

Mr. Chris Banks
Programme Officer
c/o Banks Solutions
21 Glendale Close
Horsham, West Sussex
RH12 4GR

4 September 2014

Reference: 236101

Dear Chris

RBKC Basements planning policy examination – response to Inspector's matters, issues and questions for examination

We write in response to the Inspector's Matters, Issues and Questions for Examination in respect of the RBKC Basements policy examination.

Matter 4: Restriction on the use of garden / open area

The Inspector has posed questions regarding the need and underlying justification for the proposed policy criterion CL7(a) – that basements should not exceed 50% of the garden or open part of the site.

We would agree with the questions raised by the Inspector – it is not currently clear how the 50% benchmark has been arrived at and whether there is a sound and robust justification for this policy criterion to be applied to all potential basement applications throughout the Borough, as currently proposed.

The evidence included within RBKC's Policy Formulation Report suggests that this benchmark has been chosen to allow for surface water drainage, reduced visual impact and for limiting carbon emissions. However there does not appear to be solid evidence to demonstrate that this 50% limit is an appropriate benchmark to apply throughout the Borough.

We would suggest that this criterion has been drafted with only traditional houses and their surrounding gardens in mind and therefore the benchmark only makes sense within that context.

How would the criterion be applied to sites that are entirely open and free from development but do not fit within the 'larger sites' exceptions rule?

The policy should clarify the circumstances in which criterion (a) will apply – i.e. a standard (terrace) house with rear garden arrangement – and where it does not, such as undeveloped sites.

Whilst there may be some commonality between basement proposals and therefore a desire to have a general guide to what size might be acceptable generally, it must not be forgotten that each site is different and it is enshrined within the planning system that each site must be treated on individual merit. We would therefore suggest that any parameter introduced such as CL7(a) can only be taken as a guide and may apply in a majority, but not all cases.

Although a reference is made to exceptions applying to 'larger sites', there is no definition of what a larger site would constitute, we would agree that a further exception clause should be included to cater for different circumstances and allow flexibility to consider proposals on a site-by-site basis (question 22). This need for flexibility in policy making is supported by the NPPF. Paragraph 15 of the NPPF in turn states that policies in Local Plans should follow the presumption in favour of sustainable development and we would question whether this Basement policy unnecessarily constrains sustainable developments by introducing inappropriate restrictions.

Matter 7: Light wells and railings and Matter 8: Requirement for one metre of permeable soil

This need for an exception clause could be equally applied to questions 40 and 46 posed in relation to matter 7 – lights and railings and matter 8 – requirement for one metre of permeable soil. There will be instances within the Borough where particular architectural solutions can safeguard concerns in relation to light wells and permeable soil, and as such the policy should indicate that in particular circumstances exceptions can be acceptable where it is demonstrated that adverse impacts will not arise, in order to include sufficient flexibility to deal with these site-specific issues.

I trust that the Inspector will consider these representations.

Yours sincerely



Haydn Morris
Director