle shall give warning to any person who is liable to be at risk from the movement of the vehicle.

(3) Any vehicle being used for the purposes of construction work shall when being driven, operated or towed –

(a) be driven, operated or towed in such a manner as is safe in the circumstances; and

(b) be loaded in such a way that it can be driven, operated or towed safely.

(4) No person shall ride or be required or permitted to ride on any vehicle being used for the purposes of construction work otherwise than in a safe place thereon provided for that purpose.

(5) No person shall remain or be required or permitted to remain on any vehicle during the loading or unloading of any loose material unless safe place of work is provided and maintained for such person.

(6) Suitable and sufficient measures shall be taken so as to prevent any vehicle from falling into

any excavation or pit, or into water, or over-running the edge of any embankment or earthwork'.

6.23. The regulations need to be considered at the design stage and managed throughout the evolution of the scheme with best practiced adopted prior to the commencement of construction.

6.24. It can be concluded that there is significant planning policy guidance and regulation to minimise and manage noise, traffic and disturbance during construction periods.

7. Traffic and Highways Impact

7.1. In general, the potential impact of construction traffic from a single basement construction on the RBKC highway network is negligible. A series of Annual Average Daily Flow (AADF) figures for a number of major roads in RBKC, are as follows.

Table 1: Year 2012 - AADF for Roads within RBKC

Location	All HGVs	All Motor Vehicles	%age HGVs
A315 Kensington High Street	348	16832	2.1%
A4 Thurloe Place	1678	44767	3.7%
A402 Notting Hill Gate	824	28343	2.9%
A3220 Holland Road	1116	23260	4.8%
A3218 Lillie Road	294	14516	2.0%
Chelsea Bridge Road	1197	24855	4.8%

Source: DfT Website. Count Point data

7.2. Full details of the AADF data for each location are provided at ***Appendix B***.

7.3. Basement construction could result in the requirements for 2-3 vehicle trips per day over short periods of time, depending on the scale of the development. 3 vehicle trips per day compared with these AADF flows on main roads would be insignificant. Similarly, this number of vehicle movements would have a very limited impact on residential streets. It can be concluded that a single basement development has very little traffic impact.

7.4. As previously mentioned it is difficult to isolate the vehicle movements directly associated with basement development as many applications and CTMPs include upper level works.

7.5. Importantly, the majority of basement developments result in the increase of leisure uses such as swimming pools, gyms, snooker rooms, home entertainment and rarely result in expansion of new living space such as bedrooms, so there is seldom an increase in the number of people residing at the dwelling. Consequently the provision of new basements is unlikely to result in the generation of new trips, or adversely impacting on existing car parking over and above that of the existing situation.

7.6. Recycling of materials is commonly undertaken on site which reduces the number of likely HGV movements.

7.7. The Basement Policy July 2013 paragraph 34.4.49 makes the suggestion against basement development on the basis that it is likely to result in more vehicle movements than other types of residential related construction. This does seem at odds with developments such as the No. 182 The Mansions, Earls Court Road 1 & 2 scheme which rely on a huge number of vehicles to enable its construction, most of which will be HGVs. For example the draft CLP for the Earls Court Development suggests delivery movements during construction are likely to be 10 per day but will peak at 22 – 28 per day over a period of 2 years. Similarly the De Vere Gardens scheme will generate 60 HGV movements per day over a period of 10 weeks, during the excavation stage only.

7.8. The proportion of basement extensions each year is likely to be negligible in comparison with other developments occurring within the borough. Moreover, such claims of additional traffic generated by basement development is not been substantiated in RBKC's consultation material.

7.9. Construction staff will, on the whole, travel to site by public transport particularly in relation to the smaller residential extension developments. This is due to the good public transport infrastructure within RBKC and given car parking at such sites is likely to be constrained and could be further exacerbated by parking suspensions. Therefore the traffic impact from the small number of construction staff is negligible and insignificant against the total number of people travelling by public transport every day within RBKC.

7.10. It could be argued that construction staff that do travel to site by motor vehicle would be no more than for other types of construction above ground, or similar to domestic staff and maintenance staff such as plumbers, decorators, cleaners and gardeners, etc.

Parking Suspension

7.11. During any major residential construction it may be necessary to suspend parking. A suspension can be gained by the developer/contractor, or even a private individual, through RBKC who have the powers to suspend parking places so that necessary work can be carried out by the public utilities (gas, water and electricity companies). Also, so that private companies and individuals may carry out the following works and services, such as.

