Hearing Statement - 11/representor number

Savills Client Consortium

Matter 11: Other CL7 criteria and alternative policy wording

Issue 11.1: Whether the remaining criteria in CL7 are justified by the evidence, consistent with national policy and effective

Response from Savills Planning and Turley Heritage

Question 60: In criterion i. of CL7, should the need to limit light pollution be mentioned to reflect advice in paragraph 125 of the Framework?

No. We do not consider that basement developments are more likely to give rise to light pollution than other developments so as to justify this. Reference should be made to our answer to Matter 7, in which we explained that light pollution can be satisfactorily overcome through the imposition of a planning condition requiring the installation of light sensor operated blinds, which has been found to be acceptable by the Planning Inspectorate.

Question 61: In respect of criteria d, g, I, l, m and o in policy CH7: are they justified by the evidence, consistent with national policy, and effective?

We do not comment on criteria (d), (i), (m) or (o).

However, Turley Heritage has previously commented on the merits of criterion (g)[1] and noted that it could be removed as it repeats the requirements of subsection (e). For the same reasons outlined in our response to Matter 6 (relating to criterion (f)), this criterion (g) is considered to be unnecessary in light of the other development plan policies relating to listed buildings, the NPPF and relevant statutory duties. It is therefore considered to be neither justified nor effective.

Further, criteria (l), relating to traffic and construction activity, is not justified or effective as currently worded, nor is it consistent with national policy.

As set out within our response to Matter 2, the term 'significantly' should be inserted before the word 'harm'. This is to ensure that the wording is consistent with national policy, in particular paragraph 32 of the NPPF.

Additionally, the following wording should be removed from criteria (l): *"…nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby".* Please refer to our answer to Question 14.

Question 62: Could the aims/reasons for the criteria be achieved or satisfied in another way? If so, please suggest an alternative wording for the criteria.

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[1] Paragraph 14 of the February 2014 Turley Heritage representations

Please refer to our responses above and our suggested wording of the policy under Question 65.

Issue 11.2: Whether the Plan and its policy CL7 sets out an approach that is consistent with the presumption in favour of sustainable development

Question 63: Does the Plan and policy reflect the presumption in favour of sustainable development set out in the Framework? If not, why not?

No.

The presumption in favour of sustainable development requires Local Plans to meet assessed needs, *positively* with *sufficient flexibility*. We do not consider that the proposed wording of the policy takes into account site by site circumstances, and therefore does not propose sufficient flexibility in line with the presumption in favour of sustainable development.

Rather, the proposed policy sets out rigid requirements such as limiting basement proposals to one storey and 50% of garden areas. As noted within our response to other matters, we do not consider that these rigid requirements have been adequately supported by evidence, nor do we consider the policy to be sound in any of the terms set out in paragraph 182 of the NPPF.

The policy should be worded so that it properly reflects the positive approach towards sustainable development in the NPPF and also allows sufficient flexibility to take into account site specific circumstances. Please refer to Question 65 for our suggested re-wording of the policy.

Question 64: When applied, will the Policy allow reasonable development needs to be met in a way that is appropriate to the specific character of the Royal Borough?

No, not as currently worded.

Basements provide the opportunity to remove services, parking and other noisy or unattractive associated storage type uses under ground which therefore means that they are not generally visible from street level. It allows additional floorspace to be provided discreetly below ground surface, as opposed to above-ground extensions where they may take up unnecessary or valuable space. It allows for the provision of off-street parking, which is in short supply in the Royal Borough. An example of where basement development has met these demands is at Hans Place (see photo and plan below), where permission was granted for a four storey basement which accommodates parking, plant etc below ground so as to ensure all facilities associated with the development were provided on-site and did not result in negative, above ground alterations.

Hans Place – approved four storey basement

We consider that the current wording of the policy is unduly restrictive and will block appropriate developments and prevent the benefits which accompany them. A suitably worded and flexible policy properly reflect national guidance, encouraging sustainable development taking into account all relevant environmental interests.

The policy is therefore not effective, and should be re-worded as suggested in Question 65.

Question 65: A number of representors have suggested that the policy should instead be an impact assessment led one (case by case) with an overall exception clause, and some have made suggestions. In the light of the Council's explanations to date, please would representors suggest their final wording for such a policy?

The following sets out our proposed wording of the policy:

Basements

Basement development will normally be permitted having regard to the following guidelines:

a. not to normally exceed a maximum of 85% of each garden or open part of the site. The unaffected garden should be in a single area and, where appropriate, should form a continuous area with other neighbouring gardens;

b. not to cause loss, damage or long term threat to trees of townscape or amenity value;

c. not to cause material harm to the significance of heritage assets;*

d. not to introduce light wells that are harmful to either the host building or street scene. Light wells blended into the surroundings and/or hidden from public views will be considered favourably;

e. include a sustainable urban drainage scheme (SUDs), including a minimum of one metre of permeable soil above any part of the basement beneath a garden. Where the character of the gardens within an urban block is small paved courtyards SUDs may be provided in other ways;

f. ensure any new basement, is adapted to a high level of performance in respect of energy, waste and water to be verified at pre-assessment stage and after construction has been completed;

g. ensure that traffic and construction activity does not significantly harm pedestrian, cycle, vehicular and road safety, affect bus or other transport operations (e.g. cycle hire), or significantly increase traffic congestion;

h. ensure, as far as is reasonably possible, that construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works;

i. safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway;

j. protect from sewer flooding through the installation of a suitable pumped device.

A specific policy requirement for basements is also contained in Policy CE2, Flooding.

We consider that Core Strategy policies CL3 and CL4 adequately incorporate criteria against which basements can be assessed in relation to heritage matters, and as such the inclusion of this criterion is not necessary (as set out within our response to Question 15). However, should the Inspector not consider that the criterion is duplication of existing policies within the Core Strategy, we consider the insertion of the word 'material' reflects the balanced approach of the Framework.