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Dear Mr Banks

**Main Modifications to Basements Submission Planning Policy**

On behalf of Savills' Client Consortium, please find below our comments in relation to the 'Main Modifications to Basements Submission Planning Policy' document (BAS01).

| Paragraph No. | Comment |
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| 34.3.47 | The new wording is appropriate. |
| 34.3.57 | We do not consider that the alterations to this policy have gone far enough in clarifying the Council's position concerning a flexible approach for larger sites. |
| | We consider that the following wording (plus footnote) should be removed from the paragraph: |
| | *"These will generally be new developments located in a commercial setting or of the size of an entire or substantial part of an urban block."* |
| | Clearly, the key consideration behind the Council's flexible approach to larger sites is whether or not the proposal can accommodate all plant, equipment and vehicles within the site, thereby mitigating construction impacts on site rather than within the wider public realm. This can be achieved on a variety of sites, not necessarily 'large' sites and certainly not only sites within commercial settings or forming an entire or substantial urban block. |
| | There are numerous examples of successful, multiple level, basement development on sites which do not meet RBKC's definition of a 'large site', which have incorporated measures to mitigate construction impacts and carbon emissions on site, for instance through accommodating plant and equipment on site. The ability to incorporate plant, equipment and vehicles on site does not depend on the size of a site. |

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| | Examples of developments which do not fit RBKC's proposed definition include Yeoman's Row (application ref. PP/13/02242), which is on a site not forming an entire or substantial part of an urban block. However the site is large enough to accommodate construction vehicles/plant etc on site, through using a 'top-down' form of construction.<br><br>As such, the wording of this paragraph should be revised to state:<br><br>*"On larger sites, basements of more than one storey and greater than half the garden or open part of the site may be permitted in certain circumstances. ~~These will generally be new developments located in a commercial setting or of the size of an entire or substantial part of an urban block.~~ They should be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site larger sites and offer more opportunity to mitigate construction impacts and carbon emissions on site."* |
| 34.3.58 | We support this clarification. |
| 34.3.59 | We support this clarification. |
| 34.3.66 | We support the amended wording, in accordance with our Hearing Statement in relation to Matter 7. |
| 34.6.68 | Policy CK7(k) and the associated reasoned justification should be removed.<br><br>As set out within our Hearing Statement in relation to Matter 9, retrospectively requiring the entire dwelling to meet BREEAM criteria fails the test of being relevant to the development to be permitted. Such criteria should only relate to the additional floorspace proposed, and not be imposed upon existing floorspace. This is supported within the appeal decision referenced in our Hearing Statement, relating to 1 Burnsall St, where the Inspector concluded that any deficiency in relation to the dwelling as whole already exists and would not be a consequence of the current proposal, as such sustainability requirements such as BREEAM should not therefore be applied to existing floorspace. |
| 34.3.70 | No comment. |
| 34.3.73 | No comment. |
| 34.3.74 | No comment. |
| Policy CL7 (beginning) | No comment. |

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| Policy CL7 (e) | No comment. |
| Policy CL7 (f) | The Criteria does not allow for the possibility to excavate under vaults of a listed building at all.  There may be circumstances where the vaults have already been altered or are of no historical significance.  This Criteria should be removed as it is a duplication of Criteria (e), as well as requirements set out in other development plan policies relating to listed buildings, the NPPF and relevant statutory duties. |
| Policy CL7 (g) | We support the proposed deletion. We agree that this is a duplication of Criteria (e), as well as requirements set out in other development plan policies relating to listed buildings, the NPPF and relevant statutory duties. |
| Policy CL7 (h) | No comment. |
| Policy CL7 (i) | We do not consider that there should be a reference to light pollution within the policy. This can be dealt with through the imposition of a condition. For instance, as referred to in our Hearing Statement in relation to Matter 7, a condition was imposed relating to a light well at 2-4 Elystan Place (ref. APP/K5600/D/13/2210877), requiring details of light sensor activated blinds, which in the Inspector's view overcame any concerns in relation to light pollution. This issue can be easily overcome through the imposition of such standard conditions, and therefore specific references to light pollution within planning policy is not necessary as it has the potential to act as an obstacle to development. |
| Policy CL7 (j) | The additional wording in relation to being maintained in perpetuity should not be included, as it will be very difficult to monitor and ensure ongoing compliance. Councils should not impose requirements on applicants for which they have no ability to monitor or control.<br><br>The policy should remain as currently worded. Where gardens are already paved, replacement with paving does not worsen the situation, and indeed we would point out that most gardens benefit from permitted development rights to pave their gardens. It is unnecessarily restrictive to require existing paved gardens to change to one metre of topsoil. |
| Policy CL7 (k) | Please refer to our response to 34.6.68. |
| Policy CL7 (l) | No comment. |

| CL7 (n) | No comment. |
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Please do not hesitate to contact me should you have any further queries.

Yours sincerely,

Nick De Lotbiniere