- large deliveries
- crane operations
- access to sites
- police security
- removals
- tree surgery
- special events
- road works
- storing plant and materials
- filming
- temporary structures
- cleaning work
- mobile workshops

7.12. As such, provisional access for construction traffic is already extensively established with methods that are already managed by RBKC such as the CTMP which are required at the planning stage.

8. Conclusion

8.1. Once constructed the basement is unlikely to result in additional car parking or additional traffic movements.

8.2. Traffic generated by construction is a temporary situation and has a negligible effect on the local highway network compared to the existing background traffic. Basement construction traffic is no different from other kinds of construction which is difficult to isolate since basement construction traffic often includes upper level construction.

8.3. Disruption arising from construction (e.g. noise, dust, construction vehicles, hours of working) can be dealt with by means of a suitable planning conditions.

8.4. Many of the concerns that RBKC's draft policy is trying to restrict can be reduced, overcome or alternatives implemented, in order that adverse impacts can be reduced or minimised through the implementation of existing and well established guidance, policies and legislation.

8.5. The construction period and associated vehicle movements can be dealt with by means of planning conditions and implementation of the Construction Traffic Management Plan.

8.6. It is considered that the RBKC public consultation response form is bias against the development of basements.

8.7. In conclusion construction related traffic should not be used as a reason, or referred to, within 'Basement Planning Policy July 2013' for restriction on the current adopted subterranean development policy.

APPENDICES

A. Example of Construction Traffic Management Plan

Note: Please refer to the end of this document for guidance notes about completing this form

SITE ADDRESS

Q1. What is the full postal address of the site?

Your response

Q2. Please provide contact details for the person responsible for submitting the CTMP.

Name: Address: Tel: Email:

Q3. Please give a very brief description of the work.

PROGRAMME/KEY DATES

Q4. Please supply a broad-brush programme and total timescale for the project, giving the duration of each major phase of the construction and the anticipated start date if known.

Q5. What are the days and hours of site operation?

ROUTEING OF DEMOLITION, EXCAVATION AND CONSTRUCTION VEHICLES

Q6. Please describe the proposed supply route to and from the site, showing details of links to the strategic road network (A and B roads). Alternatively a plan may be submitted.

The route should avoid residential side streets wherever possible and vehicles should approach the site from the left hand side of the road in two-way streets. It is useful to have a plan of the route to send to visitors and delivery companies. The route should be able to accommodate all vehicles visiting the site in terms of capacity, geometry and height. Use 'Autotrack' if necessary. Consider any major trip generators (e.g. schools, offices, public buildings, museums, etc) on the route, can they be avoided?

Q7. How will contractors, delivery companies and visitors be made aware of the route (to and from the site) and of on-site restrictions, prior to undertaking the journey?

For example, verbal and written briefings could be provided to all suppliers, contractors and visitors, noting restrictions or terms that are applicable to them, highlighting the route on a plan can be very useful.

SITE ACCESS

Q8. Please supply an accurate (to scale) site plan showing all points of access and where materials, skips and plant will be stored, and how vehicles will access the site.

An accurate dimensioned plan should be provided, detailing available space for vehicles and pedestrians to pass. A location plan should also be included showing the site and surrounding properties.

Q9. How will vehicles enter and leave the site?

If vehicular access is provided vehicles should be able to turn within the site to exit in a forward direction. Alternatively, vehicles may reverse in and drive out. Suitably (LANTRA or similar) qualified banksmen MUST be provided at all times when vehicles are manoeuvring. The swept path of the chosen manoeuvre should be shown on the site plan.

Q10. If delivery vehicles cannot access the site where will they wait to load/unload?
The loading area must be shown on the site plan. The available width of footways and carriageways adjacent to delivery vehicles must be clearly shown on the plan. A clear minimum width of 1.2m of footway and 3.0m of carriageway should be available.

VEHICLES ACCESSING THE SITE PER DAY/WEEK

Q11. Provide a breakdown of the number, type, size and weight of vehicles accessing the site.
You should estimate the average daily number of vehicles during each major phase of the work, including their dwell time at the site. High numbers of vehicles per day and/or long dwell times may require vehicle holding procedures. You will need to consider whether the roads on the route(s) to and from the site are suitable for the size of vehicles to be used. Are there other known developments in the local area or on route?

Q12. Deliveries and collections should generally be restricted to between 9.30am and 4.30pm. Please confirm your acceptance to this condition and describe how it will be enforced.
If there is a school on route, then deliveries must be restricted to between 9.30am and 3pm during term time. Delivery vehicles must be managed and prevented from causing obstructions to the highway.

