

**Issue 11.2**

***Consistency with the presumption in favour of sustainable development***

For the reasons set out within our overarching statement, we consider that policy CL7, as presently drafted, does not facilitate sustainable development to the extent advocated in the NPPF. In doing so it will deny a significant proportion of the Borough the ability to optimise the use of land.

As such it fails to meet the basic tests of soundness such as being 'positively prepared' and 'flexible' and is therefore not consistent with the principle of adopting a presumption in favour of sustainable development as required by NPPF.

Having regard to the fact that so much of the Borough is constrained by particular characteristics such as tight built character and heritage designations, the scope for above ground adaptation and extension of domestic properties is very limited.

With flexibility above ground accepted as being relatively constrained, the ability to go underground is one of the few options available to households and some businesses. However, the Council has 'rounded' on this form of development, seeking to severely limit its potential, but in our view the Council is unable to justify its position through its own evidence base.

At section 3 of BAS 18, the Council seeks to address the principles of sustainable development and one could focus on para 14 of the NPPF (as highlighted at para 3.9 of BAS 18) which in effect requires that local plans should be objective and flexible unless they can draw support from the NPPF itself.

With the possible exception of managing the impact of basement works on residential gardens, we do not consider that the NPPF offers any support to the position adopted by the LPA.

Whilst we do not oppose the principles of a criteria based policy in order to **guide** development, we consider that a significant element of the policy cannot be justified, is not supported by substantial evidence base and is thus not sound.