Q13. Will vehicle wheel wash facilities be provided?
Vehicle wheel wash facilities should be provided for all brownfield sites and/or where site conditions dictate. It is the responsibility of the main contractor to ensure that mud/detritus originating from the site is not deposited on the public highway.

Q14. Please describe how you will protect the public highway from damage arising from construction related activity and prevent concrete and other detritus form being washed into the public highway drainage system.

The Council will seek reimbursement for any damage caused to the highway or drainage system. Under no circumstances should concrete residue or other detritus be washed into the drainage system. Consideration must also be given to protecting the road and pavement surfaces from HGV movements, skips, outriggers and other related plant, materials and equipment etc.

VEHICLE CALL UP PROCEDURE

Q15. What are the arrangements for co-ordinating and controlling delivery vehicles?

Deliveries should be given set times to arrive. Delivery instructions should be sent to all suppliers and contractors. Trained site staff must assist when delivery vehicles are accessing the site, or parking on the highway adjacent to the site. Banksmen must ensure the safe passage of pedestrians and vehicular traffic in the street when vehicles are being loaded or unloaded. Vehicles should not wait or stack on borough roads. An appropriate location outside the borough may need to be identified, particularly if a large number of delivery vehicles are expected.

Q16. Who has responsibility for supervising, controlling and monitoring vehicle movements to/from the site?

Normally the Site Manager or Site Foreman will coordinate and allocate time slots.

Q17. What are the arrangements to ensure that the loading/collection area is clear of vehicles and materials before the next lorry arrives?

For example, suppliers could call the site manager some 20mins before their vehicle arrives at site. If the loading area is unavailable they should wait outside the borough.

Q18. Where will the contractors' own vehicles park?

Contractors' vehicles are not permitted to park in any suspended parking bays or on suspended waiting and loading restrictions.

EXISTING WAITING AND LOADING RESTRICTIONS

Q19. Please supply details of any waiting/loading restrictions or parking bays that you will apply to have suspended.

Consider existing waiting, loading and parking arrangements in the street. Parking bay suspensions are normally only permitted outside the property being redeveloped. All suspensions must be justified. You should submit a plan showing the locations of the bays to be suspended and the expected duration. Once the CTMP is agreed you will need to apply to the Council's Parking Section to implement the waiting and loading restriction suspensions outlined in the CTMP.

IMPACT ON OTHER HIGHWAY USERS

Q20. If site constraints mean that it is necessary to store plant or materials on an area of public highway other than immediately outside the proposed development site, you are required to provide evidence that you have liaised with affected frontages and must summarise the outcome below.

You should supply full details of the persons with whom you have discussed your proposals.

Q21. How will you protect pedestrians from the construction works, particularly vulnerable users?

In this section you should supply details of any diversion, disruption or other anticipated use of the public highway during the construction period (alternatively a plan may be submitted). Vulnerable footway users include wheelchair users, the elderly, people with walking difficulties, young children, people with prams, blind and partially sighted people, etc. A secure hoarding will generally be required to the site boundary with a lockable access. Any work above ground floor level may require a covered walkway adjacent to the site. A licence must be obtained for scaffolding and gantries. The adjoining public highway must be kept clean and free from obstructions. Lighting and signage should be used on temporary structures/ skips/ hoardings, etc. Appropriate ramping must be used if cables, hoses, etc. are run across the footway.

Q22. Do you intend to apply for a licence to use the public highway for construction activity or for the storage of materials and will this include the diversion of an existing footpath?

Use of highway for storage or welfare facilities is at the discretion of the Council and is generally not permitted. If you propose such use you must supply full justification, setting out why it is impossible to allocate space on-site. You must submit a detailed (to-scale) plan showing the impact on the highway including; the extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements. We prefer not to close footways but if this is unavoidable, you should submit a scaled plan of the proposed diversion route showing key dimensions. Please provide details of all safety signage, barriers and accessibility measures such as ramps and lighting etc.

Q23. Do you propose to install a traffic diversion during the construction period?

You should submit detailed plans showing the impact on the surrounding highway network including the extent of the closure; the proposed diversion route for traffic and pedestrians; traffic management; the affected waiting/loading restrictions; affected parking facilities; emergency services access; public transport; refuse collection; deliveries; local businesses; etc. Temporary Traffic Management Orders and consultation will require an 8 week lead-in time. Road closures will require Councillor involvement and may need public consultation.

Q24. What is your proposed method of spoil removal (wait & load, conveyor, grab, skip swap, etc.) and what is the anticipated dwell time of spoil removal vehicles?

You will require a Highways Licence for skips and temporary structures on the highway. Whatever method is chosen the delivery/collection lorries must not block the road.

Q25. How will concrete be supplied to the site, where will the delivery lorries be located and for how long?

You will need adequate call-up procedures and arrangements to deal with delays and holding of vehicles.

Q26. Do you intend to erect scaffolding on, over or adjacent to the public highway?

If so we will require full details and you will need to apply for a licence if it is on or over the public highway. All obstructions and diversions on the public highway must be provided with temporary signage complying with Chapter 8 of the Traffic Signs Manual and/or the Code of Practice for Safety at Streetworks and Roadworks. Signage must be regularly inspected and maintained. TfL issues scaffold licences for developments

adjacent to the TLRN.

UTILITY WORKS

Q27. Will you be applying to install new or modified utility services to the site that involve work to the public highway? If so, which companies are involved?
Larger developments may require new utility services. If so, a strategy and programme for coordinating the connection of services will be required. If new utility services are required, which utility companies have been contacted (Thames Water, National Grid, EDF Energy, BT. etc.)? You must explore options for the utility companies to share the same excavations and traffic management proposals. Please supply details of your discussions.

GENERAL MANAGEMENT ISSUES

Q28. The Construction Traffic Management Plan should be periodically monitored and reviewed. Any significant changes to the CTMP should be reported to the Department of Planning and Borough Development. Who will be responsible for this?

Q29. You must coordinate traffic arrangements with other developments in the area. Who will be responsible for this?

Q30. How will you ensure domestic and commercial waste collections are not disrupted?
You will need to establish the days and times of collections and ensure that there is no conflict.

Q31. Who will deal with any complaints from local residents and businesses, etc.?
Generally this will be the Project Architect, or Site Manager, or the Client, or his/her Agent

Q32. Please provide details of any construction related equipment, structures or activities on or over the public highway. These will require authorisation and/or a licence issued by the Council and include:-

- *Skips*
- *Hoardings*
- *Material storage*
- *Scaffolding*
- *Temporary structures*
- *Gantries*
- *Cranes*
- *Signage*
- *Traffic management*
- *Temporary traffic Signals*
- *Footway and carriageway diversions or closures*
- *Temporary footway crossovers*
- *Suspension of waiting, loading or parking restrictions*

Guidance notes

If the project you are constructing was subject to planning permission and a condition requiring a Construction Traffic Management Plan (CTMP) was applied to the planning consent, this condition will need to be formally discharged before any significant works can take place on site.

To implement the planning permission without discharging this condition could result in enforcement action being taken by the Council. The application form to discharge the condition can be found here. The application is made to the Department of Planning and Borough Development who consult the Council's Transportation team.

The condition will need to be formally discharged by the Department of Planning and Borough Development before any licences for temporary structures on the highway and parking suspensions will be granted.

You should be aware that developments that are on or adjacent to the Transport for London Road Network (red route) will require additional liaison with Transport for London (TfL) and some licences (such as scaffold licences) will be issued through TfL.

Unfortunately it is not normally possible to meet contractors or review the first drafts of CTMPs before the formal application is submitted.

This form sets out the information required to process your CTMP. Please provide a response to all questions in the box provided. Questions or statements that you feel do not apply to your development should be marked 'not applicable' (N/A). Guidance notes are shown in blue.

B. Correspondence with RBKC

Information Systems Division
Kensington Town Hall, Hornton Street, London, W8 7NX

Town Clerk and Executive Director of Finance
Nicholas Holgate

Head of Information Systems Division
Barry Holloway

Kevin O'Connor
Cranbrook Basements
26-28 Hammersmith Grove,
Hammersmith,
London
W6 7BA

16 August 2013

Please ask for: Robin Yu

Dear Mr O'Connor,

Thank you for your requests for information under the Freedom of Information Act, which have been dealt with under the Environmental Information Regulations.

Section 39 of the Freedom of Information Act provides that environmental information shall be handled in accordance with the Environmental Information Regulations (EIR). Your request has been handled in accordance with EIR as it is our opinion that information held for the purposes of planning will constitute environmental information. These matters are considered to be measures likely to affect the elements and factors listed in paragraphs (a) and (b) of the definition of environmental information as set out in regulation 2(1). For example, construction projects are likely to affect land use, waste generation and disposal, water provision and drainage, energy use and noise, amongst others.

Your requests generally fall into one of the five broad categories as follows:

- No information is available, beyond that already in the public domain
- Information is available in a published document – we have referred to the published document.
- No information is sought – you seek an explanation or justification and I have elaborated on the process for this below.
- Internal communications sought - All internal communications have been withheld under regulation 12(4)(e).

Direct Line: 020 7938 8226
Email: robin.yu@rbkc.gov.uk
Web: www.rbkc.gov.uk

- Repeats earlier request – I have cross referred to your earlier request in these instances.

Please note that the information you seek is related to a policy that is in formulation. As you are aware there is a procedure for policy formulation that is set out in the Planning Regulations. In some instances you seek an explanation (rather than information) on the emerging policy. The purpose of the examination process is for such issues to be raised and for the Inspector to consider them. The EI Regulations are not designed to get into a dialogue and explanation of the emerging policy. Nor would it be appropriate to offer explanations without making the response equally available to all. Please also note that the Council is obliged to publish all the evidence it will rely upon at the examination in relation to the emerging policy. You state that the aim of your requests is to seek such evidence. This is already in the public domain and available on this web page

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx.

As mentioned above, all internal communications have been withheld under regulation 12(4)(e).

In accordance with the Council's right under regulation 12(4)(e) of EIR, we have decided withhold internal communications to the extent that the disclosure would have an adverse impact on the ability of Council officers to communicate in an effective and private manner with each other. It is imperative to ensure the effective running of the Council that officers are allowed to communicate with one another in the knowledge that certain communications can be done so with a certain degree of privacy.

In applying the exception I am obliged to consider whether the public interest in disclosure outweighs the public interest in maintaining the exception. I acknowledge that disclosure of internal communications may add to the public accountability of the Council's actions and may provide valuable information affecting its residents. There is however, a strong public interest in allowing the Council private thinking space in conducting certain aspects of its business. This will help to ensure that Council officers are able to carry out their functions fully and effectively, and the privacy of such communications is fundamental to this. In this instance, we believe that the public interest in withholding the information outweighs the public interest in disclosure.

I deal with each of the points you request, in turn below:

Request 1: (Letter: 22nd July 2013) Ref: 2013-698

1. 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

Copy of the brief is attached. For the purposes of transparency to other parties, this information will be made available on the Council's website.

2. Copies of all notes, emails and written exchanges between RBKC and Alan Baxter and Associates that relate to "Residential Basement Study Report".

Internal communications sought.

3. 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

- Residents and Neighbours Surveys conducted in September 2012
- Public consultation documented throughout the formulation of the policy.

These are available on

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

4. 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 information available.

5. 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 information available.

6. 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.

Internal communications sought.

7. 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 information available.

8. 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 information available other than the Alan Baxter and Associates Residential Basement Study Report, March 2013. This is available on

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

9. 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 information available

10. 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

Basements Visual Evidence, July 2013. This is available on

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

11. 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 information available.

12. 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"

Internal communications sought.

13. 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

Internal communications sought.

14. 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"

Basements Development Data, July 2013. This is available on:

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

- Ove Arup and Partners Scoping Study, June 2008 (pg 8: Cumulative Effects)
- Residential Basements Study Report, March 2013, Alan Baxter and Associates (para 12.6)
- Various consultation events.

These documents are available on the Council's website.

15. Provide copies of all internal notes, written documents, reports and studies that relate to alleged damage to neighbouring property arising from Basement Construction

Internal communications sought.

Published information is in Residents and Neighbours Surveys, September 2012 and in Public consultation documented throughout the formulation of the policy. These are available on:

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

Request 2: (Email: 23rd July 2013) Ref: 2013-706

The information sought relates to a report which was published as part of the evidence for the Core Strategy in 2010. This report was not challenged at the time of the Core Strategy examination. The adopted Core Strategy is beyond the valid period for a legal challenge, so the Council is not obliged to keep any records in relation to this report.

1. Copies of all documents either email or physical paper that exist in relation to the initial brief issued to 8 Associates

Brief is in the report itself (pg 4). No further information available.

2. Copies of the original documents relied upon and generated when the 2 schemes analysed within the report were selected

Explained in the report itself (pg 6). No further information available.

3. All documents that relate to assessment of criteria required to select schemes for analysis

No information available.

4. 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

Internal communications sought.

Request 3 (Letter: 24th July 2013) Ref: 2013-711

To assist us in our research please provide the following:

1. Copies of all initial notices that have been received by Approved Inspections from the 1st May 2009 to 23rd July 2013.

This information is available to search on-line:

http://www.rbkc.gov.uk/bconline/search.do;jsessionid=1681ED8F1CA888293658AC397C20C604?action=advanced .

2. 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.

This information is available to search on-line:

http://www.rbkc.gov.uk/bconline/search.do;jsessionid=1681ED8F1CA888293658AC397C20C604?action=advanced .

Request 4 (Email: 28th July 2013) Ref: 2013-723

1. 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 in Request 1 (pt 9)

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

With the exception of precluding tunnelling underneath trees it is based on BS 5837 2012 and existing Core Strategy policy set out in policies CL2 g (iii) and CR6.

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 information available.

Request 5 (Letter 1 August 2013) Ref: 2013-739

I have responded to the information requested in your letter below, but would like, first, to respond to the fourth paragraph in your letter.

Over the last six months we have made repeated requests for information to the Planning Department which have largely been ignored.

The only formal request for information was made for the judicial review case in relation to 17 Holland Park. The planning office provided the information requested. Following this a formal FOI request dated 10 June 2013 was submitted requesting information on all planning permissions granted by the Council which were subjected to judicial review. This information was provided within the stipulated time for responding to such requests. As previously stated the evidence used for formulating the policy has been published by the Council in accordance with the Planning Regulations.

Any informal emails sent to the planning office have also been promptly answered.

The following question relates to numbered paragraph 34.3.48 of "Basements Publication Planning Policy"

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 Surveys, September 2012.
- Public consultation documented throughout the formulation of the policy.

These are available on:

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

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 statement.

- Residential Basements Study Report, March 2013, Alan Baxter and Associates (various references including para 9.2.3.7, 9.2.4.2, 9.2.5.3)
- Ove Arup and Partners Scoping Study, June 2008 (section 5.2)
- Residents and neighbours surveys, September 2012
- Public consultation documented throughout the formulation of the policy.

These documents are available on the Council's website:

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/evidencebasedocuments.aspx .

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 earlier requests in Request 1 (pt 4).

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 earlier requests in Request 1 (pt 3 and 5)

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.

Concerns are raised in the Residents and Neighbours Surveys, September 2012. Public consultation documented throughout the formulation of the policy.

These are available on the Council's website:

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

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.

Repeats earlier requests in pt 3 and 4 above and Request 1 (pt 3 and 5).

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."*

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.

No information sought.

The following question relates to numbered paragraph 34.3.49 of *"Basements Publication Planning Policy"*

1. You make this statement *"in the Royal Borough the construction impact of basements is a significant material consideration in planning"*.

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.

No information sought.

2. You state that *"tight knit streets of terraced and semi-detached houses can have several basement developments underway at any one time."*

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.

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.

Repeats earlier request in this letter (pt 2 under para 34.3.4).and Request 1 (pt 14)

3. You state that *"the duration of construction (for basements) is longer than for above ground extensions"*

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.

Residential Basements Study Report, March 2013, Alan Baxter and Associates (Section 12):

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx

4. You state that *"the excavation process has a high impact on neighbours."*

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.

Residents and Neighbours Surveys, September 2012
Residential Basements Study Report, March 2013, Alan Baxter and Associates (Section 12)
Ove Arup and Partners Scoping Study, June 2008 (para 5.5, pg 9: Environment)

5. You state that *"the removal of spoil requires many more vehicle movements."*

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 further information other than in

- Ove Arup and Partners Scoping Study, June 2008 (para 5.5, pg 9: Environment)
- Residential Basements Study Report, March 2013, Alan Baxter and Associates (para 12.5)

The following question relates to numbered paragraph 34.3.50 of *"Basements Publication Planning Policy"*

1. You make reference to *"the effect of multiple excavations"* in many streets.

The aim of this statement appears to be to create the impression that the borough is littered with examples of roads where multiple basements are being constructed simultaneously.

Please provide evidence to support your statement in the form of case studies which are confirmed by date and specific address.

Repeats earlier request in Letter 1 (pt 14)

2. You state that there are *"concerns over the structural stability of adjacent property."*

Please provide detail of the study which has been carried out across the borough to confirm that this statement is justified.

We are seeking professionally qualified comment from Chartered Structural Engineers and Surveyors who have participated in the study which has been used to inform your statement.

We are unaware of any professional evidence that RBKC have to support their claim.

Repeats earlier request in this letter (pt 2 under para 34.3.48)

The following question relates to numbered paragraph 34.3.51 of *"Basements Publication Planning Policy"*

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 information is available.

The following question relates to numbered paragraph 34.3.52 of *"Basements Publication Planning Policy"*

1. You state that *"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."*

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 information is available.

The following question relates to numbered paragraph 34.3.53 of "Basements Publication Planning Policy"

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.

No information available other than in the Residents and neighbours surveys, September 2012.

The following question relates to numbered paragraph 34.3.54 of *"Basements Publication Planning Policy"*

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.

No information available beyond that in Basements Visual Evidence, July 2013

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx .

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.

No information available beyond that in Basements Visual Evidence, July 2013

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx .

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.

No information available beyond that in Basements Visual Evidence, July 2013

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx .

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.

No information available beyond that in Basements Visual Evidence, July 2013

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx .

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 **will not** 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.

No information available.

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.

No information available other than in the Residential Basements Study Report, March 2013, Alan Baxter and Associates

http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx .

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 *"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."*

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.

Please provide details of the expert hydrdogeological 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.

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.

No information other than as explained in the Alan Baxter Report (such as in para 9.8 and 13.3.5) and in the reasoned justification of publication policy.

8. You state that *"this policy takes into account the London Plan"* – 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 onto say in writing that with regard to subterranean extensions reference should be made to paragraph 1.2.25 of the London Plan.

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.

No information sought

9. You state that *"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."*

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."*

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.

No information sought

The following question relates to numbered paragraph 34.3.55 of "Basements Publication Planning Policy"

1. You state that "keeping the unexcavated area of a garden in a single area and adjacent to similar areas in other plots allows better drainage."

Please provide proof, evidence or explanation from a fully qualified hydrogeologist or similarly qualified person which supports your statement.

Alternatively provide written evidence of the information which is at your disposal to support your statement.

No information available.

2. You state that "keeping the unexcavated area of a garden in a single area... allows... continuity of large planting supporting biodiversity."

Please provide evidence from a fully qualified arboricultural expert and horticultural expert that supports your statement.

No information available.

3. You state that "the unexcavated area of a garden... will usually be at the end of the garden furthest from the building."

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.

No information available.

The following question relates to numbered paragraph 34.3.56 of "Basements Publication Planning Policy"

1. We do not understand your reference to a "precautionary approach by limiting basements to a single storey."

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.

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.

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.

No further information other than that available in Alan Baxter and Associates Report, March 2013.

The following question relates to numbered paragraph 34.3.59 of "Basements Publication Planning Policy"

1. You state that "once a basement is built a further basement... in the garden will not be acceptable at the same site."

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.

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.

No information sought.

The following question relates to numbered paragraph 34.3.60 of "Basements Publication Planning Policy"

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.

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.

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.

Repeats earlier request in Request 1 pt 9, and Request 4 pt 1.

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.

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 & 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.

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.

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.

Repeats earlier request in Request 1 pt 9, Request 4 pt 1, as well as in this request at pt 1.

The following question relates to numbered paragraph 34.3.62 of "Basements Publication Planning Policy"

1. RBKC seeks to ban basements below the footprint of Listed Buildings on the basis that in all cases basement development on Listed Buildings

must have a negative impact on the host buildings historic integrity and should therefore be resisted by policy.

No information sought.

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.

No information sought. Please note, however, that PPS5 has been superseded by the NPPF.

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.

The proposed ban is highly prejudicial and misconceived.

No information sought

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?

No information sought.

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 extension underground will be subject to the same considerations of impact on significance as for externally visible elements."

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.

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 hierarchial 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).

No information sought.

The following question relates to numbered paragraph 34.3.63 of "Basements Publication Planning Policy"

1. You state that "basements in the gardens of Listed Buildings can result in extensive modifications to the buildings foundation."

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.

No information available.

2. You state that "basements in the gardens of Listed Buildings... pose risks of structural damage to the building."

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.

Residential Basements Study Report, March 2013 (para 9.2.6.2), Alan Baxter and Associates

3. You state that the construction of basements "may be acceptable in a large garden where the basement can be built without extensive modification to the foundations."

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 "extensive."

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.

No information sought.

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.

No information sought.

The following question relates to numbered paragraph 34.3.67 of "Basements Publication Planning Policy"

1. You state that "it is very important to minimise the visual impact of light-wells." Please explain why it is "very important" to minimise the impact of light-wells compared with other above ground forms of development.

No information sought.

2. You state that "care should be taken to avoid disturbance to neighbours from light pollution through roof lights."

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.

No information available.

3. You state that "introducing light-wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area."

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 "not a positive feature of the street scape" 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 "a positive feature of the street scape."

No information sought.

The following question relates to numbered paragraph 34.3.70 of "Basements Publication Planning Policy"

1. You state that "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."

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."

"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."

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."

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.

No information sought.

2. You state that "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."

As you are aware Planning Policy Guidance Circular 11/95.. states within Appendix B.. Conditions which are unacceptable Paragraph 7 – "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."

At Paragraph 38 Circular 11/95 goes onto say "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."

Further at Paragraph 39 "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."

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.

No information sought.

3. Please provide an explanation as to why a basement should require "exceptional circumstance" 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."

No information sought.

The following question relates to numbered paragraph 34.3.71 of "Basements Publication Planning Policy"

1. You state that the basement and temporary works must be carried out... "limiting damage to an adjoining building to Category 1 of Table 2.5 of the Ciria Report C 5804."

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.

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.

No information available (also see para 10.9 of the Alan Baxter and Associates Report).

The following question relates to numbered paragraph 34.3.73 of "Basements Publication Planning Policy"

1. You state that before making a planning application applicants should "commence party wall negotiations."

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.

No information available.

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.

No information sought.

3. You state that "construction and traffic management plans and demolition and construction management plans should be discussed with the Council at pre-application stage."

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.

No information sought.

Request 6 (Email: 1 August 2013) Ref: 2013-740

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

No information available.

Complaints

I trust this has satisfied your request. Should you be unhappy with the handling of your request, the Council has an internal complaints process for handling FOIA complaints. Complaints are reviewed by the Chief Solicitor and Monitoring Officer or her nominee. A form is available from our website to lodge your complaint

http://www.rbkc.gov.uk/councilanddemocracy/freedomofinformation.aspx

Please contact us if you do not have website access and we can provide you with a copy of the form. Following this review, should you still be unhappy with how your information request has been handled, you have a further

right to appeal to the Information Commissioner who is responsible for ensuring compliance with FOIA.

Yours sincerely

Robin Yu
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C. AADF Data

AADFYear	AllHGVs	AllMotorVehicles	%age HGVs
2000	454	28247	1.6%
2001	457	28019	1.6%
2002	352	32651	1.1%
2003	319	32160	1.0%
2004	361	29901	1.2%
2005	681	26475	2.6%
2006	651	27626	2.4%
2007	595	27394	2.2%
2008	604	26999	2.2%
2009	415	20111	2.1%
2010	339	17509	1.9%
2011	332	17284	1.9%
2012	348	16832	2.1%

CP 73568

AADFYear	AllHGVs	AllMotorVehicles	%age HGVs
2000	1235	50970	2.4%
2001	1238	50270	2.5%
2002	908	49731	1.8%
2003	839	48952	1.7%
2004	946	45551	2.1%
2005	956	44818	2.1%
2006	925	46792	2.0%
2007	854	46439	1.8%
2008	875	45779	1.9%
2009	1050	43273	2.4%
2010	876	37575	2.3%
2011	1579	46027	3.4%
2012	1678	44767	3.7%

CP 58164

AADFYear	AllHGVs	AllMotorVehicles	%age HGVs
2000	814	36236	2.2%
2001	1264	37941	3.3%
2002	1129	35832	3.2%
2003	961	34266	2.8%
2004	1092	31942	3.4%
2005	1320	32470	4.1%
2006	1269	33888	3.7%
2007	916	26018	3.5%
2008	933	25714	3.6%
2009	938	25111	3.7%
2010	785	29525	2.7%
2011	776	29131	2.7%
2012	824	28343	2.9%

CP 46435

AADFYear	AllHGVs	AllMotorVehicles	%age HGVs
2000	1097	19188	5.7%
2001	1103	18995	5.8%
2002	984	17895	5.5%
2003	894	17620	5.1%
2004	1017	16635	6.1%
2005	742	21815	3.4%
2006	716	22732	3.1%
2007	661	22572	2.9%
2008	678	22251	3.0%
2009	682	21676	3.1%
2010	686	21351	3.2%
2011	1045	23903	4.4%
2012	1116	23260	4.8%

CP 27668

AADFYear	AllHGVs	AllMotorVehicles	%age HGVs
2000	529	19239	2.7%
2001	527	19045	2.8%
2002	467	18003	2.6%
2003	422	17813	2.4%
2004	475	16762	2.8%
2005	306	15388	2.0%
2006	291	16090	1.8%
2007	265	16011	1.7%
2008	270	15808	1.7%
2009	272	15399	1.8%
2010	281	15178	1.9%
2011	278	14964	1.9%
2012	294	14516	2.0%

CP 18460

AADFYear	AllHGVs	AllMotorVehicles	%age HGVs
2000	1349	42766	3.2%
2001	1361	42345	3.2%
2002	1638	32766	5.0%
2003	1503	32353	4.6%
2004	989	35101	2.8%
2005	1007	34621	2.9%
2006	974	36195	2.7%
2007	906	36025	2.5%
2008	2497	29958	8.3%
2009	1107	26180	4.2%
2010	1132	25837	4.4%
2011	1125	25498	4.4%
2012	1197	24855	4.8%

CP 48576

UK and Ireland Office Locations